



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 13, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2-8-13 TIME 2:35 pm

SERVED BY

RECEIVED BY

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 30, 2013
9. PRESENTATIONS
10. CONSENT CALENDAR
 - a) Request for Approval of Grant Application and Agreement – Funding for Runway 02-20 Medium Intensity Runway Lighting Construction and Construction Engineering at Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division. (Jim Montman)
 - b) Request for Approval of Agreement – 2012 State of New Mexico Severance Tax Bond (STB) Capital Appropriation Project for Santa Fe Rodeo Multi-Use Arena and Regional Relief Facility; State of New Mexico Department of Finance and Administration. (David Chapman)
 - 1) Request for Approval of Budget Increase – Project Fund.
 - c) Request for Approval of Procurement Under State Price Agreement – Three (3) Econolite Traffic Signal Controller Cabinets, Parts and Equipment for Traffic Engineering Division; Econolite Control Products, Inc. (Rick Devine)



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- d) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Calvert, Councilor Bushee and Councilor Wurzbarger)
A Resolution Directing the City Manager to Explore the Options for Establishing a Parks, Trails and Open Space Public-Safety Type Position to Monitor Parks, Trails and Open Space and Ensure that the Uses of the Parks, Trails and Open Space are Protected from Vandalism and Other Public Safety Hazards and to Enforce the Ordinances of the City of Santa Fe in the Parks, Trails and Open Space Areas. (Chief Ray Rael)
- e) Approval of Certificate of Correction for Typographical Error in Ordinance No. 2012-24 Relating to Solid Waste Rates – Monthly Cart Rate Schedule Effective July 1, 2015. (Yolanda Vigil and Melissa Byers)
- f) CONSIDERATION OF RESOLUTION NO.2013-____. (Councilor 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. (Melissa Byers)
- g) Request to Publish Notice of Public Hearing on March 13, 2013:
Bill No. 2013-8: An Ordinance Related to Camping on City Property; Amending Section 23-4.11 SFCC 1987 and Creating a New Section 23-4.12 SFCC 1987 to Prohibit Camping or Lodging in Parks, Unless a Permit is Obtained from the City; and Prohibiting Camping on All Other City Property. (Councilor Bushee and Councilor Calvert) (Alfred Walker)
- h) Request for Approval of Findings of Fact and Conclusions of Law for Case #2012-104, Aguafina Rezoning to R-5. (Kelley Brennan)
- 11. Consideration of Motion to Rescind the Action Taken by the Governing Body at its Meeting on January 30, 2013 in Case #2012-104, Consideration of Bill No. 2013-1: Adoption of Ordinance No. 2013-4, Aguafina Rezoning to R-5, and to Rehear Said Case at the March 13, 2013 Meeting of the Governing Body. (Councilor Dominguez)
- 12. MATTERS FROM THE CITY MANAGER
- 13. MATTERS FROM THE CITY ATTORNEY
- 14. MATTERS FROM THE CITY CLERK
- 15. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 13, 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
- H. PUBLIC HEARINGS:
 - 1) CVS Pharmacy, Inc. has Requested the Transfer of Location of Retailer License #4052 (With Package Sales) from CVS Pharmacy, Inc., dba CVS Pharmacy #7319, 10700 Unser Blvd. N.W., Albuquerque to CVS Pharmacy, Inc., dba CVS Pharmacy #10227, 2901-2907 Cerrillos Road. (Yolanda Y. Vigil)
 - 2) Paper Bag, LLC has Requested the Issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be Located at Dr. Field Goods, 2860 Cerrillos Road, Suite A-1. (Yolanda Y. Vigil)
 - 3) Request from Goler Fine Imported Shoes for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Champagne at Goler Fine Imported Shoes, 125 East Palace Avenue. This Location is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for the Presentation of the Donald J. Pliner Company Spring 2013 Shoe Collection to be Held On March 2, 2013 from 12:00 p.m. to 6:00 p.m. (Yolanda Y. Vigil)
 - 4) CONSIDERATION OF BILL NO. 2013-9: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-125. 504 St. Francis Drive Rezoning to C-4. Gil Gonzales Requests Rezoning of 0.12± Acre from R-10 (Residential, 10 Dwelling Units Per Acre) to C-4 (Limited Office, Retail and Arts and Crafts). The Property is Located at 504 St. Francis Drive and is Within the C-4 Eligibility Area. (Donna Wynant)



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FEBRUARY 13, 2013
CITY COUNCIL CHAMBERS

- 5) CONSIDERATION OF BILL NO. 2013-10: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-137. 4327 Airport Road Rezoning to C-1. Robert Horne Requests Rezoning of 0.33± Acre from R-1 (Residential, 1 Dwelling Unit Per Acre) to C-1 (Office and Related Commercial District). The Property is Located on the North Side of Airport Road, West of Calle Atajo. (Donna Wynant)
- 6) CONSIDERATION OF BILL NO. 2013-11: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-138. 554 Juanita Street Rezoning to C-4. David Schutz Agent for Ignatios Patsalis Request Rezoning of 0.165± Acre from R-8 (Residential, 8 Dwelling Units Per Acre) to C-4 (Limited Office, Retail and Arts and Crafts). The Property is Located on the Northeast Corner of Paseo De Peralta and St. Francis Drive and is Within the C-4 Eligibility Area. (Donna Wynant)

I. ADJOURN

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

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

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

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
February 13, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 30, 2013	Approved	3
PRESENTATIONS	None	3
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-104, AGUAFINA REZONING TO R-5	Removed from table/no action	3-4

END OF CONSENT CALENDAR DISCUSSION		

CONSIDERATION OF MOTION TO RESCIND THE ACTION TAKEN BY THE GOVERNING BODY AT ITS MEETING ON JANUARY 30, 2013, IN CASE #2012-104, CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4, AGUAFINA REZONING TO R-5, AND TO REHEAR SAID CASE AT THE MARCH 13, 2013 MEETING OF THE GOVERNING BODY	Approved	4
CONSIDERATION OF RESOLUTION NO. 2013-19. AN URGENT RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 394 ("SB 394"), RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY ACT TO PROVIDE FOR COMMUNITY SOLAR FACILITIES TO QUALIFY AS DISTRIBUTED GENERATION FACILITIES	Approved	5

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
MATTERS FROM THE CITY MANAGER	None	6
MATTERS FROM THE CITY ATTORNEY	None	6
MATTERS FROM THE CITY CLERK	None	6
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	6-9
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	10
PETITIONS FROM THE FLOOR		10-11
APPOINTMENTS	None	11
<u>PUBLIC HEARINGS</u>		
CVS PHARMACY, INC., HAS REQUESTED THE TRANSFER OF LOCATION OF RETAILER LICENSE #4052 (WITH PACKAGE SALES) FROM CVS PHARMACY, INC., D/B/A CVS PHARMACY #7319, 10700 UNSER BLVD. N.W., ALBUQUERQUE TO CVS PHARMACY, INC., D/B/A CVS PHARMACY #10227, 2901-2907 CERRILLOS ROAD	Approved	11-12
PAPER BAG, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT DR. FIELD GOODS, 2860 CERRILLOS ROAD, SUITE A-1	Approved	12-13
REQUEST FROM GOLER FINE IMPORTED SHOES FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF CHAMPAGNE AT GOLER FINE IMPORTED SHOES, 125 EAST PALACE AVENUE. THIS LOCATION IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE PRESENTATION OF THE DONALD J. PLINER COMPANY SPRING 2013 SHOE COLLECTION TO BE HELD ON MARCH 2, 2013, FROM 12:00 P.M. TO 6:00 P.M.	Approved	13-14

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
ORDINANCE NO. 2013-4. <u>CASE #2012-125</u> . 504 ST. FRANCIS DRIVE REZONING TO C-4. GIL GONZALES REQUESTS REZONING OF 0.12± ACRES FROM R-10 (RESIDENTIAL, 10 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS AND CRAFTS). THE PROPERTY IS LOCATED AT 504 ST. FRANCIS DRIVE AND IS WITHIN THE C-4 ELIGIBILITY AREA	Approved [amended]	14-15
CONSIDERATION OF BILL NO. 2013-10: ADOPTION OF ORDINANCE NO. 2013-05. <u>CASE #2013-10</u> . 4327 AIRPORT ROAD REZONING TO C-1. ROBERT HORNE REQUESTS REZONING OF 0.33± ACRE FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL DISTRICT)	Approved	16-19
CONSIDERATION OF BILL NO. 2013-11: ADOPTION OF ORDINANCE NO. 2013-06. <u>CASE #2013-138</u> . 554 JUANITA STREET REZONING TO C-4. DAVID SCHUTZ, AGENT FOR IGNATIOS PATSALIS REQUESTS REZONING OF 0.165± ACRE FROM R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS AND CRAFTS). THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF PASEO DE PERALTA AND ST. FRANCIS DRIVE AND IS WITHIN THE C-4 ELIGIBILITY AREA	Approved	19-32
ADJOURN		32

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 13, 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, February 13, 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 Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

Others Attending

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

6. APPROVAL OF AMENDED AGENDA

Robert Romero said he has no changes, noting the Agenda was amended to add Item #12.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

- a) **REQUEST FOR APPROVAL OF GRANT APPLICATION AND AGREEMENT – FUNDING FOR RUNWAY 02-20 MEDIUM INTENSITY RUNWAY LIGHTING CONSTRUCTION AND CONSTRUCTION ENGINEERING AT SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION. (JIM MONTMAN)**
- b) **REQUEST FOR APPROVAL OF AGREEMENT – 2012 STATE OF NEW MEXICO SEVERANCE TAX BOND (STB) CAPITAL APPROPRIATION PROJECT FOR SANTA FE RODEO MULTI-USE ARENA AND REGIONAL RELIEF FACILITY; STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – THREE (3) ECONOLITE TRAFFIC SIGNAL CONTROLLER CABINETS, PARTS AND EQUIPMENT FOR TRAFFIC ENGINEERING DIVISION; ECONOLITE CONTROL PRODUCTS, INC. (RICK DEVINE)**
- d) **CONSIDERATION OF RESOLUTION NO. 2013-17 (COUNCILOR CALVERT, COUNCILOR BUSHEE AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING THE CITY MANAGER TO EXPLORE THE OPTIONS FOR ESTABLISHING A PARKS, TRAILS AND OPEN SPACE PUBLIC-SAFETY TYPE POSITION TO MONITOR PARKS, TRAILS AND OPEN SPACE AND ENSURE THAT THE USES OF THE PARKS, TRAILS AND OPEN SPACE ARE PROTECTED FROM VANDALISM AND OTHER PUBLIC SAFETY HAZARDS AND TO ENFORCE THE ORDINANCES OF THE CITY OF SANTA FE IN THE PARKS, TRAILS AND OPEN SPACE AREAS. (CHIEF RAY RAE)**
- e) **APPROVAL OF CERTIFICATE OF CORRECTION FOR TYPOGRAPHICAL ERROR IN ORDINANCE NO. 2012-24 RELATING TO SOLID WASTE RATES – MONTHLY CART RATE SCHEDULE EFFECTIVE JULY 1, 2015. (YOLANDA VIGIL AND MELISSA BYERS)**

- f) **CONSIDERATION OF RESOLUTION NO. 2013-18 (COUNCILOR 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. (MELISSA BYERS)**
- g) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 13, 2013:**

BILL NO. 2013-8: AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987 TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY (COUNCILOR BUSHEE AND COUNCILOR CALVERT). (ALFRED WALKER)
- h) ***[Removed for discussion by Councilor Dominguez]***

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 30, 2013

MOTION: Councilor Wurzbarger moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of January 30, 2013, as presented.

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

9. PRESENTATIONS

There were no presentations.

CONSENT CALENDAR DISCUSSION

10 (h) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CASE #2012-104, AGUAFINA REZONING TO R-5. (KELLEY BRENNAN)

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to table the findings in Case #2012-104, pending the outcome on a motion to rescind the Council's decision on the case and to rehear it.

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF MOTION TO RESCIND THE ACTION TAKEN BY THE GOVERNING BODY AT ITS MEETING ON JANUARY 30, 2013, IN CASE #2012-104, CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4, AGUAFINA REZONING TO R-5, AND TO REHEAR SAID CASE AT THE MARCH 13, 2013 MEETING OF THE GOVERNING BODY (COUNCILOR DOMINGUEZ).**

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to rescind the action taken by the Governing Body at its meeting on January 30, 2013, in Case #2012-104, denying the application of the Aguafina Development, LLC, to rezone its property at 4702 Rufina and 4262 Agua Fria Streets to R-5, and to rehear the case at the March 13, 2013 City Council meeting.

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

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

Against: None.

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to take the Findings in Case #2012-104, from the table.

DISCUSSION: Mayor Coss asked Ms. Brennan if this is the correct motion.

Ms. Brennan said yes, and if approved, then the Findings die without further action of the Council.

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

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

Against: None.

12. CONSIDERATION OF RESOLUTION NO. 2013-19 (COUNCILOR BUSHEE AND COUNCILOR CALVERT, COUNCILOR WURZBURGER, COUNCILOR DOMINGUEZ AND COUNCILOR IVES). AN URGENT RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 394 ("SB 394"), RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY ACT TO PROVIDE FOR COMMUNITY SOLAR FACILITIES TO QUALIFY AS DISTRIBUTED GENERATION FACILITIES. (NICK SCHIAVO)

A copy of a Legislative Summary for this Agenda Item, with attachments, is incorporated herewith to these minutes as Exhibit "1."

MOTION: Councilor Calvert moved, seconded by Councilor Wurzburger, to adopt Resolution No. 2013-19, as presented by staff.

DISCUSSION: Councilor Ives asked what this proposed legislation is designed to accomplish.

Mr. Schiavo said the legislation would amend the Public Utilities Act to allow for community solar. He said, currently, there is no vehicle for the utility to have community solar systems.

Councilor Ives said his question is more related to qualification as a distributed generation facility, and asked what specific type of facility this is.

Mr. Schiavo said distributed generation refers to on-site. The utility has a requirement through the Renewable Portfolio Standard [RPS] to do so much renewable energy in their service territory, and a carve out of that is to be distributed generation stuff that is generated on-site at the place it is being used.

Councilor Ives asked, "Would it allow for, if you will, sort of both on-facility, i.e. if we wanted to put solar collectors on all of our City buildings, this would permit that."

Mr. Schiavo said, "This would allow the City to purchase panels or purchase power from the community system to actually offset the use at this building. So, just as an example, for this building, we couldn't put enough panels on this roof to power it. What we could squeeze on would maybe serve 15-20% of the electric needs. Community solar, if it was placed out at the old landfill in a large enough scale, we could have 100% of our electric needs served from that site, offsetting this power here."

Councilor Ives said he thought it would be helpful to clarify what we are talking about here, because hopefully, we will be doing much more of it.

Councilors Wurzburger, Dominguez and Ives asked to be added as cosponsors.

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

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

Against: None.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

15. 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 February 13, 2013, is incorporated herewith to these minutes as Exhibit "2."

Councilor Dimas

Councilor Dimas had no communications.

Councilor Calvert

Councilor Calvert said he would like to add a presentation to the agenda at the next Council meeting, a recognition of the national award received by the Buckman Direct Diversion Project as a design/build project. He believes this is worthy of a presentation at the next Council meeting.

Councilor Calvert wished everyone a Happy Valentine's day

Councilor Calvert introduced an Ordinance as follows:

An Ordinance authorizing the execution and delivery of a taxable Drinking Water State Revolving Loan Fund Agreement by and between the City of Santa Fe, New Mexico (the "Governmental Unit"), and the New Mexico Finance Authority, evidencing a special limited obligation of the Governmental Unit to pay a principal amount of no more than \$5,050,000, which includes an expense fund component, together with interest and administrative fees thereon, for the purpose of financing the costs of a necessary drinking water project, being the design, acquisition and installation of a solar photovoltaic system to serve the Buckman Direct Surface Diversion Project (the "Project"), providing for the payment of the principal of, costs of issuance, administrative fees

and interest due under the Loan Agreement solely from the net revenues of the Governmental Unit's water utility system and from revenues generated by the Municipal Capital Outlay Gross Receipts Tax; approving the form of and other details concerning the Loan Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this Ordinance; and authorizing the taking of other actions in connection with the execution and delivery of the Loan Agreement. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "3."

Councilor Rivera

Councilor Rivera said recently, the City of Albuquerque did a study on the number of lawsuits and pay-outs by the City, and would like a similar look at the City of Santa Fe, which could be presented in an executive session if it is necessary.

Mayor Coss said there was just a review by our insurance carrier, so that could be done.

Councilor Ives

Councilor Ives had no communications.

Councilor Dominguez

Councilor Dominguez wished a Happy Valentine's Day to his mom and to his wife, and all of the other lovely ladies of the community.

Councilor Dominguez introduced an Ordinance as follows:

An Ordinance relating to the Land Development Code, Airport Road Overlay District, Section 14-5.5(C) SFCC 1987; creating a new subsection 14-5.5(C)(6)(1) to include a provision for commercial recycling; amending subsection 14-5.5(C)(12)(c), to clarify the applicability of existing building-mounted outdoor advertising of alcoholic beverages, to clarify the packaging of alcoholic beverages of eight ounces or less and establishing the effective date of such packaging provisions; and making such other stylistic or grammatical changes that are necessary. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "4."

Councilor Dominguez congratulated Councilor Trujillo and Robert Romero for receiving the award from the Boys and Girls Club, commenting others from the City may have received an award.

Councilor Dominguez wished Councilor Calvert a belated Happy Birthday.

Councilor Dominguez said he won't be at the next Finance Committee meeting and he has asked Councilor Calvert to chair the meeting. He said the budget review won't be considered at that meeting. He will be visiting his son for Spring Break.

Councilor Trujillo

Councilor Trujillo also wished Councilor Calvert a belated Happy Birthday, and extended condolences to him as well on the Forty-Niner's loss in the Super Bowl.

Councilor Wurzburger

Councilor Wurzburger asked Robert Romero for a clarification of what's happening with respect to next year's budget in terms of budget hearings.

Mr. Romero said there is a schedule and he can forward that to all Governing Body members.

Mayor Coss

Mayor Coss introduced a Resolution, cosponsored by Councilor Trujillo, as follows:

A Resolution authorizing a reallocation of \$2,000,000 designated for bus replacement in the 2012 Gross Receipts Tax Revenue Bond issue, which shall be reallocated for capital projects that include municipal facility repair, parks and median maintenance, trail maintenance, traffic calming and streets maintenance. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Wurzburger asked to be added as a cosponsor of the Resolution. She asked if she can presume that the actual projects have not yet been selected.

Mayor Coss said it is a list of recommended projects, but it has to go through Public Utilities and Finance and then back to the Council.

Councilor Wurzburger said she hopes it reflects the work the PUC Committee has been doing on evaluating all of the public facilities, and Mayor Coss said it does.

Mayor Coss said the second gun buyback was last Saturday and they took even more guns than the first time, which means we have "gone right up to the City Manager's authority." He said they are planning to do a third buyback, but that can't be done until they bring a budget adjustment to City Finance related to the third buyback program.

Mayor Coss said HB 77, Representative Garcia's bill closing the gun show loophole, passed the House today and is headed to the Senate, which he thinks is good news.

Mayor Coss said, related to annexation and the City/County business, he has been informed by the City Attorney that he has to reappoint the ELUC [Extraterritorial Land Use Committee] and ELUA [Extraterritorial Land Use Authority]. He said the Planning Commissioners will serve on ELUC, and he needs three City Councilors for ELUA to approve what we're doing with the County related to the annexation. He said the Council 3 Councilors would be good to serve, because we are enlarging their District again.

Mayor Coss said Saturday, February 16, 2013, is his 28th Wedding Anniversary and wished his wife a Happy Anniversary.

Mayor Coss, on behalf of Councilor Bushee, introduced a Resolution as follows:

A Resolution expressing support for the mandatory labeling of genetically engineered products so consumers are informed about the potential long-term risks of genetically engineered products to public health and the environment which are largely unknown; and directing staff to collaborate with Santa Fe County staff to explore the options for enacting City/County legislation that would enact a prohibition on the propagating, cultivating, raising and growing of genetically engineered organisms and/or enacting City/County legislation that would provide for the labeling of food sold in the City/County that contains genetically engineered material. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6."

END OF AFTERNOON SESSION AT 5:20 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 Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Patti J. Bushee

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

David McQuarie said he is a former Horseman and then an Aggie, and he didn't have to worry about graffiti on his desk that said Demons or Lobos because they had respect for public property. He said two weeks ago the Council approved the concept of remodeling the chambers. He asked why it doesn't take into account persons of disability. He said in the proposal for the model they need to have hands-free microphones, plus they have to memorize everything they say because they don't have a podium for their paperwork. He said this typical. He said the staff believes in transparency, and were going by a study which is inaccurate and now they are behind the 8-ball. He said on the north side of the room, the aisle way should be a minimum of 8 feet wide. He said there are a lot of things they need to pay attention. He reiterated he is a Horseman and former Aggie and best thing he ever saw was when they tore down Sweeney.

Mayor Coss said he believes they will be bring the chambers into compliance as part of the remodeling of the Council Chambers. He said the point Mr. McQuarie makes is very important and he believes the Council has voted to include that in the project.

Raymond Rivera said last week he attended an ENN meeting on the construction of the DeFouri Bridge. He said the people gave a good presentation. He said he has concerns about it. He has always been involved in preservation, and the only two remaining original bridges in Santa Fe are the DeFouri Bridge and the Delgado Bridge, but people outvoted him because apparently the DeFouri Bridge is unstable and needs to be replaced. He said his concern is the widening the bridge. He said widening the bridge the way they want to do will impact the entire neighborhood – Alto Street, DeFouri – as far as traffic is concerned, and will impact the ambiance of the neighborhood. He said right now it is a very quaint neighborhood, and the proposed changes will really change the neighborhood.

Mr. Rivera continued, saying he was surprised that David Rasch wasn't there from the H-Board. He called him a week later and asked if the bridges are under the purview of the H-Board, and he said they were. He asked him why he wasn't at the meeting, and Mr. Rasch told him he wasn't invited. Mr. Rivera thinks there needs to be more neighborhood input for the project. He said one of his suggestions to make DeFouri a one-way street from Agua Fria to Alameda which would eliminate the parking problems they have there and they won't have to widen the bridge the way they want to.

Mr. Rivera continued, "I would like to petition the City Council to consider changing that turnaround there at the end of Agua Fria and Guadalupe. Right now, you reach Guadalupe and you have to make a right-hand turn, and that was done to create traffic toward the Railyard. But the Camino Real went directly downtown, and I think we're going against history, and I've talked to a lot of people and they have been interested, but no one has made a point of making an issue of it. So, for the record, I would like that included too. Thank you."

Councilor Dominguez arrived at the meeting.

G. APPOINTMENTS

There were no appointments.

H. PUBLIC HEARINGS

- 1) CVS PHARMACY, INC., HAS REQUESTED THE TRANSFER OF LOCATION OF RETAILER LICENSE #4052 (WITH PACKAGE SALES) FROM CVS PHARMACY, INC., D/B/A CVS PHARMACY #7319, 10700 UNSER BLVD. N.W., ALBUQUERQUE TO CVS PHARMACY, INC., D/B/A CVS PHARMACY #10227, 2901-2907 CERRILLOS ROAD. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting it is not within 300 feet of a church or school. Ms. Vigil said there are staff reports in the packet regarding litter, noise and traffic. She said the business will be required to apply for demolition and building permits. And as a condition of

approval, staff requests that the Applicant obtain all applicable permits and approvals and that it be noted that CVS Pharmacy #10227 is required to comply with all of the City 's ordinances 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 Dominguez moved, seconded by Councilor Dimas, to approve the transfer of location of Retailer License #4052 (with package sales) from CVS Pharmacy, Inc., d/b/a CVS Pharmacy #7219, 10700 Unser Blvd. N.W., Albuquerque, to CVS Pharmacy, Inc., d/b/a CVS Pharmacy #10227, 2901-2907 Cerrillos Road, with all conditions of approval as recommended by staff.

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

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

Against: None.

- 2) **PAPER BAG, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT DR. FIELD GOODS, 2860 CERRILLOS ROAD, SUITE A-1. (YOLANDA Y. VIGIL)**
(YOLANDA Y. VIGIL)

The staff report was given by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school. Ms. Vigil said there are staff reports in the packet regarding litter, noise and traffic. She said the Applicant has obtained a building permit for an interior remodel. However, the remodel has not been completed and final inspections have not been conducted. She said, as a condition of approval, staff requests that the applicant get all applicable permits and approvals, and it be noted that Dr. Field Goods is 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 Wurzbarger moved, seconded by Councilor Rivera, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only), to be located at Dr. Field Goods, 2860 Cerrillos Road, Suite A-1, with all conditions of approval as recommended by staff.

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

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

Against: None.

- 3) **REQUEST FROM GOLER FINE IMPORTED SHOES FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF CHAMPAGNE AT GOLER FINE IMPORTED SHOES, 125 EAST PALACE AVENUE. THIS LOCATION IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE PRESENTATION OF THE DONALD J. PLINER COMPANY SPRING 2013 SHOE COLLECTION TO BE HELD ON MARCH 2, 2013, FROM 12:00 P.M. TO 6:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was given by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Very Rev. Adam Lee Ortega y Ortiz, Rector, the Cathedral Basilica of St. Francis of Assisi, indicating they are fine with this event going forward with alcoholic beverage service.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

Councilor Wurzbarger said we have limits on the number of times we can have such events, or it went away.

Ms. Vigil said that Resolution was rescinded.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the request for the waiver of the 300 foot location restriction and allow the dispensing/consumption of champaign at Goler Fine Imported Shoes, 125 East Palace Avenue, for the presentation of the Donald J. Pliner Company Spring 2013 Shoe Collection on March 2, 2013, 12:00 p.m. to 6:00 p.m

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

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

Against: None.

- 4) **CONSIDERATION OF BILL NO. 2013-9: ADOPTION OF ORDINANCE NO. 2013-4. CASE #2012-125. 504 ST. FRANCIS DRIVE REZONING TO C-4. GIL GONZALES REQUESTS REZONING OF 0.12± ACRES FROM R-10 (RESIDENTIAL, 10 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS AND CRAFTS). THE PROPERTY IS LOCATED AT 504 ST. FRANCIS DRIVE AND IS WITHIN THE C-4 ELIGIBILITY AREA. (DONNA WYNANT)**

A copy of a Memorandum prepared January 30, 2013, for the February 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

The staff report was presented by Tamara Baer and Donna Wynant. Please see Exhibit "7" for the specifics of this presentation.

Public Hearing

Speaking to the request

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to adopt Ordinance No. 2013-4, approving Case #2012-135, 504 St. Francis Drive Rezoning to C-4, with all conditions of approval as recommended by staff.

DISCUSSION: Councilor Calvert noted the conditions of approval as recommended by the Planning Commission are "For compliance at time of building permit." He asked, if they don't require any modification for a tenant to move in, then what triggers the conditions."

Ms. Wynant said, "What triggers the conditions is not really anything at this point if there is no change in use. Currently, the Applicant has it set up as a house. He did do some improvements. He did pull the permits to clean up the property and set it up as a very small, simple house. But he is trying to lease it to

an office type use, and as such, any business would have to get a business license, and they would be inspected and would have to comply with all requirements of that C-4 Zoning District."

Councilor Calvert said he understands that. He said there are conditions listed which could apply to a new tenant, even it didn't require modifications of the building, which are conditions for the use. He said he is asking for a modification of the language at the top of the conditions as follows: "For compliance at time of building permit," because if it doesn't need a building permit, he still wants the conditions to apply.

FRIENDLY AMENDMENT: Councilor Calvert suggested, on page 10 of the packet, changing the language heading the conditions, to be something such as "For compliance at time of building permit or at time of business license." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Ms. Wynant said this is a good suggestion, and certainly by the time of occupancy that we absolutely have to make sure those are in place. She noted some landscaping and fencing are done, but there is more to be done.

Councilor Dominguez said then the applicant actually has done some improvements and pulled a permit at that time.

Ms. Wynant said the C-4 District requires landscaping to buffer and screen adjacent properties which are residential.

Councilor Dominguez said that is different from what he is required to do now to get a building permit.

Mr. Wynant said that is correct. He has already applied for, obtained and done the work of interior modifications or interior improvements. A mechanical permit and an electrical permit was pulled and that was for a residential structure, commenting she thinks he is cleaning it up to market it for some other use.

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

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

Against: None.

5) **CONSIDERATION OF BILL NO. 2013-10: ADOPTION OF ORDINANCE NO. 2013-05. CASE #2013-10. 4327 AIRPORT ROAD REZONING TO C-1. ROBERT HORNE REQUESTS REZONING OF 0.33± ACRE FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL DISTRICT). (DONNA WYNANT)**

A copy of a Memorandum prepared January 30, 2013, for the February 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "8."

The staff report was presented by Donna Wynant. Please see Exhibit "8" for the specifics of this presentation

Councilor Ives asked how the building receives water.

Ms. Wynant said the property is served by a well and septic, which is very limiting and the departments reviewed this and had a discussion with the applicant about uses. She said currently, the applicant is interested only in renting that small portion of the structure which is very limited. She said use will be limited because it is served by a well.

Public Hearing

Speaking to the request

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias was sworn. Ms. Flatt said she is appearing on behalf of Las Acequias. She said she and Liddy Padilla, President of Las Acequias Association, are happy to see him being able to use this property as he was hoping to do, and they support him on that. She said she does have a question because Las Acequias is right next door. They are concerned with the entrances at his property coming out onto Airport Road. She said, "Next on the docket, I'm sure not too far down the line will be that property right beside him and behind him. We are concerned as to how they will exit onto Airport Road. Somewhere along the line at one of the meetings she's been at recently, I heard that you were considering putting the exit of that property, which would be difficult to get out onto Airport Road, directly into Calle Atajo. That all affects us and we support him, support this property, but I just wanted to put that into the record that we are concerned about all of that."

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to Adopt Ordinance No. 2013-05, approving Case #2012-137, 4327 Airport Road Rezoning to C-1, with all conditions of approval as recommended by staff

DISCUSSION: Councilor Dominguez said right now the property to the north of the subject property is zoned R-1, and Ms. Wynant said this is correct.

Councilor Dominguez asked if that is consistent with the General Plan, and Ms. Wynant said this is correct.

Responding to Councilor Dominguez, Ms. Wynant said there is a significant condition for the future to consider any development to occur on the property to the east and to the north, as that property gets developed, then as the Traffic Engineering required is that there be access to Calle Atajo and an easement created across that to gain access for this property to that street, so that we don't have a more or another more intensive kind of use of Airport Road.

Councilor Dominguez said, "I see the condition here, and it really just talks about at the time of.... I guess if the property does want to rezone, traffic will have to be considered, but it doesn't necessarily mean that it has to go through Calle Atajo. It just says that may require that."

Ms. Wynant said she spoke with Sandra Kassens who works with John Romero, and she thinks they wanted to reserve the right, or to call attention to there needing to be better coordination to access away from Airport Road, if possible to this adjacent street.

Councilor Dominguez said, "We will never know that until, and if, the [adjacent] property owner goes forward with some sort of application."

Ms. Wynant said this is correct.

Councilor Calvert said he has questions about the future not the present. He said, "When we look into the future and we're looking at its current infrastructure being a well and a septic system. And, as the area develops, I'm wondering how well either of those are going to continue to fit into the area. And so, when we talk at the time of the development of the surrounding property, I think we need to be looking at, also, the possibility of hooking up to City Sewer at a minimum. I'm at a lost, when things start filling around it, how the leach field and all that will work very well, and if you can keep it self contained on that small lot. I'm sure it's not a problem right, there's nothing around it."

Councilor Calvert continued, "I'm just concerned. I know we're tried to work our way off those things within the City limits as we go through. And I know we don't allow any new wells, and that doesn't mean people with existing wells can't use them. One of the justifications for staying with a well is, I think it says water service.... the water service will need to be complied with. The [inaudible] that it wasn't available in the close enough vicinity. I think as development increases in that area, it will, most assuredly, probably will be available at some point. That's a concern of mine as we look toward the future, and since we're talking about the future and some of the conditions here, I'm wondering if we want to think about those types of issues in this area, because I don't think we want to continue to promote more or existing septic systems any longer than we need to have them in operation."

Councilor Dominguez said he completely agrees. He doesn't know the history of this property in terms of when it was annexed. He said if it was to be some sort of redevelopment, the City would have conditions at that time to require them to connect to City utilities.

Councilor Calvert doesn't know if we can attach conditions on this project. He said we were talking about "at time of development of the surrounding property," and thought that might be the trigger on some of these things. He doesn't know how well those things will match in the future. He said the other parcel is quite bigger and he can't imagine them being on a septic system, so they're probably going to have the sewer line brought in, or attached to the closest [sewer line]. This might be a good opportunity for this property to do the same.

Councilor Dominguez said this is a separate piece of property and a separate property owner, from the property surrounding it, and asked if this is correct.

Ms. Wynant said this is correct.

Councilor Ives asked, "Looking at the aerial photo from 2011, that shows the property and shows the footprint of the building on it. Do you know where the leach fields, where the septic system runs, and do they cross the property boundary into the adjoining tract or not."

Ms. Wynant said, "I assumed it was west of the building in a vacant space, and I think I'd have to defer to the Applicant on the exact location on that. Stand Holland of the Wastewater Division is aware of this and has had a conversation with the applicant as to the limitations, just a brief discussion like that."

Councilor Ives said he is curious if it potentially encroaches either onto the adjoining property, given that this parcel was carved out of a larger tract, whether or not we might have those issues coming back to us..

Councilor Trujillo said, "Looking at the picture on page 26 of 42, at 4327 Airport Road, I see the parking lot, and as I'm looking at it right now, that property right now, it looks like there are only 3 parking spaces, but off to the right, I see an adjacent parking lot, encroaching into the other property. I just want to know is that parking lot is part of – what's it part of – is it part of that property or is it part of the other property."

Ms. Wynant said, "The 3 parking spaces in front of the structure are those that belong to the applicant, the property owner. The others are right up to the building, and like you said, extend over into the other property. It's not an ideal situation. Back when the Board of Adjustment looked at this, I think they were trying to allow him to continue on with the business in this large building that was zoned residential. They gave him a parking variance from 7 required spaces down to 3, because it's just, I believe it's just Robert Horne, the business owner and property owner, and possibly an assistant or someone, but it's a really small operation. So yes..."

Councilor Trujillo said, "So it's a variance, right. Just for those extra 7."

Ms. Wynant said yes, back then it was a variance from 7 to 3 parking spaces.

Councilor Trujillo said his only concern is, not that it would happen.... that part of the parking lot technically is serving this piece of property and Ms. Wynant said this is correct.

Councilor Trujillo asked, "So would that section would it get the same variance, that little section there since it is part of.... so it's not."

Ms. Wynant said it is not part of this property.

Councilor Trujillo said, "I just want to make sure that doesn't come back and bite us somewhere down the line. All right. That's all I have."

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

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

Against: None.

- 6) CONSIDERATION OF BILL NO. 2013-11: ADOPTION OF ORDINANCE NO. 2013-06. CASE #2013-138. 554 JUANITA STREET REZONING TO C-4. DAVID SCHUTZ, AGENT FOR IGNATIOS PATSALIS REQUESTS REZONING OF 0.165± ACRE FROM R-8 (RESIDENTIAL, 8 DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS AND CRAFTS). THE PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF PASEO DE PERALTA AND ST. FRANCIS DRIVE AND IS WITHIN THE C-4 ELIGIBILITY AREA. (DONNA WYNANT)**

A copy of a Memorandum prepared January 30, 2013, for the February 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "9."

A copy of *544 Juanita Street Rezoning Owner Imposed Excluded Uses*, entered for the record by David Schutz, is incorporated herewith to these minutes as Exhibit "10."

The staff report was presented by Donna Wynant. Please see Exhibit "9" for the specifics of this presentation.

Public Hearing

Presentation by the Applicant

David Shutz was sworn. Mr. Shutz said he represents Ignatios Patsalis, owner. He said they have read the staff report and concur with the conditions of approval. Mr. Shutz said they sent out 160 certified letters to owners and occupants within 300 feet of the property about the ENN on September 19, 2012, noting 10 people attended.

Mr. Shutz said, "After presenting our proposal, some of the neighbors expressed their concerns about traffic issues, off-street parking, on-street parking, traffic congestion, and those kinds of things as Donna noted. After listening to the neighbors' concern, we requested we go back to the drawing board and have another neighborhood meeting a month later, after we had a chance to address some of those concerns. I must mention that some of the issues and some of the concerns that were raised by the neighborhood, were measures that could be taken by the developer, Mr. Patsalis, to address those issues. And some of the problems that were raised by the neighbors were issues and measures that could be taken by the City to address some of those issues – painting the curbs, reducing the speed limit, assessing the sequencing and timing of the stop light, the signal light at Paseo and St. Francis Drive, highlighting and repainting the "Do not Park" X-block at that intersection, and a number of other issues that Mr. Romero will address, hopefully, momentarily."

Mr. Shutz continued, "So we did go back to the drawing board, and we had another meeting on October 17th, I don't know if John is still here. I guess he left, maybe Councilor Calvert can address some of the things that we just spoke about. So we had another meeting on October 17th and there were 4-5 folks that showed up to that meeting, and I'd like to go through the plans with you to explain to you what we did, from the owner's standpoint to try to mitigate some of those concerns that the neighbors had."

Mr. Shutz continued, using enlarged drawings/photos of the site, "The property in question is "this" property right here. Owl's Liquors is right "here." This is St. Francis Drive, this is Paso and this is Juanita Street. In the early 1960s when St. Francis Drive was blasted through the West side neighborhood, it created an anomaly, in that we have this short distance between Juanita Street and St. Francis, and right now, it's just really not suitable for residential use. You've got the veterinary clinic here. You've got the chocolate and coffee house down here, Stone Forest, Owl's, and a lot of these former residences are now transformed into commercial properties."

Mr. Shutz continued, still using enlarged drawings/photos of the site, "There's an X-box here, with a sign that says, 'Do not stop in the X-box.' Well the problem arises when folks do stop in the X-box and folks can't get onto Paseo from Juanita Street. And one of the main concerns that the neighbors have, and we're supportive, is to highlight this X-box, at least repaint it, and maybe put some additional signage on this sign so that folks know not to stop there. But the real problem exists at the traffic signal here on St. Francis Drive. And Mr. Herrera and I, and a couple of others, and Councilor Calvert was there, timed the

lighting sequencing of this signal light. And so what happens is when the Farmers Market is active, or when there's other activities at Warehouse 21 or other activities, you get queuing here on Paseo de Peralta. And so when the left arrow to come onto St. Francis Drive turns on, it stays on for 9 seconds. If this guy "here" is asleep at the wheel, by the time he makes that left turn movement, he takes up 4-5 seconds. It only stays on for 9 seconds, so you get this congestion and queuing. Then the light turns green and it only stays on for 15 seconds. So you have a problem whereby folks that are trying to get into this lane to get in the left turn movement onto St. Francis Drive are constricted. So we've requested, and the neighbors have requested, that the City, and Councilor Calvert can attest, that they reassess the timing and sequencing of the light."

Mr. Shutz continued, still using enlarged drawings/photos of the site, "Another major concern is the speed limit on Juanita. It's now currently 25 mph. We had suggested that it be reduced to 20 mph, and possibly some traffic calming measures on Juanita Street. The other main component of some of the measures that we've taken in concert with the neighbors, is by designating Juanita as residential permit only parking street, as is the case on Alarid Street. So, we've initiated that process with Sebastian Gurule, and your staff and we're moving forward on that front. So we're doing some things with the neighbors. They can speak to some of the things that they're very interested in. I think I've highlighted some of them. Let's put the Site Plan up."

Mr. Shutz, referring to the enlarged Site Plan, continued, "In terms of some of the things that we did to alleviate some of their concerns. 'This' is St. Francis Drive. 'This' is Juanita Street and 'this' is Paseo. What we've done, we have adequate parking. And what we've done to prevent tenants from backing out into Juanita Street, which complicates traffic. There's been some accidents as the result of them backing out, not on this property, but on other properties, backing out onto Juanita Street. We put in back-in spaces 'here' and 'here,' so that these cars back in and come out in a forward movement. So that alleviates that problem."

Mr. Shutz, still referring to the enlarged Site Plan, continued, "We've also provided our immediate neighbor to the north a 15 foot landscape buffer on the north side of here property. We've been working with her for the last several weeks to develop a plan that she's comfortable with. We also are going to landscape the entire perimeter of the property to soften the impact of the parking lots here. The Floor Plan, yes, get the Floor Plan."

Mr. Shutz, referring to the enlarge Floor Plan, continued, "The existing structure is 1,100 sq. ft. It really can't accommodate that much activity. We're looking for an office space, a very low scale impact office situation. We've committed to the neighbors to keep the building at a residential scale. We're not going to add any square footage to the building. And we've got 6 parking spots on the property to accommodate 2-3 people that might be employed there. And you can see, it's very very limited."

Mr. Shutz continued, "There are approximately 32 permitted uses in the C-4 District and, working with Mr. Patsalis, we've agreed to exclude some of the uses that could go there under the C-4 Zoning, that would have what we consider to be an adverse impact on the neighborhood and excluded them – fast food

restaurants, utility substations. And those kinds of uses that would have an adverse impact on the neighborhood, we've excluded them. I have a list of those exclusions that we've imposed as a condition to the rezoning. These are allowed uses that we are.... [The balance of Mr. Shutz's remarks here are inaudible because he was away from the microphone passing out copies of the list [Exhibit "10."]. "

Mr. Shutz said, "I do want to say in closing that Mr. Patsalis, who's been a friend of mine for many years, is committed to doing whatever he has to do to alleviate any concerns that the neighbors might have, now and in the future, and I stand for any questions."

Questions by the Governing Body prior to the Public Hearing

- Councilor Trujillo asked, "Pertaining to the traffic right there at that intersection of Hickox and St. Francis Drive, do you know if there are traffic cameras at that intersection."

Mr. Shutz said, "Yes, there are, at that light, and it's my understanding Councilor, that the Traffic Division has sought funds to do a complete traffic analysis along the St. Francis Drive Corridor, I guess, Mr. Manager, is it a smart camera, sequencing system along the corridor. I'm not sure what, Mr. Romero."

Robert Romero, City Manager, said, "We've applied to the DOT for new signal heads for many of our signals, and they're the newest and most innovative, and we're thinking we may get them."

- Councilor Trujillo said, "I've got a Resolution coming around in a few weeks, so we'll discuss on that. I just wondered because when you said the 9 seconds, that's what confused me. I said if we have the traffic cameras sending the beam, isn't it picking it up."

Mr. Romero said they also will be looking at the timing of the intersection. He said it, "It might just be set like that. I spoke to John [Romero] earlier and he said they are going to be evaluating the timing at that intersection."

- Councilor Rivera said, "I know Juanita Street has been a big issue as far as on-street parking goes. What is the plan to alleviate people from parking in the street at all."

Mr. Shutz said, "As I mentioned earlier, two streets over from Juanita Street, on Alarid and on Catron Street and in several other areas throughout the City, the City has an administrative procedure that allows the neighbors to petition the City to designate their street for residential parking only by permit. And what happens is 75% of the property owners, in this case, on Juanita Street, would sign a petition. And we would bring it to Mr. Gurule's office and they would then implement and do an assessment of the street, in terms of how many residential permits each property owner would get, depending on how much land they have off-street and on-street frontage. After that analysis is conducted, the property owners would get their permits and they

would give them to family members and friends, to be able to park there without hassle. In the case of the Farmer's Market, if folks wanted to park on Juanita Street during a Farmer's Market event or a Warehouse 21 event, they would not be able to park there without a permit."

Mr. Shutz continued, "If you drive down Juanita Street now, during the day when the Farmer's Market is on-going or other events up the street, you'll see folks parking on Juanita Street on the curb side and so forth. Whereas if you go to Alarid Street, it's wide open, except for permitted parkers."

- Councilor Rivera asked if the business owner would be eligible for the resident parking permits, or if it is just people that reside there full time.

Mr. Romero asked if he is speaking of this Applicant and Councilor Rivera said yes.

Mr. Romero said, "I'm not sure that there's room. This property is right at the corner."

Mr. Shutz said, "The Code calls for us to have at least 6 spaces off street and we have 6. And now, if you look at the reality of it, in an 1,100 sq. ft. office facility, you really can't have more than 2 employees, a principal, a receptionist and a couple of offices. So we have sufficient off-street parking for this facility, and we wouldn't be seeking residential parking for non-employees or residence, because this would be an office. Typically what happens, Councilor, is on the weekends when the Farmer's Market is active, folks are parking on Alarid, Lolita, Juanita and they're not neighbors. In this case, if it's an office use, on the weekends, there would be nobody there."

- Councilor Rivera asked if there are plans for City staff to paint the curb along this business so that people can't park.

Mr. Shutz said Councilor Calvert is better suited to address that issue. He said, "It is my understanding and I just read an email memorandum from John Romero, the City Traffic Engineer, to Councilor Calvert regarding some of those issues."

- Councilor Calvert said, "What I will say on that, I'll want to let the public make their comments first. But, I think there are two schools of thought on stripes, painting curbs for non-parking and such. If one of the concerns is the speed on the street, the more cars you have parked on the street, the slower people tend to go. So when you start excluding places for parking, you're sort of going against one of your other objectives. So, I'd like to hear from the public on this, in terms of their preference on some of these things, as to what they think is most important."
- Councilor Rivera asked if any of the traffic studies will be done on Sundays when church is on at the nearby Church. He said, "I know that's when traffic seems to be at it's worst. Are they looking at that."

Mr. Shutz said, "We've met with Mr. Romero on a couple of different occasions with Ms. Wynant, and the TIA, a Traffic Impact Analysis, wasn't required of us, and I can't answer as to whether or not they're going to do their traffic counts on Sunday or whenever. I thought Mr. John Romero was going to speak to that, but he's not here."

Councilor Calvert said, "I think also, on that point, Councilor, some of the worst times are, especially evening commute times, when people are exiting downtown and coming on that side of Paseo de Peralta. It's on the same lane side as Juanita, and that's when they start getting the conflicts with the box area that's supposed to be left vacant for Juanita Street. It's not to say that it doesn't happen frequently throughout the day, but I think that's when it's at its worst. And I personally experienced it in trying to get out of there."

- Mr. Romero said, "Councilor, the peak hour traffic is usually the morning peak or the afternoon peak, so we could look at that one event, Sunday at Church. However, these are usually the hours that we count and design for."
- Councilor Rivera reserved the balance of his questions until we hear from the public.

Speaking to the request

Mayor Coss gave everyone 3 minutes to speak to the issue.

All those speaking were sworn en masse.

Lawrence Longacre, 609 Calle de Marcos [previously sworn], said he was raised on Juanita Street. He said, "My folks moved there in 939, and I was there until 1952 when I graduated from Santa Fe high and went on about my life. 30 years ago, I used to sit right there where Dimas is sitting, and before that, I chaired the Planning Commission for the 3 years, so I know the movida. I know what goes on. My daughter, Vicki Gage lives on Juanita Street and she bought the house from the estate after my mom died. So, when Ray Lopez called me to come over here, I said you can't fight City Hall. It's a done deal. And why did I say that, because back in the days [inaudible] the same thing came up again. Only at that time it was Jim Siebert instead of David and it was Ms. Kurtz, who owns Tomasita's, instead of Mr. Patsalis. The conditions are still the same, but since the City's not the same, the conditions which remain unsolved, the traffic, has gotten worse. It has been exacerbated with the Farmer's parking, and people can't find parking. I don't understand why they would buy this property, but.."

Mr. Longacre continued, "The main problem is the traffic. Juanita Street is so narrow that if you park two cars side-by-side, one on one side and one on the other, it's doubtful if you could even get a bicycle [through the street]. Talk about getting an ambulance in there. Talk about getting a fire truck in there, well think about it. So there's a lot of issues and why penalize. Actually, if this goes through, it's what they would call a *coup de gras*. It's a fancy French word for putting someone under the usury when

they're wounded. Because on one side they built 3-story high apartments. And we went to the Planning Commission and we told them about the parking. They made a deal just like David says. They made a deal. Well they didn't keep the deal. It's a terrible mess with all those people living in that high rise trying to park and then next to Mr. Herrera's house, is a two-story. In front of Vicki's house, is an animal hospital. So you can imagine the traffic."

Mr. Longacre continued, "None of you live down there, so you don't know. The only people know what goes on the street in Santa Fe, are the people that live there 24/7 and they know what goes on day and night. The rest of you, and I sat there and did the same thing. I didn't know what went on down there, or up there, or whatever, just whatever comments was told to me."

Mr. Longacre continued, "If this goes through, it's the end. It's just one more thing and maybe, mercifully, you'll leave Juanita Street alone. But the traffic is terrible and this will only complicate matters. What David said about the traffic is the truth and it's only worse than it was. And I'm asking why did it come back up. Now, if Ms. Kurtz was lucky enough to unload the property to someone else, unless they know something that I don't know."

Roy Lopez [previously sworn], said, "I'm against the office because of traffic going in and out of Juanita Street and Paseo de Peralta, and the box where people can't get out Juanita Street and the people from Paseo de Peralta block the box. Thank you."

Rick Martinez [previously sworn], said he is here to speak on behalf of Roy Lopez and his mom, and Tony Herrera, at the same time, and address some of these issues that have come up. Mr. Martinez said, "As you know, that intersection is really... one of their big concerns, when you look at what's in the future ahead for this whole area, we have the Railyard which is only maybe 60% built-out, and I know you guys are bringing your offices in there, and that's going to add a lot more traffic, but once the Railyard gets built out, you are going to have a heckuva lot more traffic there. You have the box that's sitting there. It hardly ever gets painted, but I understand it's going to get painted now. We see signs on St. Francis Drive and Cerrillos Road where the train has its stop, it says, 'Do not park in the box.' That's something the neighborhood has asked frequently to put maybe an overhead one. I know that might be in the works, but it is better to see it done than to see it on paper. I think that's an important part."

Mr. Martinez continued, "I also want to address some of the other things about the Rezoning. That whole Juanita Street, the whole west side of Juanita Street, is all going to be zoned C-4 in the future. Every house that is along there can all go [C-4], and their only egress and ingress is through Juanita Street. You look at all the ones you just approved tonight, the rest of the ones that are there, they all get off on St. Francis Drive. This is a unique place, they all exit through Juanita Street. There's no exit to St. Francis Drive, and I think that's something you're got to consider when thinking about this."

Mr. Martinez continued, "And one of the other things too I was noticing. I noticed the exclusions they did, one of them is fast food restaurants. What about restaurants. There was a restaurant proposed there at first. Now, they're not excluding that restaurant, so there could be a restaurant in the future there. I think some of the neighbors that the restaurant period be excluded completely on that whole thing."

Mr. Martinez continued, "But some of the things that are coming forward on this. We're really starting to look at this, but I think it's time that you started doing something, because the neighborhood has given up a lot in the past, and now it's time to start giving back something to the neighborhood, and protecting that whole intersection in the future, because that whole intersection is going to be a mess in the future."

Mr. Martinez continued, "There's just one thing I wanted to point out. If you can see the box right there, there's a car parked right in the middle of it. And it's always like that all the time, so it's just proof that this happens all the time. Thank you."

Lucy Viele, 550 Juanita [previously sworn], said her house abuts the property in question. She said, "First I want to say about the traffic, I don't feel like there being a small office there is going to increase the traffic at all. But what has happened, is this whole thing has brought to light the problems that need fixing which is great, this whole process. I also feel absolutely fine about it being office building. They're putting in a nice 15 foot buffer of landscape between my house and their property. And they have worked together with me on figuring that out. So I don't really have any concerns, particularly if the traffic problems brought to light get taken care of, but I don't think this is going to add to these problems. The veterinarian could use an exit onto St. Francis. They bring in a lot of traffic – deliveries and people and they're much busier than this office would be. And that's all. Thank you."

Rose Celine Lopez was sworn. Ms. Lopez said, "And I live across from the house that we're discussing tonight. Anyway, the Council which is part of the City, they have dumped everything on Juanita Street – the Railyard people, parking on Juanita Street, the condos, the animal hospital. And so the property that's being discussed tonight, I live across the street from there, and the entrance is on Juanita Street. Anyway, on Sunday night, because I like to go to bingo, and there was something going on, on the church on West Manhattan, and the cars were parked on Juanita Street, about a mile long. And then at the entrance, there were two cars opposite on Juanita. We couldn't even get into Juanita Street. My bingo van couldn't get into Juanita Street. We had to make another exit. So that's the way it is."

The Public Hearing was closed

- Councilor Dominguez said he has a question of staff. He said, "The exclusions in use that the Applicant is proposed, those get recognized how, just with the application itself, or..."

Ms. Wynant said she isn't quite sure. She said, "There are certain uses that are permitted and Ms. Baer will take over."

- Councilor Calvert said, "Councilor Dominguez, if I may on that, I think we can add this exclusion list as one of the conditions."
- Councilor Dominguez asked, "Is that adequate enough for staff, because sometimes they can get lost."

Ms. Baer said, "Zoning establishes the permitted uses, and we've been advised by several City Attorneys that we should not be excluding uses as conditions of approvals of rezoning. The applicant can offer those conditions on his own. But, for example, if the ownership of the property changed and there was a different owner, the City would not be in a good position to impose those conditions. And perhaps the City Attorney would like to weigh in on that, but he has said in the past that zoning establishes the permitted uses, and they should not be compromised or excluded or condition through a rezoning."

- Councilor Dominguez said, "I know in the past, we've included these sorts of things on plats, but because this is a rezoning that's not possible in this case."

Ms. Baer said, "Not as uses. There are other conditions that the Council can impose, but uses typically are not one of them. Uses are established by zoning, just like density. You can't change density as a condition of a rezoning."

- Councilor Ives said, "It really sounds like what we're talking about then, as opposed to Council-imposed conditions, is a restrictive covenant running from this property, presumably to the neighbors or to the City. In terms of enforcement, that would be in the nature of a private contractual right amongst parties with regard to the property. So, while we may not be able to, and I understand the recommendation, not to impose conditions given the fact that the zoning calls for those types of uses, it is something that could be adopted and put in place by the landowner in favor of the neighbors."

Ms. Baer said, "I believe that's correct, but I would like to hear the City Attorney confirm that. It's a legal issue."

Geno Zamora, City Attorney said, "Restrictive covenants, as Councilor Ives described, are contractual issues amongst private parties and an owner could choose to restrict the uses on their own property by contract, like restrictive covenants, with their neighbors."

- Councilor Calvert asked, "Could we add a condition that they enter into such a covenant."

Mr. Zamora said, "No. We don't do that."

Mr. Shutz asked, "May I clarify our position in that regard, and as I understand it from the City Attorney, and other attorneys before you, the City cannot impose a condition of rezoning under the rezoning permitted uses under the C-4 Zoning District. But we, as owners, can enter into a covenant with the City to restrict certain uses that we feel have an adverse impact on the neighborhood and we've said we will do that, and these are the uses that we're excluding, including restaurants, fast food or otherwise, as we so stated at the Planning Commission. And this list was given to the Planning Commission because we feel that some of these uses would have an adverse impact on the neighborhood. We're primarily looking at office, low level, low activity office facilities for a lawyer, maybe an insurance agent, an accountant. So, yes, these restrictions we are imposing that will run with the land in perpetuity, regardless of who owns the land.

- Mayor Coss asked, "Who is the agreement with, or the covenant with."

Mr. Shutz said, "These are conditions of approval that we are enacting."

- Mayor Coss said, "We can't impose those conditions of approval...."

Mr. Shutz said, "We're not requiring that. We're imposing them. We can impose any contractual obligations we want to on the property as a condition of approval on our own accord. The City's not requiring it."

- Councilor Trujillo said, "Well on that point then Geno, they're imposing [the condition]. They sell it, say 5 years from now, these restrictions don't stay with it. The new owner can say, hey I want to put a restaurant here now. Is that right."

Mr. Zamora said, "They can impose restrictions on the deed, and if they're doing restrictive covenants with neighbors, there are other parties involved, then failing to abide by that would be a breach of contracted enforced by whoever they've contracted with. So, the evidence of these imposed restrictions would be recorded, restrictive covenants, or recorded deed restrictions."

- Councilor Trujillo said, "The other question I have of Mr. Shutz is, there is no consideration of possibly putting the driveways facing St. Francis Drive."

Mr. Shutz said no.

- Councilor Trujillo asked why.

Mr. Shutz asked if he means exit onto St. Francis Drive, and Councilor Trujillo said yes.

Mr. Shutz said, "Because the Department of Transportation will not allow it because of sight distance."

- Councilor Trujillo said, "But yet on Hickox and all that, where there is the Owl's liquor they're still there. Has the DOT said they won't do this."

Mr. Shutz said no.

- Councilor Trujillo said, "So we haven't gone to the DOT yet to find out, yourself. You haven't gone to the Department of Transportation to see if they would allow a permit."
- Mr. Shutz said, "Councilor, I've been in this business for many many years, and I can tell you, without a question, that the Department of Transportation, and the City Traffic Engineer, will not allow any access onto St. Francis Drive from this property because of sight distance issue. They did not allow it on the veterinary hospital. They did not allow it on the chocolate factory. They did not allow it for all of those, and they won't allow it here. It's just impossible. It doesn't make any traffic sense at all. Councilor, by any means, we wouldn't..."
- Councilor Calvert said, "There's a difference on one side of St. Francis than the other, because when they cut it up, the people on Juanita still had, their main access was Juanita. But the people on the other side, the only access they had was to St. Francis, so that's just the way it turned out when they ran St. Francis through there. Mr. Shutz is correct. I checked with John Romero. I'm still a little puzzled that the veterinary clinic... they put in this gate so that they could access St. Francis, but as part of the conditions of approval they weren't allowed to access St. Francis, so I'm pretty confident that that's the case. On this side they don't want ingress and egress onto St. Francis, and this property, especially that close to an intersection would be problematic."
- Councilor Trujillo said, "No. Being I work for the DOT, I don't speak for the DOT, but I've seen them do other things, so."
- Councilor Dominguez asked, "Given that, and I don't even know if this is a fair question, or a question that can be answered, but given these exclusions that the applicant has provided, is there any other zoning that fits better with the use they're wanting to have only."

Ms. Baer said, "What they're proposing is basically a C-1 use as well, but I wouldn't say it's a better use. It could work as well, but the C-4 was established, especially in this District, in order to allow this kind of office use. It's transitional and a buffer to the residential uses, so I wouldn't say there was a better zoning."

- Councilor Calvert said, "I would like to ask some of the residents, because I know. First let me state for the record, I did meet with some of the residents out there to discuss traffic. Mr. Shutz happened to be out there at the same time, but I expressly told him that I wasn't going to be talking about his project while I was out there. So I just want to make that clear for the record. But when I was out there, it wasn't clear to me that the residents wanted the residential parking permits. And so, what I would like is to ask that question of any or all of the residents that I've spoke with: Do

you want those residential parking permits. Because I know that in some cases, they are there but some people consider them a hassle, because you've got to remember to put the parking permit out there, and do you have enough for your guests and all that. So I would just like to put that question to the residents, do you really want that."

Roy Lopez [previously sworn] said, "Yes, I would like the residential parking because, like Ray has said, you get the people from the Railyard on Saturdays and they take over Alarid, Lolita, Juanita Street, and I go visit my mom. I can't even go park at my mom's house, because everybody else is taking that parking and that's the problem that's been there and the box, so I would come out for it. If I can't even visit my mom, and I've got to park at the Railroad. And the Railyard has parking and how come the people won't go pack over there. Because they're too cheap to pay for the parking there, so they take over our streets."

- Councilor Calvert said, "I did ask John [Romero] to look into a variety of improvements in this area. And I'll just read to you what he has said. He said, "Councilor, below is the status of how we are addressing the issues brought up on Juanita Street. Remarking of 'Do not stop in box' markings, meaning the ones on the street, this is scheduled to be performed once the weather warms up. Placing the 'Do not stop in box' overhead, the only standard we were able to find for an overhead sign support was that from the New Mexico Department of Transportation, which is somewhat of a major structure that may be difficult to install in this location. We will continue to look for other standards."

Councilor Calvert continued, "And I have asked him to look at the possibility of putting a sign out from... there's a light pole there on the corner, and I've asked John to look at the possibility of putting a sign that gets your attention better, it sticks out from that, if that would be workable, as opposed to the little sign that's attached to the utility pole over there right now. Re-marking crosswalks at St. Francis and Paseo de Peralta, this is scheduled to be performed once the weather warms up, also. Look at the signal green time on Hickox at St. Francis. We will look at this and make adjustments where possible. So they will be studying the timings of the lights there."

Councilor Calvert continued, "The place count-down pedestrian signal heads at the St. Francis/Paseo de Peralta signal. This is the one that gives you indication of how much time you have to cross the street, and this going across St. Francis. The City is currently applying for Highway Safety Improvement Plan Program funds administered by New Mexico DOT, for the purpose of upgrading all pedestrian signal heads throughout the City. And evaluate the possibility of reducing the speed limit on Juanita from 25 to 20 mph. We conducted a speed study yesterday on Juanita Street, and yesterday was Tuesday, which showed an 85% speed of less than 20 mph. We will be adjusting the speed limit to 20 mph."

Councilor Calvert continued, "So, I think staff is quite willing to work with the folks there and is willing to make some of these changes that they want. I think, I don't know that this project is going to change what goes on on that street. One might argue, might, that being commercial, it will actually ease some of the congestion problems because the traffic will be coming and going at different times. If you have all residential, then everybody tends more to be coming and going at the same time. Whereas, if you have commercial mix in there, and I think this is partly why this C-4 was put in here, but not the main reason I don't think."

Councilor Calvert continued, "So I think, if Mr. Shutz can put that as a deed restriction, I think it would be best done as a deed restriction, but we can't impose that. I don't know, I think.... I don't think it's, the next door neighbor said, this project is necessarily going to add to Juanita, but I think the City can continue to work with them, and maybe with the residential parking permits, they will have more access to their own parking and that will also help the situation that has been created over time."

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2013-06, approving Case #2012-138, 554 Juanita Street Rezoning to C-4, with all conditions of approval as stated in the Council packet, as recommended by staff.

DISCUSSION: Councilor River said there are a number of businesses which get deliveries – Federal Express, UPS vehicles, and asked how those vehicles maneuver on such a tiny street.

Councilor Calvert said, "Not well. The veterinary clinic is a problem, because they get UPS deliveries frequently, and they did while I was there, and they had problems. He couldn't keep going on the street, because there were cars parked on both sides and he couldn't fit through there. But, it's unfortunate that we are not allowed to use the exit gate. I can see why the DOT or whomever wouldn't want people entering there, because you would have people slowing them, and have people behind them backing up or something as they turn in there. But if the person exiting can get out into the flow of traffic, it would probably be less of a hazard. But I asked John Romero about that, and he said it was a condition of the project that they were not allowed to use St. Francis entering or exiting. That was the condition of that project. It baffles me why they built the gate there. Maybe it's for emergency, I don't know."

Councilor Rivera said, "It is a problem for these neighbors and I feel for them. It has been an issue since I was the Fire Chief, being down that road several times, realizing that an ambulance or a fire truck cannot get through is just a recipe for disaster. And I think that this project, though on the wider side of the street still adds to an already difficult situation, so because of that, I cannot support it."

Councilor Ives asked, "In terms of parking on Juanita Street. This property, you have indicated, if allowed to rezone will have 6 spaces on the property. Would there be any use allowed of Juanita Street, in addition to the parking spots on the premise."

Ms. Wynant said, "They're not to park on the street. That's what the required off-street parking is in place for, and it's a small structure, 1,100 sq. ft. or so, there's not going to be required that many parking spaces, and they're supplying that on site. And I think it's going to have to be part of their operation to make sure that their employees, and any visitors don't park on the street. That they park on the site itself."

Councilor Ives said, "I do note in the picture, the aerial which is page 27 in our packets, which shows the premise in its existing use, while I can't be sure that they're all vehicles, has apparently 7-8 on it currently. So if there are 6 spaces, it sounds like it actually like it might be easing some of the parking on the street. And if they can't park on the street, if they can only park on the premise, that may serve to relieve a little bit of congestion at the exit from Juanita Street onto Paseo de Peralta. Thank you."

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

For: Councilor Calvert, Councilor Dimas, Councilor Ives, Councilor Wurzbarger and Mayor Coss voting to establish the 5 votes necessary to adopt an Ordinance.

Against: Councilor Rivera, Councilor Trujillo and Councilor Dominguez.

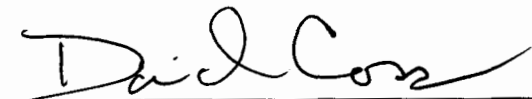
Explaining his vote: Councilor Trujillo said, "You know, I think Juanita Street has been put through enough, and the same thing the Councilor said about the fires and all that, so I'm going to vote no."

Explaining his vote: Councilor Dominguez said, "For me, the challenge that I see is a way to restrict these uses, because I can see where if there is more intense use, it's going to be an even worse problem, so I'm going to vote no."

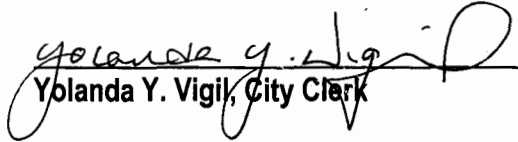
I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:45 p.m.

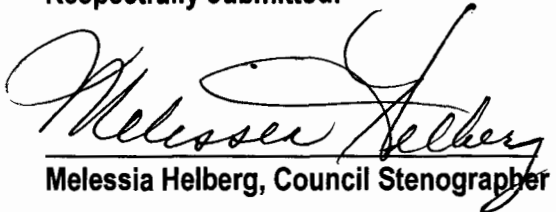
Approved by:


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

ITEM # 12

RESOLUTION NO. 2013-____

Senate Bill 394 – Community Solar Facilities

SPONSOR(S): Bushee, Calvert

SUMMARY: The proposed resolution supports New Mexico Legislation, SB 394 which, if approved, would provide public electric utilities a vehicle to administer community solar programs within their service territories

PREPARED BY: Melissa D. Byers, Legislative Liaison

FISCAL IMPACT: No

DATE: February 12, 2013

ATTACHMENTS: Resolution
FIR
SB 394

Exhibit "1"

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

Councilor Chris Calvert

AN URGENT RESOLUTION

**SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 394 ("SB 394"),
RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY ACT
TO PROVIDE FOR COMMUNITY SOLAR FACILITIES TO QUALIFY AS DISTRIBUTED
GENERATION FACILITIES.**

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

WHEREAS, SB 394, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, SB 394 would provide public electric utilities a vehicle to administer
community solar programs within their service territories; and

WHEREAS, community solar advocates are driven by the recognition that the on-site solar
market comprises only one part of the total market for solar energy; and

WHEREAS, a 2008 study by the National Renewable Energy Laboratory found that only
22% to 27% of a residential rooftop area is suitable for hosting an on-site photovoltaic (PV) system

1 after adjusting for structural, shading, or ownership issues; and

2 **WHEREAS**, clearly, community options are needed to expand access to solar power for
3 renters, those with shaded roofs, and those who choose not to install a residential system on their
4 home for financial or other reasons; and

5 **WHEREAS**, as a group, ratepayers and/ or taxpayers fund solar incentive programs and as a
6 matter of equity, solar energy programs should be designed in a manner that allows all contributors to
7 participate; and

8 **WHEREAS**, the secondary goals met by many community solar projects include:

- 9 • Improved economies of scale
- 10 • Optimal project siting
- 11 • Increased public understanding of solar energy
- 12 • Generation of local jobs
- 13 • Opportunity to test new models of marketing, project financing and service delivery.

14 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that the Governing Body hereby supports SB 349.

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

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

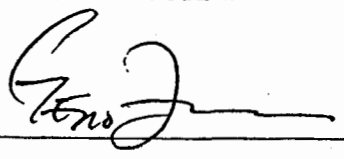
19
20 _____
21 DAVID COSS, MAYOR

22 ATTEST:

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25 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Geno", followed by a horizontal line.

GENO ZAMORA, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information


(Check) Bill: _____ Resolution: X
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 394 ("SB 394"),
RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY ACT TO
PROVIDE FOR COMMUNITY SOLAR FACILITIES TO QUALIFY AS DISTRIBUTED
GENERATION FACILITIES.

Sponsor(s): Councilors Bushee and Calvert

Reviewing Department(s): City Attorney's Office

Person Completing FIR: Melissa Byers Date: 2/12/13 Phone: 955-6518

Reviewed by City Attorney:  Date: 2/12/13
(Signature)

Reviewed by Finance Director:  Date: 2/12/13
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the resolution is to express the Governing Body's support for SB 394 which, if adopted would provide for community solar facilities to qualify as distributed generation facilities as well as.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)

- b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required

- c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs

- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns

- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

☒ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Not applicable

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

The resolution relates to the recently adopted City resolution, Resolution No. 2013-14 which directed staff to work with PNM and the New Mexico Public Regulation Commission to implement a community solar program for Santa Fe.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The Legislature would not be aware that the City supports SB 394

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, social service providers and other institutions such as schools, churches, etc.

Community solar projects are designed to increase access to solar energy and to reduce up-front costs for participants.

Form adopted: 01/12/05; revised 8/24/05

SENATE BILL 394

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

William Soules

AN ACT

RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY
ACT TO PROVIDE FOR COMMUNITY SOLAR FACILITIES TO QUALIFY AS
DISTRIBUTED GENERATION FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 62-13-13.1 NMSA 1978 (being Laws 2010,
Chapter 102, Section 1 and Laws 2010, Chapter 103, Section 1)
is amended to read:

"62-13-13.1. RENEWABLE ENERGY DISTRIBUTED GENERATION
FACILITIES--OWNERS AND OPERATORS NOT PUBLIC UTILITIES.--

A. Notwithstanding any other provision of the
Public Utility Act to the contrary, a person not otherwise a
public utility shall not be deemed to be a public utility
subject to the jurisdiction, control or regulation of the
commission and the provisions of the Public Utility Act solely

.191136.2

underscored material = new
[bracketed material] = delete

1 because the person owns or controls all or any part of any
2 renewable energy distributed generation facility that:

3 (1) is located on the host's site or is a
4 community solar facility;

5 (2) produces electric energy used at the
6 host's site and sold to the host or the host's tenants or
7 employees located at the host's site or to customers who are
8 community solar subscribers; and

9 (3) shares a common point of connection with
10 the electric utility serving the area and the host or the
11 host's tenants ~~[and]~~ or employees or the community solar
12 subscribers served by the renewable energy distributed
13 generation facility.

14 B. Nothing contained in this section shall be
15 interpreted to prohibit the sale of energy produced by the
16 renewable energy distributed generation facility to the
17 electric utility serving the area in which the renewable energy
18 distributed generation facility is located.

19 C. The community solar facility may be owned by a
20 customer of a public utility or a third party. The public
21 utility shall purchase renewable energy certificates from the
22 owner of the community solar facility or third party at rates
23 established in the utility's renewable procurement plan.

24 ~~[G.]~~ D. As used in this section:

25 (1) "community solar facility" means a

1 renewable energy distributed generation facility that provides
2 for the purchase of one or more subscription shares in the
3 facility, entitling the purchaser to a percentage of the energy
4 generated by the facility;

5 (2) "community solar subscriber" means a
6 purchaser of a subscription share or shares who is a customer
7 of the public utility and receives net metering based on the
8 energy generated by that customer's subscription shares at one
9 or more physical locations to which the subscription is
10 attributed;

11 [~~(1)~~] (3) "host" means the customer of a
12 public utility who uses the electric energy produced by a
13 renewable energy distributed generation facility and occupies
14 the site upon which the renewable energy distributed generation
15 facility is located;

16 [~~(2)~~] (4) "renewable energy distributed
17 generation facility" means a facility that produces electric
18 energy by the use of renewable energy, [~~and~~] that is sized to
19 supply no more than one hundred twenty percent of the average
20 annual consumption of electricity by the host at the site of
21 the renewable energy distributed generation facility or for a
22 community solar facility, and that is sized at no more than ten
23 megawatts alternating current in accordance with applicable
24 interconnection rules; [~~and~~

25 ~~(3)~~] (5) "site" means all the contiguous

1 property owned or leased by the host or the community solar
2 facility, without regard to interruptions in contiguity caused
3 by easements, public thoroughfares, transportation rights of
4 way or utility rights of way;

5 (6) "subscription" means a proportional
6 interest in a community solar facility. Each subscription
7 shall supply no more than one hundred twenty percent of the
8 average annual consumption of electricity by each subscriber at
9 the premises to which the subscription is attributed; and

10 (7) "subscription share" means the unit of
11 purchase of interest in the energy generated by a community
12 solar facility."

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**CITY COUNCIL MEETING OF
FEBRUARY 13, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING A REALLOCATION OF \$2,000,000 DESIGNATED FOR BUS REPLACEMENT IN THE 2012 GROSS RECEIPTS TAX REVENUE BOND ISSUE WHICH SHALL BE REALLOCATED FOR CAPITAL PROJECTS THAT INCLUDE MUNICIPAL FACILITY REPAIRS, PARKS AND MEDIAN MAINTENANCE, TRAIL MAINTENANCE, TRAFFIC CALMING AND STREETS MAINTENANCE.	Public Works – 2/25/13 Finance – 3/4/13 Council – 3/13/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION EXPRESSING SUPPORT FOR THE MANDATORY LABELING OF GENETICALLY ENGINEERED PRODUCTS SO CONSUMERS ARE INFORMED ABOUT THE POTENTIAL LONG-TERM RISKS OF GENETICALLY ENGINEERED PRODUCTS TO PUBLIC HEALTH AND THE ENVIRONMENT WHICH ARE LARGELY UNKNOWN; AND DIRECTING STAFF TO COLLABORATE WITH SANTA FE COUNTY STAFF TO EXPLORE THE OPTIONS FOR ENACTING CITY/COUNTY LEGISLATION THAT WOULD ENACT A PROHIBITION ON THE PROPAGATING, CULTIVATING, RAISING AND GROWING OF GENETICALLY ENGINEERED ORGANISMS AND/OR ENACTING CITY/COUNTY LEGISLATION THAT WOULD PROVIDE FOR THE LABELING OF FOOD SOLD IN THE CITY/COUNTY THAT CONTAINS GENETICALLY ENGINEERED MATERIAL.	Finance – 3/4/13 Council – 3/13/13
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND	Council (request to publish) – 2/27/13 Public Utilities – 3/6/13 Finance – 3/18/13 Council (public hearing) – 3/27/13

<p>THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000, WHICH INCLUDES AN EXPENSE FUND COMPONENT, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT (THE "PROJECT"); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, COSTS OF ISSUANCE, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S WATER UTILITY SYSTEM AND FROM REVENUES GENERATED BY THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.</p>		
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Calvert	<p>AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(I) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING ; AMENDING SUBSECTION 14-5.5(C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING</p>	<p>Planning Commission – 3/7/13 Public Works – 3/11/13 Council (request to publish) – 3/13/13 Council (public hearing) – 4/10/13</p>

	PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.	
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

BILL NO. 2013-____

INTRODUCED BY:

Councilor Chris Calvert

AN ORDINANCE

**AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER
STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF
SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO
FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE
GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$5,050,000,
WHICH INCLUDES AN EXPENSE FUND COMPONENT, TOGETHER WITH INTEREST
AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE
COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN,
ACQUISITION AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE
THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT (THE "PROJECT");
PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, COSTS OF ISSUANCE,
ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY
FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S WATER UTILITY
SYSTEM AND FROM REVENUES GENERATED BY THE MUNICIPAL CAPITAL OUTLAY
GROSS RECEIPTS TAX; APPROVING THE FORM OF AND OTHER DETAILS**

Exhibit "3"

1 **CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN;**
2 **REPEALING ALL ACTION INCONSISTENT WITH THIS ORDINANCE; AND**
3 **AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE**
4 **EXECUTION AND DELIVERY OF THE LOAN AGREEMENT.**

5
6 Capitalized terms used in the following recitals have the same meaning as defined in Section 1 of
7 this Loan Approval Ordinance, or, if not defined in Section 1 of this Loan Approval Ordinance, the same
8 meaning as defined in Article I of Ordinance No. 2006-47 (the "Master Ordinance") adopted by the
9 Governing Body on August 9, 2006, unless the context requires otherwise.

10 **WHEREAS**, the Governmental Unit is a legally and regularly created, established, organized and
11 existing municipality under the general laws of the State; and

12 **WHEREAS**, the Governing Body has determined and hereby determines that the Project may be
13 financed with amounts borrowed under the Loan Agreement and that it is in the best interest of the
14 Governmental Unit and its residents that the Loan Agreement be executed and delivered and that the
15 financing of the Project take place by executing and delivering the Loan Agreement; and

16 **WHEREAS**, the Master Ordinance provides for the adoption of subsequent ordinances and
17 resolutions to authorize the issuance of additional debt payable from the Pledged Revenues, as well as for
18 the approval of specific terms and documents relating to the issuance of the additional debt; and

19 **WHEREAS**, this Loan Approval Ordinance is adopted pursuant to the Master Ordinance in order
20 to authorize the Governmental Unit to enter into the Loan Agreement with the NMFA as a Second Lien
21 Obligation payable from Pledged Revenues; and

22 **WHEREAS**, the Governing Body has determined that it may lawfully pledge the Pledged
23 Revenues for the payment of amounts due under the Loan Agreement; and

24 **WHEREAS**, other than as described in Exhibit "A" to the Loan Agreement, the Pledged
25 Revenues have not heretofore been pledged to secure the payment of any obligation which is currently

1 outstanding; and

2 **WHEREAS**, the Loan Agreement shall be a special, limited obligation of the Governmental
3 Unit, payable solely from the Pledged Revenues, and shall not constitute a general obligation of the
4 Governmental Unit, or a debt or pledge of the faith and credit of the Governmental Unit or the State; and

5 **WHEREAS**, other than the Pledged Revenues, no revenues collected by the Governmental Unit
6 shall be pledged to the Loan Agreement; and

7 **WHEREAS**, there have been presented to the Governing Body, and there presently are on file
8 with the Clerk, this Loan Approval Ordinance and the form of the Loan Agreement; and

9 **WHEREAS**, all required authorizations, consents and approvals in connection with (i) the use
10 and pledge of the Pledged Revenues to the NMFA (or its assigns) for the payment of amounts due under
11 the Loan Agreement, (ii) the use of the proceeds of the Loan Agreement to finance the Project, and (iii)
12 the authorization, execution and delivery of the Loan Agreement, which are required to have been
13 obtained by the Closing Date have been obtained or are reasonably expected to be obtained.

14 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY**
15 **OF SANTA FE, NEW MEXICO:**

16 **Section 1. Definitions.** Capitalized terms defined in this Section 1 shall, for all purposes,
17 have the meaning herein specified, unless the context clearly requires otherwise (such meanings to be
18 equally applicable to both the singular and the plural forms of the terms defined). Capitalized terms not
19 defined in this Section 1 shall have the same meanings as defined in the Master Ordinance

20 "Act" means the Drinking Water State Revolving Loan Fund Act, Section 6-21A-1 et seq.,
21 NMSA 1978, as amended, and the general laws of the State, including Sections 3-31-1 through 3-31-12
22 and Sections 7-19D-12 and 7-1-6.15, NMSA 1978, as amended, the Charter, and enactments of the
23 Governing Body relating to the Loan Agreement, including this Loan Approval Ordinance and the Master
24 Ordinance.

25 "Administrative Fee" or "Administrative Fee Component" means the 0.25% annual fee payable to

1 the NMFA as 0.125% of each semi-annual Loan Agreement Payment for the costs of originating and
2 servicing the Loan, as shown in the Final Loan Agreement Payment Schedule.

3 "Aggregate Disbursements" means, at any time after the Closing Date, the sum of (i) the Expense
4 Fund Component and (ii) the aggregate amounts disbursed to the Governmental Unit from the Program
5 Account for payment of the incurred costs of the Project.

6 "Authorized Officers" means the Mayor, City Manager, Finance Director, and City Clerk of the
7 Governmental Unit.

8 "Bonds" means drinking water state revolving loan fund revenue bonds, if any, issued hereafter
9 by the NMFA and related to the Loan Agreement and the Loan Agreement Payments.

10 "Closing Date" means the date of execution and delivery of the Loan Agreement authorized by
11 this Loan Approval Ordinance.

12 "Completion Date" means the date of final payment of the cost of the Project.

13 "County" means Santa Fe County, New Mexico.

14 "Debt Service Account" means the debt service account established in the name of the
15 Governmental Unit and administered by the NMFA to pay principal and interest on the Loan Agreement
16 as the same become due.

17 "Expense Fund" means the expense fund created in the Loan Agreement to be held and
18 administered by the NMFA to pay Expenses.

19 "Expense Fund Component" means 1% of each disbursement from the Program Account
20 deposited in the Expense Fund to pay Expenses.

21 "Expenses" means the costs of issuance of the Loan Agreement and the Bonds, if any, and
22 periodic and regular fees and expenses incurred by the NMFA in administering the Loan Agreement,
23 including legal fees.

24 "Final Disbursement" means the final disbursement of moneys from the Program Account to the
25 Governmental Unit, which shall occur within two years following the Closing Date, except as otherwise

1 provided in the Loan Agreement.

2 "Final Loan Agreement Payment Schedule" means the schedule of Loan Agreement Payments
3 due on the Loan Agreement following the Final Disbursement, as described in the Loan Agreement and
4 attached as Exhibit "B" thereto.

5 "Governing Body" means the duly organized City Council of the Governmental Unit and any
6 successor governing body of the Governmental Unit.

7 "Governmental Unit" means the City of Santa Fe, New Mexico.

8 "Herein", "hereby", "hereunder", "hereof", "hereinabove" and "hereafter" refer to this entire Loan
9 Approval Ordinance and not solely to the particular section or paragraph of this Loan Approval
10 Ordinance in which such word is used.

11 "Joint Powers Agreement" means the joint powers agreement between the City of Santa Fe and
12 the County of Santa Fe governing the Buckman Direct Diversion Project, entered into by the City and the
13 County on or about January 11, 2005 and effective on or about March 7, 2005, including any subsequent
14 amendments thereto.

15 "Loan" or "Loan Amount" means the funds to be loaned by the NMFA to the Governmental Unit
16 in the Loan Agreement Principal Amount pursuant to the Loan Agreement.

17 "Loan Agreement" means the loan agreement dated the Closing Date between the NMFA and the
18 Governmental Unit which provides for the financing of the Project and requires payments by or on behalf
19 of the Governmental Unit to the NMFA, and any amendments or supplements thereto, including the
20 exhibits attached to the Loan Agreement.

21 "Loan Agreement Balance" means, as of any date of calculation, the Loan Agreement Principal
22 Amount less the aggregate principal amount paid or prepaid pursuant to the provisions of the Loan
23 Agreement.

24 "Loan Agreement Payment" means, collectively, all payments due under the Loan Agreement
25 including principal, interest and Administrative Fees, to be paid by the Governmental Unit as payment on

1 the Aggregate Disbursements under the Loan Agreement as shown on the Final Loan Agreement Payment
2 Schedule.

3 "Loan Agreement Principal Amount" means, as of any date of calculation, the Aggregate
4 Disbursements (including the Expense Fund Component), up to the Maximum Principal Amount.

5 "Loan Approval Ordinance" means this Ordinance No. _____ adopted by the Governing
6 Body of the Governmental Unit on _____, 2013, approving the Loan Agreement and
7 pledging the Pledged Revenues to the payment of the Loan Agreement Payments as shown on the Term
8 Sheet, as supplemented or amended from time to time in accordance with the provisions hereof.

9 "Master Ordinance" means the Governmental Unit's Ordinance No. 2006-47, adopted August 9,
10 2006, as supplemented and amended from time to time.

11 "Maximum Principal Amount" means five million, fifty thousand dollars (\$5,050,000).

12 "NMFA" means the New Mexico Finance Authority.

13 "NMSA" means the New Mexico Statutes Annotated, 1978 Compilation, as amended and
14 supplemented.

15 "Pledged Revenues" means the revenues of the Governmental Unit pledged to payment of the
16 Loan Agreement Payments pursuant to this Loan Approval Ordinance and described in Exhibit "A" to the
17 Loan Agreement.

18 "Program Account" means the account in the name of the Governmental Unit established and
19 held by the NMFA for deposit of the net proceeds of the Loan Agreement for disbursement to the
20 Governmental Unit to pay the costs of the Project.

21 "Project" means the project described in the Term Sheet.

22 "Second Lien Obligations" means the obligations of the Governmental Unit under the Loan
23 Agreement and any other obligations now outstanding or hereafter issued or incurred, payable from or
24 secured by a pledge of the Pledged Revenues and issued with a second lien on the Pledged Revenues on a
25 parity with the lien thereon of the Loan Agreement and subordinate to the lien thereon of the Senior

1 Obligations, including any such obligations shown on the Term Sheet.

2 "Senior Obligations" means the City of Santa Fe, New Mexico Utility Revenue Refunding
3 Bonds, Series 1995A, issued on November 29, 1995 and the City of Santa Fe, New Mexico Water Utility
4 System/Capital Outlay Gross Receipts Tax Revenue Refunding Bonds, Series 2006D, issued pursuant to
5 the Master Ordinance, and any other obligations of the Governmental Unit hereafter issued or incurred,
6 payable from or secured by a pledge of the Pledged Revenues and issued with a lien on the Pledged
7 Revenues senior to the Loan Agreement, and issued in accordance with the Master Ordinance.

8 "State" means the State of New Mexico.

9 "Term Sheet" means Exhibit "A" to the Loan Agreement.

10 **Section 2. Ratification.** All action heretofore taken (not inconsistent with the provisions of
11 this Loan Approval Ordinance) by the Governing Body and officers of the Governmental Unit directed
12 toward the acquisition and construction of the Project, and the execution and delivery of the Loan
13 Agreement shall be, and the same hereby is, ratified, approved and confirmed, except to the extent that
14 such action is expressly amended or modified by this Loan Approval Ordinance or the Loan Agreement;.

15 **Section 3. Authorization of the Project and the Loan Agreement.** The Project and the
16 method of financing the Project through execution and delivery of the Loan Agreement are hereby
17 authorized and ordered. The Project is for the benefit and use of the Governmental Unit and its residents.

18 **Section 4. Findings.** The Governmental Unit hereby declares that it has considered all
19 relevant information and data and hereby makes the following findings:

20 A. The Project is needed to meet the needs of the Governmental Unit and its
21 residents, and the execution and delivery of the Loan Agreement in the Maximum Principal Amount is
22 necessary or advisable.

23 B. Moneys available and on hand for the Project from all sources other than the
24 Loan Agreement are not sufficient to defray the costs of the Project.

25 C. The Pledged Revenues may lawfully be pledged under the Act and the Master

1 Ordinance to secure the payment of amounts due under the Loan Agreement.

2 D. It is economically feasible and prudent to defray, in whole or in part, the costs of
3 the Project by the execution and delivery of the Loan Agreement.

4 E. The Project and the execution and delivery of the Loan Agreement pursuant to
5 the Act to provide funds for the financing of the Project are necessary in the interest of the public health,
6 safety, and welfare of the residents and the public served by the Governmental Unit.

7 F. The Project is a joint project of the Governmental Unit and the County and will
8 be acquired jointly by the Governmental Unit and the County pursuant to the Joint Powers Agreement.

9 G. The Governmental Unit and the County will acquire and construct the Project, in
10 whole or in part, with the net proceeds of the Loan.

11 H. Other than as described in Exhibit "A" to the Loan Agreement, the Governmental
12 Unit does not have any outstanding obligations payable from Pledged Revenues which it has incurred or
13 will incur prior to the initial execution and delivery of the Loan Agreement.

14 I. The net effective interest rate on the Loan does not exceed 12% per annum which
15 is the maximum rate permitted by State law.

16 **Section 5. Loan Agreement- Authorization and Detail.**

17 A. Authorization. This Loan Approval Ordinance has been adopted by the
18 affirmative vote of at least a three-fourths majority of the whole number of members elected to the
19 Governing Body. For the purpose of protecting the public health, conserving the property, and protecting
20 the general welfare and prosperity of the residents of the Governmental Unit and acquiring the Project, it
21 is hereby declared necessary that the Governmental Unit, pursuant to the Act, execute and deliver the
22 Loan Agreement evidencing a special limited obligation of the Governmental Unit to pay a principal
23 amount of five million, fifty-thousand dollars (\$5,050,000) and interest thereon, and the execution and
24 delivery of the Loan Agreement are hereby authorized. The Governmental Unit shall use the proceeds of
25 the Loan (i) to finance the Project and (ii) to pay the Expense Fund Component of the Loan Agreement

1 and the costs of issuance of the Bonds, if any. The Project will be jointly owned by the Governmental
2 Unit and the County, in accordance with the Joint Powers Agreement.

3 B. Detail. The Loan Agreement shall be in substantially the form of the Loan
4 Agreement presented at the meeting of the Governing Body at which this Loan Approval Ordinance was
5 adopted. The Loan shall be in an original aggregate principal amount not to exceed \$5,050,000, shall be
6 payable in installments of principal due on June 1 of the years designated in the Final Loan Agreement
7 Payment Schedule and bear interest payable on June 1 and December 1 of each year, commencing on
8 December 1, 2013, at the rate of two percent (2%) designated in the Loan Agreement, including Exhibit
9 "B" thereto, which rate includes the Administrative Fee.

10 **Section 6. Approval of Loan Agreement.** The form of the Loan Agreement as presented
11 at the meeting of the Governing Body at which this Loan Approval Ordinance was adopted is hereby
12 approved. Authorized Officers are hereby individually authorized to execute, acknowledge and deliver
13 the Loan Agreement with such changes, insertions and omissions as may be approved by such individual
14 Authorized Officers, and the Clerk is hereby authorized to affix the seal of the Governmental Unit on the
15 Loan Agreement and attest the same. The execution of the Loan Agreement by an Authorized Officer
16 shall be conclusive evidence of such approval.

17 **Section 7. Special Limited Obligation.** The Loan Agreement shall be secured by the
18 second lien pledge of the Pledged Revenues as set forth in the Loan Agreement and shall be payable
19 solely from the Pledged Revenues. The Loan Agreement, together with interest thereon and other
20 obligations of the Governmental Unit thereunder, shall be a special, limited obligation of the
21 Governmental Unit, payable solely from the Pledged Revenues as provided in this Loan Approval
22 Ordinance, the Master Ordinance and the Loan Agreement and shall not constitute a general obligation of
23 the Governmental Unit or the State, and the holders of the Loan Agreement may not look to any general
24 or other fund of the Governmental Unit for payment of the obligations thereunder. Nothing contained in
25 this Loan Approval Ordinance or in the Master Ordinance, nor in the Loan Agreement nor in any other

1 instruments, shall be construed as obligating the Governmental Unit (except with respect to the
2 application of the Pledged Revenues) or as imposing a pecuniary liability or a charge upon the general
3 credit of the Governmental Unit or against its taxing power, nor shall a breach of any agreement
4 contained in this Loan Approval Ordinance, the Master Ordinance, the Loan Agreement, or any other
5 instrument impose any pecuniary liability upon the Governmental Unit or any charge upon its general
6 credit or against its taxing power. The Loan Agreement shall never constitute an indebtedness of the
7 Governmental Unit within the meaning of any State constitutional provision or statutory limitation and
8 shall never constitute or give rise to a pecuniary liability of the Governmental Unit or a charge against its
9 general credit or taxing power. Nothing herein shall prevent the Governmental Unit from applying other
10 funds of the Governmental Unit legally available therefor to payments required by the Loan Agreement,
11 in its sole and absolute discretion.

12 **Section 8. Disposition of Proceeds; Completion of Acquisition and Construction of the**
13 **Project.**

14 A. Program Account. The Governmental Unit hereby consents to creation of the
15 Program Account, Expense Fund and Debt Service Account to be held and maintained by the NMFA as
16 provided in the Loan Agreement. The Governmental Unit hereby approves of the deposit of a portion of
17 the proceeds of the Loan Agreement in the Program Account and Expense Fund.

18 The proceeds derived from the execution and delivery of the Loan Agreement shall be deposited
19 promptly upon receipt thereof in the Expense Fund and the Program Account, as provided in the Loan
20 Agreement.

21 Until the Completion Date or the date of the Final Disbursement, the money in the Program
22 Account shall be used and paid out solely for the purpose of acquiring and constructing the Project in
23 compliance with applicable law and the provisions of the Loan Agreement.

24 The Governmental Unit will acquire, construct and complete the Project with all due diligence.

25 B. Completion of Acquisition and Construction of the Project. Upon the

1 Completion Date, the Governmental Unit shall execute and send to the NMFA a certificate stating that the
2 acquisition and construction of and payment for the Project have been completed. As soon as practicable,
3 and in any event not more than sixty (60) days from the Completion Date, any balance remaining in the
4 Program Account shall be transferred and deposited into the Debt Service Account, as provided in the
5 Loan Agreement.

6 C. NMFA Not Responsible for Application of Loan Proceeds. The NMFA shall in
7 no manner be responsible for the application or disposal by the Governmental Unit or by its officers of the
8 funds derived from the Loan Agreement or of any other funds herein designated.

9 **Section 9. Deposit of Pledged Revenues; Distributions of the Pledged Revenues and**
10 **Flow of Funds.**

11 A. Deposit of Pledged Revenues. Pursuant to the Loan Agreement, Pledged
12 Revenues shall be paid directly by the Governmental Unit to the NMFA in an amount sufficient to pay
13 principal, interest, Administrative Fees and other amounts due under the Loan Agreement.

14 B. Termination on Deposits to Maturity. No payment shall be made into the Debt
15 Service Account if the amount in the Debt Service Account totals a sum at least equal to the entire
16 aggregate amount of Loan Agreement Payments to become due as to principal, interest on, Administrative
17 Fees and any other amounts due under the Loan Agreement, in which case moneys in such account in an
18 amount at least equal to such principal, interest and Administrative Fee requirements shall be used solely
19 to pay such obligations as the same become due, and any moneys in excess thereof in such accounts shall
20 be transferred to the Governmental Unit and used as provided in Section 9(C) of this Loan Approval
21 Ordinance.

22 C. Use of Surplus Revenues. After making all the payments hereinabove required
23 to be made by this Section, any moneys remaining in the Debt Service Account shall be transferred to the
24 Governmental Unit on a timely basis and applied to any other lawful purpose, including, but not limited
25 to, the payment of any Senior Obligations, Second Lien Obligations or bonds or obligations subordinate

1 and junior to the Loan Agreement, or purposes authorized by the Governmental Unit, the Constitution and
2 laws of the State, as the Governmental Unit may from time to time determine.

3 **Section 10. Lien on Pledged Revenues.** Pursuant to the Loan Agreement, the Pledged
4 Revenues are hereby authorized to be pledged, and are hereby pledged, and the Governmental Unit grants
5 a security interest therein, for the payment of the principal, Administrative Fees, interest, and any other
6 amounts due under the Loan Agreement, subject to the uses thereof permitted by and the priorities set
7 forth in this Loan Approval Ordinance and the Master Ordinance, and subject to the lien on the Pledged
8 Revenues of now outstanding and hereafter issued Senior Obligations. The Loan Agreement constitutes
9 an irrevocable second lien, but not necessarily an exclusive second lien, on the Pledged Revenues as set
10 forth herein and therein.

11 **Section 11. Authorized Officers.** Authorized Officers are hereby individually authorized
12 and directed to execute and deliver any and all papers, instruments, opinions, affidavits and other
13 documents and to do and cause to be done any and all acts and things necessary or proper for carrying out
14 this Loan Approval Ordinance, the Loan Agreement and all other transactions contemplated hereby and
15 thereby. Authorized Officers are hereby individually authorized to do all acts and things required of them
16 by this Loan Approval Ordinance, the Master Ordinance and the Loan Agreement for the full, punctual
17 and complete performance of all the terms, covenants and agreements contained in this Loan Approval
18 Ordinance, the Master Ordinance and the Loan Agreement including, but not limited to, the execution and
19 delivery of closing documents and reports in connection with the execution and delivery of the Loan
20 Agreement, and the publication of the summary of this Loan Approval Ordinance set out in Section 18 of
21 this Loan Approval Ordinance (with such changes, additions and deletions as may be necessary).

22 **Section 12. Amendment of Loan Approval Ordinance.** This Loan Approval Ordinance
23 may be amended without receipt by the Governmental Unit of any additional consideration, but only with
24 the prior written consent of the NMFA.

25 **Section 13. Loan Approval Ordinance Irrepealable.** After the Loan Agreement has been

1 executed and delivered, this Loan Approval Ordinance shall be and remain irrevocable until all
2 obligations due under the Loan Agreement shall be fully paid, canceled and discharged, as herein
3 provided.

4 **Section 14. Severability Clause.** If any section, paragraph, clause or provision of this Loan
5 Approval Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or
6 unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining
7 provisions of this Loan Approval Ordinance.

8 **Section 15. Repealer Clause.** All bylaws, orders, resolutions and ordinances, or parts
9 thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer
10 shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore
11 repealed.

12 **Section 16. Effective Date.** Upon due adoption of this Loan Approval Ordinance, it shall be
13 recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of
14 the Mayor and Clerk, and the title and general summary of the subject matter contained in this Loan
15 Approval Ordinance (set out in Section 18 below) shall be published in a newspaper which maintains an
16 office and is of general circulation in the Governmental Unit, and said Loan Approval Ordinance shall be
17 in full force and effect thereafter, in accordance with law.

18 **Section 17 Master Ordinance.** The Governing Body finds that the terms of the Loan
19 Agreement and of this Loan Approval Ordinance are consistent with the terms and parameters established
20 for the issuance of such debt by the Master Ordinance. This Loan Approval Ordinance, adopted as an
21 ordinance of the Governmental Unit, supplements the Master Ordinance in accordance with the
22 provisions hereof and thereof. In the event of any inconsistency between the Loan Agreement and the
23 Master Ordinance, as supplemented and amended by this Loan Approval Ordinance, the provisions of the
24 Master Ordinance shall control.

25 **Section 18. General Summary for Publication.** Pursuant to the general laws of the State,

1 the title and a general summary of the subject matter contained in this Loan Approval Ordinance shall be
2 published in substantially the following form:

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Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. _____, duly adopted and approved by the Governing Body of the City of Santa Fe, New Mexico (the "Governmental Unit"), on _____, 2013. Complete copies of the Ordinance are available for public inspection during normal and regular business hours in the office of the City Clerk, 200 Lincoln Avenue, Santa Fe, New Mexico 87501.

AUTHORIZING THE EXECUTION AND DELIVERY OF A TAXABLE DRINKING WATER STATE REVOLVING LOAN FUND LOAN AGREEMENT BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN \$15,150,000, WHICH INCLUDES AN EXPENSE FUND COMPONENT, TOGETHER WITH INTEREST AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A NECESSARY DRINKING WATER PROJECT, BEING THE DESIGN, ACQUISITION AND INSTALLATION OF A SOLAR PHOTOVOLTAIC SYSTEM TO SERVE THE BUCKMAN DIRECT SURFACE DIVERSION PROJECT (THE "PROJECT"); PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, COSTS OF ISSUANCE, ADMINISTRATIVE FEES AND INTEREST DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE NET REVENUES OF THE GOVERNMENTAL UNIT'S WATER UTILITY SYSTEM AND FROM REVENUES GENERATED BY THE MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS TAX;

1 APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN
2 AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL
3 ACTION INCONSISTENT WITH THIS ORDINANCE; AND AUTHORIZING THE
4 TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND
5 DELIVERY OF THE LOAN AGREEMENT.

6 The title sets forth a general summary of the subject matter contained in the Ordinance.

7 This notice constitutes compliance with Section 6-14-6, NMSA 1978.

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9 [End of Form of Summary for Publication]

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1 PASSED, APPROVED AND ADOPTED THIS ____TH DAY OF _____, 2013.

2 CITY OF SANTA FE, NEW MEXICO

3
4 By _____

5 David Coss, Mayor

6 [SEAL]

7 ATTEST:

8
9 By _____

10 Yolanda Y. Vigil, City Clerk

11 APPROVED AS TO FORM:

12
13 By _____

14 Geno Zamora, City Attorney

1 Council Member _____ then moved adoption of the foregoing Ordinance, duly
2 seconded by Council Member _____.

3 The motion to adopt said Ordinance, upon being put to a vote, was passed and adopted on the
4 following recorded vote:

5 Those Voting Aye:

6 _____
7 _____
8 _____
9 _____
10 _____
11 _____

12 Those Voting Nay:

13 _____
14 _____

15 Those Absent:

16 _____
17 _____

18 _____ () members of the Governing Body, having voted in favor of said motion, the Mayor
19 declared said motion carried and said Ordinance adopted, whereupon the Mayor and the City Clerk signed
20 the Ordinance upon the records of the minutes of the Governing Body.

21 After consideration of other matters not relating to the Ordinance, the meeting on motion duly
22 made, seconded and unanimously carried, was adjourned.
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CITY OF SANTA FE, NEW MEXICO

By _____

David Coss, Mayor

[SEAL]

ATTEST:

By _____

Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

By _____

Geno Zamora, City Attorney

[Remainder of page intentionally left blank.]

1 STATE OF NEW MEXICO)

2) ss.

3 COUNTY OF SANTA FE)

4 I, Yolanda Y. Vigil, the duly appointed, qualified, and acting City Clerk of the City of Santa Fe,
5 New Mexico (the "City"), do hereby certify:

6 1. The foregoing pages are a true, perfect, and complete copy of the record of the
7 proceedings of the City Council (the "Governing Body"), constituting the governing body of the City, had
8 and taken at a duly called regular meeting held at the City Council Chambers, 200 Lincoln Avenue, Santa
9 Fe, New Mexico, on _____, 2013, at the hour of 7:00 p.m., insofar as the same relate to the
10 adoption of the Ordinance and the execution and delivery of the proposed Loan Agreement, copies of
11 which are set forth in the official records of the proceedings of the Governing Body kept in my office.
12 None of the action taken has been rescinded, repealed, or modified.

13 2. Said proceedings were duly had and taken as therein shown, the meeting therein was duly
14 held, and the persons therein named were present at said meeting, as therein shown.

15 3. Notice of the _____, 2013 meeting was given by the City in compliance with
16 the permitted methods of giving notice of regular meetings of the Governing Body as required by the
17 City's open meetings standards presently in effect.

18 IN WITNESS WHEREOF, I have hereunto set my hand this ____th day of _____,
19 2013.

20 CITY OF SANTA FE, NEW MEXICO

21

22 [SEAL]

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By _____

Yolanda Y. Vigil, City Clerk

M/Melissa/Bills 2013/BDD Solar__NMFA Loan

EXHIBIT "A"

Notice of Meeting

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-_____

INTRODUCED BY:

Councilor Carmichael Dominguez

Councilor Chris Calvert

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, AIRPORT ROAD OVERLAY DISTRICT, SECTION 14-5.5(C) SFCC 1987; CREATING A NEW SUBSECTION 14-5.5(C)(6)(I) TO INCLUDE A PROVISION FOR COMMERCIAL RECYCLING CONTAINERS; AMENDING SUBSECTION 14-5.5(C)(12)(c) TO CLARIFY THE APPLICABILITY OF EXISTING BUILDING-MOUNTED OUTDOOR ADVERTISING OF ALCOHOLIC BEVERAGES, TO CLARIFY THE PACKAGING OF ALCOHOLIC BEVERAGES OF EIGHT OUNCES OR LESS AND ESTABLISHING THE EFFECTIVE DATE OF SUCH PACKAGING PROVISIONS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

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

Section 1. A new Subsection 14-5.5(C)(6)(I) SFCC 1987 (being Ord. #2013-1, §2) is ordained to read:

(I) [NEW MATERIAL] Enclosures required for trash receptacles and compactors shall be:

- (i) located to the rear of *buildings*; and
- (ii) sized to include commercial recycling containers in
sufficient quantity to accommodate the commercial
recycling generated by a *development*.

Section 2. Subsection 14-5.5(C)(12)(c) SFCC 1987 (being Ord. #2013-1, §2) is
amended to read:

- (c) Except for paragraph (iv), below, [AH] all *alcoholic beverage sales*
activities shall comply with the following provisions after January
26, 2013:
 - (i) No more than thirty-three percent of the square footage of
the windows and clear doors of an *alcoholic beverage* retail
outlet may bear advertising or signs of any sort, and all
advertising and signage shall be placed and maintained in a
manner that ensures that law enforcement personnel have a
clear and unobstructed view of the interior of the premises,
including the area in which the cash registers are maintained,
from the exterior public sidewalk or entrance to the
premises. This requirement does not apply to premises where
there are no windows, or where existing windows are located
at a height that precludes a view of the interior of the
premises by a person standing outside the premises.
 - (ii) Outdoor advertising of *alcoholic beverages*, including
permanent or *temporary signs* visible from outside a
building, is prohibited within five hundred feet of any of the
following:

- 1 A. A public or private elementary, middle, or high
2 school;
3 B. A public park, playground or recreational area;
4 C. A nonprofit youth facility;
5 D. A place of *religious assembly*;
6 E. A *hospital*;
7 F. An alcohol or other drug abuse recovery or treatment
8 facility; or
9 G. A county social service office.

10 The provisions of this subsection 14-5.5(C)(12)(c)(ii) do not
11 apply to building-mounted signs legally permitted prior to
12 January 26, 2013.

- 13 (iii) A restaurant with a beer and wine license may post outside
14 its *building* but only on the property occupied by the
15 restaurant, a copy of its menu, including beer and wine
16 offered and their prices, in type no larger than any menu
17 posted or provided to patrons inside the restaurant.

- 18 (iv) Unless contained in packages of four or more, as delivered
19 by the distributor, single serving containers of *alcoholic*
20 *beverages*, in sizes of eight ounces or less, shall not be sold
21 or offered for sale. The provisions of this subsection 14-
22 5.5(C)(12)(c)(iv) shall be effective May 26, 2013.

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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25 CAO/Melissa/Bills 2013/Airport Road Overlay District Amendments (clean)

RECORD OF PROCEEDINGS RELATED TO
ADOPTION OF ORDINANCE NO. 2013-__
CITY OF SANTA FE, NEW MEXICO

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The City Council (the "Governing Body") of the City of Santa Fe, New Mexico (the "Governmental Unit"), met in a regular session in full conformity with the law and the rules and regulations of the Governing Body at the City Council Chambers, 200 Lincoln Ave., Santa Fe, New Mexico 87501, being the regular meeting place of the Governing Body, on the ____ day of _____, 2013, at the hour of 7:00 p.m. Upon roll call, the following members were found to be present:

Present:

Absent:

Also present:

Thereupon, there was officially filed with the City Clerk a copy of a proposed Ordinance in final form, as follows.

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INTRODUCED BY:

A RESOLUTION

WHEREAS, the City of Santa Fe recognizes that consumers have the right to receive accurate and thorough information about the products they feed to their families; and

WHEREAS, the potential long-term risks to public health and the environment from

1 | genetically engineered products are largely unknown; and

2 | **WHEREAS**, safety studies on genetically engineered products are limited because
3 | biotechnology companies generally prohibit their cultivation for research purposes in seed licensing
4 | agreements; and

5 | **WHEREAS**, some independent, peer-reviewed research that has been done on genetically
6 | engineered crops has revealed problems with liver and kidney functions in rats; deformities and
7 | neurological problems in vertebrates; and lower nutrition content in pesticide-resistant crops; and

8 | **WHEREAS**, it is the responsibility of the United States Department of Agriculture to ensure
9 | that genetically engineered crops are safe to grow, the Environmental Protection Agency to ensure
10 | that genetically engineered products will not harm the environment and the Food and Drug
11 | Administration to ensure that genetically engineered food is safe to eat; and

12 | **WHEREAS**, the United States federal agencies that regulate genetically engineered products,
13 | including crops and animals and the New Mexico Legislature have not yet enacted a comprehensive
14 | plan to adequately oversee and monitor genetically engineered products; and

15 | **WHEREAS**, farmers who produce organic or non-genetically engineered crops run the risk
16 | of crop contamination from nearby genetically engineered crops; and

17 | **WHEREAS**; farmers who unintentionally grow patented, genetically engineered seeds or
18 | who harvest crops that are contaminated with genetically engineered traits could lose marketing
19 | options and face costly lawsuits; and

20 | **WHEREAS**, a 2008 *CBS/New York Times* poll found that 87 percent of U.S. consumers
21 | wanted all genetically engineered ingredients to be labeled.

22 | **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 | **CITY OF SANTA FE** that:

24 | **Section 1.** The City of Santa Fe supports mandatory labeling of all genetically
25 | engineered products.

- 1 **Section 2.** The City Clerk is directed to forward a copy of this resolution to the
2 following:
- 3 • Lisa Jackson, Administrator of the Environmental Protection Agency, Ariel Rios
4 Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460
 - 5 • Tom Vilsack, Secretary of Agriculture, United States Department of Agriculture, 1400
6 Independence Ave., S.W., Washington, DC 20250
 - 7 • Margaret Hamberg M.D., Commissioner of the Food and Drug Administration, 10903
8 New Hampshire Avenue, Silver Spring, MD 20993
 - 9 • Jeff Witte, Secretary, New Mexico Department of Agriculture, MSC 3189, Box
10 30005, Las Cruces, NM 88003-8005
 - 11 • Senators Tom Udall and Martin Heinrich, United States Senate, Washington, DC 20510
 - 12 • Representative Ben Ray Lujan, United States House of Representatives, Washington, DC
13 20515
 - 14 • Food & Water Watch, 103 William H. Taft Rd., Cincinnati, OH 45219.

15 **BE IT FURTHER RESOLVED** that staff is directed to collaborate with Santa Fe County
16 staff to explore the options for enacting City/County legislation that would enact a prohibition on
17 propagating, cultivating, raising and growing of genetically engineered organisms and/or enacting
18 City/County legislation that would provide for the labeling of food sold in the City/County that
19 contains genetically engineered material.

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

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DAVID COSS, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/GE Products*

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

2 **RESOLUTION NO. 2013-__**

3 **INTRODUCED BY:**

4 Mayor David Coss

5 Councilor Ron Trujillo

6 Councilor Rebecca Wurzbarger

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11 **A RESOLUTION**

12 **AUTHORIZING A REALLOCATION OF \$2,000,000 DESIGNATED FOR BUS**
13 **REPLACEMENT IN THE 2012 GROSS RECEIPTS TAX REVENUE BOND ISSUE WHICH**
14 **SHALL BE REALLOCATED FOR CAPITAL PROJECTS THAT INCLUDE MUNICIPAL**
15 **FACILITY REPAIRS, PARKS AND MEDIAN MAINTENANCE, TRAIL MAINTENANCE,**
16 **TRAFFIC CALMING AND STREETS MAINTENANCE.**

17
18 **WHEREAS**, on November 30, 2011, the Governing Body adopted Resolution No. 2011-67
19 which authorized a \$22,000,000 GRT revenue bond issue for municipal capital projects that would
20 create jobs, design and improve infrastructure, provide for economic development opportunities,
21 improve water security, enhance public safety and promote a high quality of life for the residents of
22 the city of Santa Fe; and

23 **WHEREAS**, the CIP project list approved through Resolution No. 2011-67 approved an
24 allocation of \$2,000,000 for the replacement of six buses in the Santa Fe Trails fleet, which is
25 consistent with the transit fleet replacement plan; and

1 **WHEREAS**, since then, the City has received a \$2,000,000 grant from the Federal
2 government that will be used to replace the six buses in the Santa Fe Trails fleet.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body:

5 1. Recognizes that the City has received Federal funding in the amount of \$2,000,000
6 that will be used to replace six buses in the Santa Fe Trails fleet; and

7 2. Authorizes a reallocation of the \$2,000,000 that was previously allocated in the 2012
8 GRT Bond issue for replacement of six buses in the Santa Fe Trails fleet to be allocated for the
9 following CIP projects:

2013 CIP REALLOCATION	Cost	COMMENTS
<u>Municipal Facility Repair</u>		
City Roofs	300,000	FS #7, FS #5, OMC Building B, MRC, Carlos Ortega Teen Center MRC restaurant restroom and breezeway, Teen Center, Fire Station 5.
Council Chambers Renovation	50,000	Move benches, upgrade lighting, ADA Improvements.
Ft. Marcy Pool Roof and Lighting	100,000	Roof and Lighting Improvements.
Ft. Marcy and Sal Perez Cardio/Gym Equipment	150,000	Replace Cardio and Gym equipment.
<u>Parks and Median Maintenance</u>		
General Parks and Median Maintenance	400,000	\$400,000 needed to purchase operating supplies: fertilizer, sprinkler heads, valves controllers & other irrigation parts, electrical supplies, lights, solenoids, narrow band components, MRC pumps, railyard VFD, etc. for all City parks & the MRC/golf course.

Additional Median/Graffiti Maintenance Crew	250,000	Seasonal staff, equipment, and supplies fro median maintenance and graffiti eradication.
Ft. Marcy PA System and General Improvements	100,000	PA system and general improvements for Ft. Marcy ball park.
Zia Rd. Landscape Design	50,000	Design will be similar to Rodeo Road.
Airport Rd. Landscaping Construction	125,000	Needed to complete landscape project including control controller and converting electrical system to from DC to AC.
Skate Park Design SWANN Park	15,000	Design skate park.
<u>Trails</u>		
Trails Pavement Maintenance	200,000	Needed to repair Arroyo Chamiso Trail, crack-fill & fog coat.
Silva St. Bridge	10,000	ADA accessible pathway & bridge.
<u>Traffic Calming</u>		
General Traffic Calming	100,000	City wide traffic calming.
Traffic Calming San Mateo/Luisa	100,000	Build traffic calming improvements.
<u>Streets</u>		
Airport Road Overlay Completion	50,000	Complete overlay project.
SUBTOTAL	2,000,000	

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

DAVID COSS, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/GRT Bonds – Reallocation of Capital Projects*

City of Santa Fe, New Mexico

memo

DATE: January 30, 2013 for February 13, 2013 City Council Meeting

TO: City Council

VIA:

Robert Romero
Robert Romero, City Manager

Matthew S. O'Keilly, P.E., Director, Land Use Department *M.S.O.*

Tamara Baer, Planning Manager, Current Planning Division *T.B.*

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

Case #2012-125. 504 St. Francis Drive Rezoning to C-4. Gil Gonzales requests rezoning of 0.12± acres from R-10 (Residential, 10 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located at 504 S. St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)

RECOMMENDATION

The Planning Commission on January 10, 2013 recommended **APPROVAL WITH CONDITIONS** for Rezoning of 0.12± acres located at 504 St. Francis Drive.

Three neighbors attended the ENN on 10/1/12 and had questions regarding the types of businesses allowed in the C-4 district and whether the property would be used for the sale of alcohol. The applicant stated that the property would be leased for office use.

SUMMARY

The applicant seeks to rezone 0.12± acres of land located at 504 St. Francis Drive between Agua Fria Street and Hickox Street within the C-4 zoning eligibility area shown on the City's official zoning map. The property is zoned R-10 (Residential – 10 dwelling units/acre). The applicant seeks to rezone the property from R-10 to C-4 (Limited Office, Retail and Arts and Crafts District) to allow him to lease the existing 500 square-foot building originally constructed as a residence for an office use. The applicant has erected a fence on the property along St. Francis Drive, installed landscaping and added a 5-space gravel parking lot, where a minimum 2-3 spaces is required for a medical or business office use.

Exhibit "7"

There has been a change in the surrounding area due to the widening in the past of St. Francis Drive, which adversely affected adjacent residential property owners through takings that reduced the size of lots fronting on St. Francis and through increases in traffic. The property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. The rezoning would be more advantageous to the community in that it would allow uses identified as appropriate buffering between the heavily-trafficked St. Francis and the residential neighborhood to the west of the property, while permitting the directly-impacted owner to utilize the property in a manner more appropriate to its frontage on St. Francis Drive.

Attachments:

- Exhibit 1 Planning Commission Findings of Fact, Approved 2/7/13
 (Case #2013-125)
- Exhibit 2 Draft Rezoning Bill- C-4
- Exhibit 3 Planning Commission Staff Report w/attachments- 12/24/12
- Exhibit 4 Planning Commission Minutes – 1/10/13

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

Case #2012-125 – 504 St. Francis Drive Rezoning
Owner Applicant's Name – Gil Gonzales
Agent – Michelle LaBounty

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of Gil Gonzales, represented by Michelle LaBounty (Applicant).

The Applicant seeks to rezone 0.12± acres of land (Property) located at 504 St. Francis Drive between Agua Fria Street and Hickox Street within the C-4 zoning eligibility area shown on the City's official zoning map. The Property is zoned R-10 (Residential – 10 dwelling units/acre). The Applicant seeks to rezone the Property from R-10 to C-4 (Limited Office, Retail and Arts and Crafts District) to allow him to lease the existing 500 square-foot building originally constructed as a residence for an office use. The Applicant has erected a fence on the Property along St. Francis Drive and added a 5-space gravel parking lot, where a minimum 2-3 spaces is required for a medical or business office use.

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

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 February 23, 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 October 1, 2012 at the Santa Fe Public Library Main Branch on Washington Avenue.

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 due to the widening in the past of St. Francis Drive, which adversely affected adjacent residential property owners through takings that reduced the size of lots fronting on St. Francis and through increases in traffic. The Property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. The rezoning would be more advantageous to the community in that it would allow uses identified as appropriate buffering between the heavily-trafficked St. Francis and the residential neighborhood to the west of the Property, while permitting the directly-impacted owner to utilize the Property in a manner more appropriate to its frontage on St. Francis.
 - (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 future land use designation for the Property as "Office".
 - (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 "Office" future land use designation for the Property and with the General Plan policies supporting the preservation of the scale and character of established neighborhoods and a mix of land uses in all new and existing neighborhoods of the City to assure that commercial services are located close to residents.
 - (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 minimal impact resulting from the rezoning.

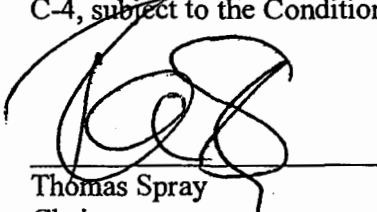
CONCLUSIONS OF LAW

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 meeting 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.

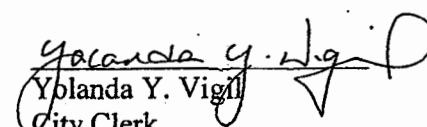
WHEREFORE, IT IS ORDERED ON THE 7th OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

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 C-4, subject to the Conditions.


Thomas Spray
Chair

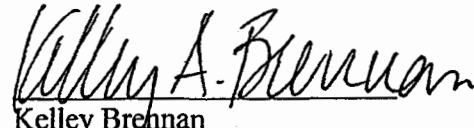
2/7/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

2-8-13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

2/7/13
Date:

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-9

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FROM R-10 (RESIDENTIAL, 10
DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS
AND CRAFTS); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A
CERTAIN PARCEL OF LAND COMPRISING 0.12± ACRE LOCATED AT 504 ST.
FRANCIS DRIVE, BETWEEN AGUA FRIA STREET AND HICKOX STREET ("504 ST.
FRANCIS DRIVE" REZONING CASE NO. 2012-125).**

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, is restricted to and classified C-4 (Limited Office, Retail and Arts and Crafts):

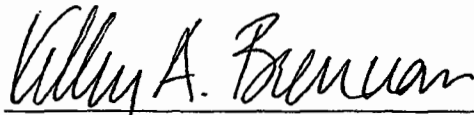
A parcel of land comprising 0.12± acre generally located between Agua Fria Street and Hickox Street on St. Francis Drive and more fully described in EXHIBIT A attached hereto and incorporated by reference, located in Section 23, T17N., R9E, N.M.P.M., Santa Fe County, New Mexico,

1 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
2 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth
3 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 as EXHIBIT B
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
7 conditions recommended by the Planning Commission on January 10, 2013.

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

10 **APPROVED AS TO FORM:**

11 
12 _____

13 GENO ZAMORA, CITY ATTORNEY
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BILL NO. 2013-9
Exhibit A
504 St. Francis Drive
Legal Description for C-4 Zoning

A parcel of land lying within section 26, T.17 N., R.9 E., N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

Beginning at the southeast corner of the herein described tract of land whence right away marker station 83+ 80.8 bears S04 54'00"E, 370.90', thence from said point of beginning S85 06'00"W, 107.85' to a point, thence N06 34'00"W, 107.85' to a point, thence N06 34'00"W, 50.02' to a point, thence N85 06'00"E, 109.30' to a point, thence S04 54'00"E, 50.0' to said point of beginning containing 0.1246 acres.

Containing 012± acre more or less.

504 St. Francis Drive – DRT Conditions of Approval
Rezoning from R-10 to C-4

Comments	Department	Staff
<u>For compliance at time of time of building permit:</u> 1. Compliance must be shown with Article 14-8.4 "Landscaping and Site Design". 2. Show compliance with Article 14-8.4(F) "Plant Materials Standards". Provide legend that clearly shows what types of shrubs and plants are to be proposed and used. 3. Show compliance with Article 14-8.4(G) "Street Trees" which describes what is required and the quantity that is required. 4. Show compliance with Article 14-8.4(I) "Parking Lots". Demonstrate compliance with Perimeter Screening as specified in the Article mentioned previously. 5. Show compliance with Article 14-8.4(J)(3) "Buffer for Nonresidential Development Abutting Residential".	Technical Review, Landscape	Noah Berke
Must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
1. Must comply with IFC 2009 edition. 2. A change of occupancy will require any existing building/s to be brought up to code. 3. Must have 20 feet fire department access lane and gate.	Fire Marshall	Reynaldo Gonzales

City of Santa Fe, New Mexico

memo

DATE: Prepared December 24, 2012 for the January 10, 2013, Planning Commission Meeting

TO: Planning Commission

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

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

Case #2012-125. 504 St. Francis Drive Rezoning to C-4. Gil Gonzales requests rezoning of 0.12± acres from R-10 (Residential, 10 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located at 504 S. St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)

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.

I. EXECUTIVE SUMMARY

The subject property is located on the west side of St. Francis Drive between Agua Fria and Hickox Streets and within the mapped C-4 eligibility area (Exhibit C-1). The property is 0.12± acres and includes a 500 square foot building, originally built as a residence. The property owner, Gil Gonzales, who proposes to lease the property for office use, cleaned up the property, installed a fence along the front property line, installed landscaping and created a 5 space gravel parking lot (see Exhibit E-2), which exceeds the minimum 2-3 spaces required of medical or business office use.

The purpose of the C-4 Limited Office, Retail and Arts and Crafts District, as stated in §14-4.3 is:

"to provide a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect residential property owners who are adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts."

The site is very small at 50 wide and approximately 108 feet deep, making full compliance with landscape requirements impractical. The applicant proposes landscaping adjacent to the residential properties to the north, south and west and along St. Francis Drive to enhance the site and to meet the intent of the landscape requirements. Section 14-8.4(C)(4) allows alternate means of compliance when site conditions, including the configuration of the lot, make full compliance impossible or impractical.

Three neighbors attended the ENN on 10/1/12 and had questions regarding the types of businesses allowed in the C-4 district and whether the property would be used for the sale of alcohol. The applicant stated that the property would be leased for office use.

III. CHAPTER 14 REZONING 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: No mistake has been made in the original zoning which has been R-10 (Residential, 10 du/acre).

- (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: "Future land use for this portion of St. Francis Dr. has been designated C4 Overlay."

Staff response: The change in the area has been due to the widening of St. Francis Drive many years ago, to carry higher volumes of traffic in this area and

to allow low impact transitional uses fronting St. Francis Drive and providing a buffer for residential.

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

Applicant response: *"Yes, the general plan has established this area C4 Overlay."*

Staff response: The C-4 district would be advantageous to the community since it would potentially allow limited office, retail and arts and crafts types of uses. The applicant has stated that the use would most likely be a small office, which is a good transitional buffer between a busy street and the residential area to the west.

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

Applicant response: *"Yes, all requirements have been met."*

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: *"Yes, the rezoning to C-4 is in compliance with the Future Land Use Map that depicts this section of St. Francis as the C-4 Overlay."*

Staff response: The subject property is located in the C-4 Overlay and is therefore appropriate and consistent with the City's General Plan and with its General Plan Land Use Designation of "Office".

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

Applicant response: *"Yes, all complies with land use criteria."*

Staff response: The proposed development provides infill along the lines of established city policy.

- (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: *"We plan no changes to the footprint of the existing structure. It will not impact any of the above."*

Staff response: Existing city & public utilities adjoin the subject property and will accommodate the minimal impact of this change. The Fire Marshall, however, requires a 20 foot fire department access lane and gate to access the site.

- (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 which is a mix of residential and office uses.

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

Staff response: The C-4 eligibility overlay was not intended to be restricted in size, but rather a response to the creation of St. Francis Drive with the intent of providing a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

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

Staff response: Such a change will result in an improved property that will be a benefit to surrounding landowners.

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Applicant response: *"there will be less impact if used as small office or related than if used as full time residence."*

Staff response: The proposed rezoning can be accommodated with no additional infrastructure.

- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the

developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant response: “ *The intended use as small office or related will not require expansion of streets, etc.*”

Staff response: Streets, sidewalks and curbs are already in place along St. Francis.

III. CONCLUSION

Staff supports the proposed rezoning to the C-4 District which is in keeping with the intent of the General Plan and the code requirements of Chapter 14.

IV. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Technical Review Division – City Engineer memorandum, Risana Zaxus
2. Technical Review Division- Landscape memorandum, Noah Berke
3. Wastewater Management Division memorandum, Stan Holland
4. Solid Waste Division memorandum, Randall Marco
5. Traffic Engineering Division memorandum, Sandra Kassens
6. Water Division memorandum, Antonio Trujillo
7. Fire Marshal memorandum, Reynaldo Gonzales

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: ENN Materials

1. ENN Meeting Notes
2. ENN Responses to Guidelines
3. ENN Sign-in Sheet

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Site Plan

EXHIBIT F: Other Material

1. Photographs of site
2. C-4 Limited Office, Retail and Arts and Crafts
 - Permitted uses and other code related information

504 St. Francis – DRT Conditions of Approval
Rezoning from R-10 to C-4

Comments	Department	Staff
<ol style="list-style-type: none"> 1. Compliance must be shown with Article 14-8.4 "Landscaping and Site Design". 2. Show compliance with Article 14-8.4(F) "Plant Materials Standards". Provide legend that clearly shows what types of shrubs and plants are to be proposed and used. 3. Show compliance with Article 14-8.4(G) "Street Trees" which describes what is required and the quantity that is required. 4. Show compliance with Article 14-8.4(I) "Parking Lots". Demonstrate compliance with Perimeter Screening as specified in the Article mentioned previously. 5. Show compliance with Article 14-8.4(J)(3) "Buffer for Nonresidential Development Abutting Residential". 	Technical Review, Landscape	Noah Berke
Must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
<ol style="list-style-type: none"> 1. Must comply with IFC 2009 edition. 2. A change of occupancy will require any existing building/s to be brought up to code. 3. Must have 20 feet fire department access lane and gate. 	Fire Marshall	Reynaldo Gonzales

DATE: December 12, 2012
TO: Donna Wynant, Case Manager
FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2012-125
504 St. Francis Drive Rezoning to C-4

I have no review comments on this rezoning.

EXHIBIT B-1

City of Santa Fe, New Mexico

memo

DATE: December 4, 2012
TO: Donna Wynant, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior *NLB*
SUBJECT: Final Comments for Case #2012-125, 504 South St. Francis Drive
Rezoning to C-4.

Below are comments for 504 South St. Francis Drive Rezoning to C-4 request. These comments are based on documentation and plans dated November 21, 2012:

The preceding mentioned items are required to meet compliance in order for approval:

- 1.) Compliance must be shown with Article 14-8.4 "Landscaping and Site Design".
- 2.) Show compliance with Article 14-8.4(F) "Plant Materials Standards". Provide legend that clearly shows what types of shrubs and plants are to be proposed and used.
- 3.) Show compliance with Article 14-8.4(G) "Street Trees" which describes what is required and the quantity that is required.
- 4.) Show compliance with Article 14-8.4(I) "Parking Lots". Demonstrate compliance with Perimeter Screening as specified in the Article mentioned previously.
- 5.) Show compliance with Article 14-8.4(J)(3) "Buffer for Nonresidential Development Abutting Residential".

EXHIBIT *B-2*

City of Santa Fe, New Mexico

memo

DATE: December 3, 2012
TO: Donna Wynant, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-125 504 St. Francis Rezoning to C-4

The subject property is accessible to the City sanitary sewer system:

Additional Comments:

1. The Wastewater Division has no objection to the rezone.

EXHIBIT B-3

City of Santa Fe, New Mexico

memo

DATE: December 20, 2012
TO: Donna Wynant, AICP
FROM: Randall Marco
SUBJECT: Case # 2012-125: 504 St. Francis

Case # 2012-125: Must bring refuse & recycling to an area and or street where service is already being rendered.

EXHIBIT *B-4*

City of Santa Fe, New Mexico

memo

DATE: December 20, 2012
TO: Donna Wynant, AICP
FROM: Sandy Kassens, Engineer Assistant
SUBJECT: Case # 2012-125

The Traffic Engineering Division has no comments on the 504 S. St. Francis Dr.
Rezoning to C-4, Case # 2012-125.

EXHIBIT B-5

City of Santa Fe
memo

DATE: December 12, 2012
TO: Donna Wynant, Land Use Planner Senior, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case 2012-125 504 S. St Francis Drive Rezoning

There is no issues with regard to City water infrastructure. The rezoning of the property does not impact water infrastructure. All requirements with regard to water service will need to be complied with for water service.

EXHIBIT *B-6*

City of Santa Fe, New Mexico

memo

DATE: December 12, 2012

TO: Case Manager: Donna Wynant

FROM: Reynaldo Gonzales, Fire Marshal *RDG*

SUBJECT: Case # 2012-125 504 S. St. Francis Drive Rezoning

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. Must comply with IFC 2009 edition.
2. A change of occupancy will require any existing building/s to be brought up to code.
3. Must have 20 feet fire department access lane and gate.

EXHIBIT *B-7*

Future Land Use



504 St. Francis:
Future Land Use-Office Use

Legend

- City Limits
- Airport Clear Zones
- 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

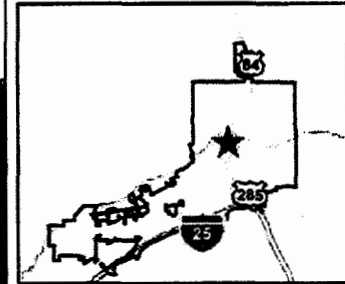
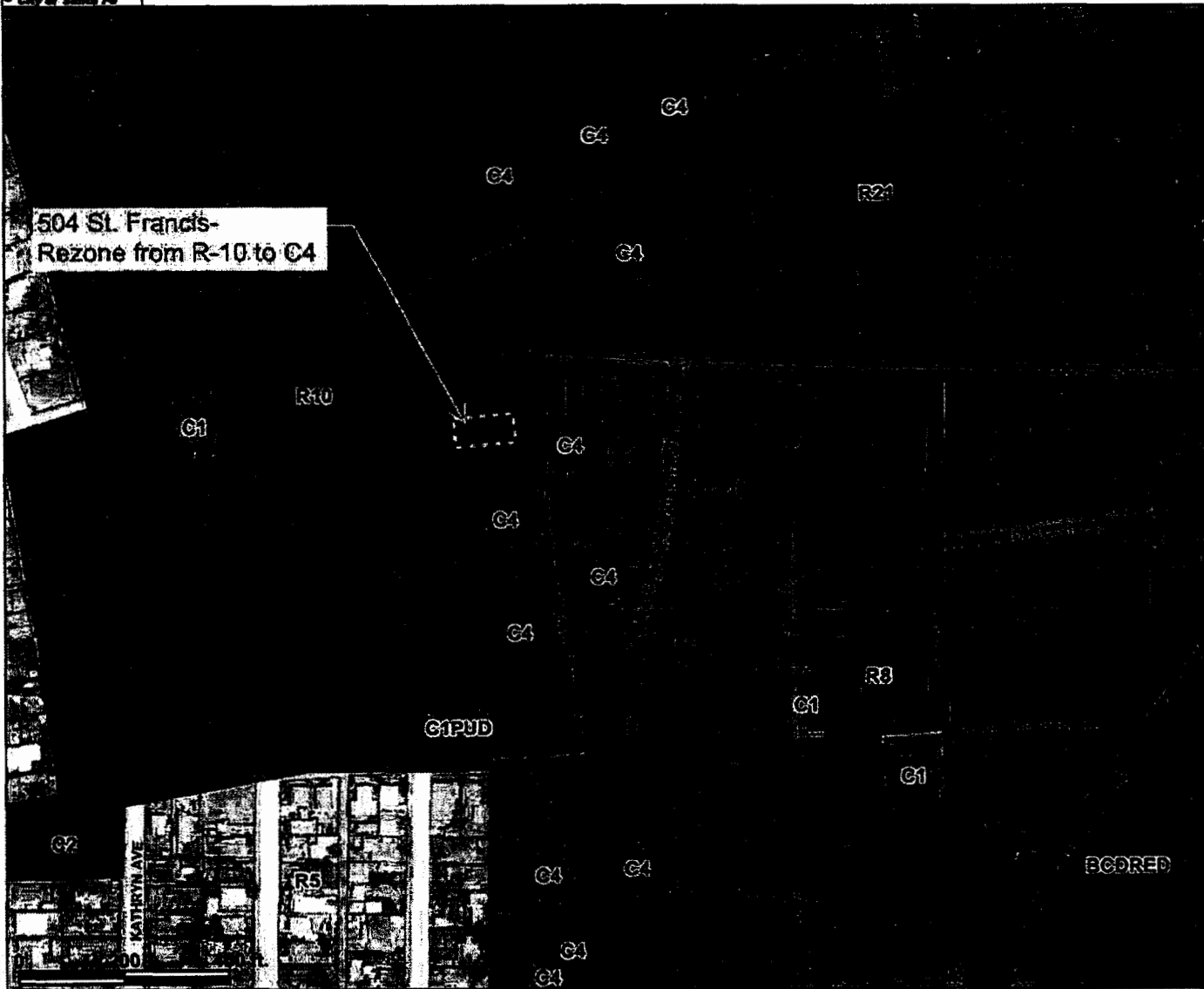
Scale: 1:14,129



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.



504 St. Francis



Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-8du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RCS, RCSAC Compound 5du/ac
- RCS, RCSAC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R28, (PUD),(AC) Multiple - Family 28du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park

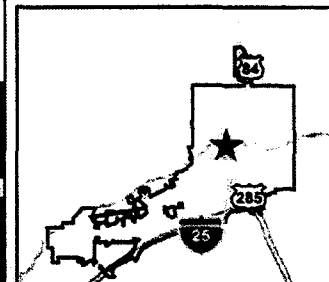


Scale: 1:3,532

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504 St. Francis



Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Major Roads and Highways

Other Roads and Streets

2011 Aerial Photography - 1 foot resolution



Scale: 1:735

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.



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	504 St. Francis Rezoning
<i>Project Location</i>	504 St. Francis
<i>Project Description</i>	504 St. Francis Rezoning from R-10 to C-4
<i>Applicant / Owner</i>	Gil Gonzales
<i>Agent</i>	Michelle LaBounty represented Mr. Gonzales
<i>Pre-App Meeting Date</i>	February 23, 2012
<i>ENN Meeting Date</i>	October 1, 2012
<i>ENN Meeting Location</i>	Santa Fe Public Library (Main Branch Community Room)
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant, AICP
<i>Attendance</i>	Three plus applicant's rep and one City staff person

Notes/Comments:

The meeting began with introductions by the applicant's representative, Michelle LaBounty, City staff and three members of the public. Staff reviewed the Early Neighborhood Notification (ENN) process and reviewed the proposed schedule for the application.

Questions raised included a question as to the types of uses permitted in the C-4 district. One of the neighbors expressed concern about possible alcohol sales which Ms. LaBounty stated was not part of this request. A member of the audience asked questions about the future of the area along St. Francis and questioned whether or not several properties could rezone their property. Staff responded that yes, a group application is possible, involving more than one property. The application would have to be clearly stated as such, with proper notification and site plan to show the proposed development of the overall property. Ms. LaBounty pointed out how the property and the small structure was cleaned up and improved for a small office. No enlargements are planned.

With no more questions from the group, the meeting concluded at approximately 6:15 pm.

EXHIBIT D-1



ENN GUIDELINES

Authorized Agent for Applicant:

Michelle La Bounty

433 Camino Don Miguel 501-5314

Email: ShellaLabounty@hotmail.com

Applicant Information

Project Name: 504 St. Francis Drive

Name: Gonzales

Gil

Last

First

M.I.

Address: 433 Camino Don Miguel

Street Address

Suite/Unit #

Santa Fe

NM

City

State

ZIP Code

Phone: (505) 699-3006

E-mail Address:

gjgonzales@comcast.net

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, 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, landscaping, lighting, access to public places, open spaces and trails.

N/A → No additions to be made.

(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.

N/A → remodel improved property appearance.

(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.

N/A → remodel was in keeping w/ traditional aesthetic of Santa Fe style home.

(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.

Between residences → However area in transition w/in C-4 overlay of general plan.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.

w/in C-4 allowed uses The traffic impact would be minimal.

(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.

Positive - job creation. Improvement on busy street.

(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.

N/A

(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.

Positive → brought in all new utility lines.
No significant impact on fire/police/school.

(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.

New Lines.

Small irrigation system for landscape improvements

(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.

Converting residence to C-4 zoned uses that improve property. Creating job opportunities.

(k) EFFECT ON SANTA FE'S URBAN FORM For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.

Follow through w/ C-4 overlay w/ plan.

(l) ADDITIONAL COMMENTS (optional)

Keep existing structure as is.

Make property more desirable as small business opportunity.

As small C-4 zoned business less impact on neighbors.

instead of developing as multi-family use w/ current R-10 zoning.



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: 504 St. Francis

Meeting Date: 10/1/12

Meeting Place: Public Library

Meeting Time: 5:00

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 CAROLYN KASTNER	517 A Sunnita St. 87501	carolyn.kastner@gmail.com
<input type="checkbox"/>	2 Barbara Conroy	934 Dunlap 87501	bconroy@earthlink.com
<input type="checkbox"/>	3 Virginia L. Morgan	9420 Adm. Nimitz NE Alb. NM	
<input type="checkbox"/>	4		
<input type="checkbox"/>	5		
<input checked="" type="checkbox"/>	6 Michael LaBarge	423 Camino Don Miguel	shellabounty@hotmail.com
<input type="checkbox"/>	7	↓ applicant agent.	
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Donna Weyant
Printed Name of City Staff in Attendance

Donna Weyant
Signature of City Staff in Attendance

10/1/12
Date

This sign-in sheet is public record and shall not be used for commercial purposes.

November 21, 2012

Tamara Baer, Planner Manager
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: LETTER OF INTENT FOR 504 ST FRANCIS DRIVE, SANTA FE, NEW MEXICO

Dear Tamara:

The intent of use for the property located on 504 St. Francis Drive .1246 acres, is to change existing zoning of R-10 to C-4. There are no plans at this time for additions. The change in zoning will allow for property to be rented as a small business opportunity. (See proposed development plan for parking accommodations, etc.)

As the structure exists on the property, with proximity to heavily trafficked St. Francis Drive it is not conducive to residential living. The property is well with-in the C-4 overlay zone.

This application is submitted for consideration by the Planning Commission at their meeting of January 10, 2013.

BACKGROUND & PROJECT SUMMARY

The property at 504 St. Francis is located in an area of transition from residential to light commercial use. The city has been aware of the change and need to convert some properties from existing residential zoning to a more flexible C-4 Zoning, hence the C-4 overlay area. Already in proximity to 504 St. Francis there is a hair salon, a chocolate shop, a massage therapist etc.

The property with it existing zoning would need to be developed further to rent and use as multi-family living space. However with the C-4 upgrade in zoning no development would need to be done to property to make it a desirable rentable location. Mr. Gonzales believes this change in zoning would have a lesser impact on his residential neighbors while still allowing for safe use of the property. The property as it is currently zoned, with structure proximity so close to heavily trafficked St. Francis Drive is not conducive to residential living. However, with the lot size and parking plan it is conducive to a small business allowed within C-4 usages. Please refer to the attached submittal plans,

which include an aerial photograph and site plan showing the layout of the existing building and parking.

The process of rezoning this property has been followed; all requirements have been met, all infrastructure has been upgraded to meet with the new proposed usage, i.e., all new utility lines. The ENN guidelines have been filled out and the impact on the area for this change in zoning is minimal.

The property appearance has been upgraded from deteriorating to a quintessential Santa Fe Style casita, complete with landscaping and historic iron fence. Mr. Gonzales was sensitive to keeping the property in the charm we all seek in Santa Fe.

REZONING

The request to rezone from R-10 to C-4 (Limited Office, Retail and Arts and Crafts District), will bring the zoning into compliance with the future land use designation for this portion of St. Francis. It will allow a new tenant to get established in existing building.

Outlined below are the responses to the Rezone Criteria in Section 14-3.5(C) of the Santa Fe Land Development Code.

(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.

Future Land use for this portion of St. Francis Dr. has been designated C4 overlay

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

Yes, the general plan has established this area C4 overlay

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

Yes, all requirements have been met

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

Yes, the rezoning to C-4 is in compliance with the Future Land Use Map that depicts this section of St. Francis as the C-4 Overlay.

- (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.*

Yes, all complies with land use criteria

- (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.*

We plan no changes to the footprint of the existing structure. It will not impact any of the above.

(D) Additional Applicant Requirements

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

There will be less impact if used as small office or related than if used as full time residence

- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

The intended use as small office or related will not require expansion of streets etc.

The following documentation is submitted herewith for your review:

1. Rezoning Application
2. Warranty Deed
3. Aerial Photograph
4. Future Land Use Map
5. Zoning Map
6. Site Plan – 6 copies + PDF
7. Fees in the amount of \$1,000 for the Rezone Application.

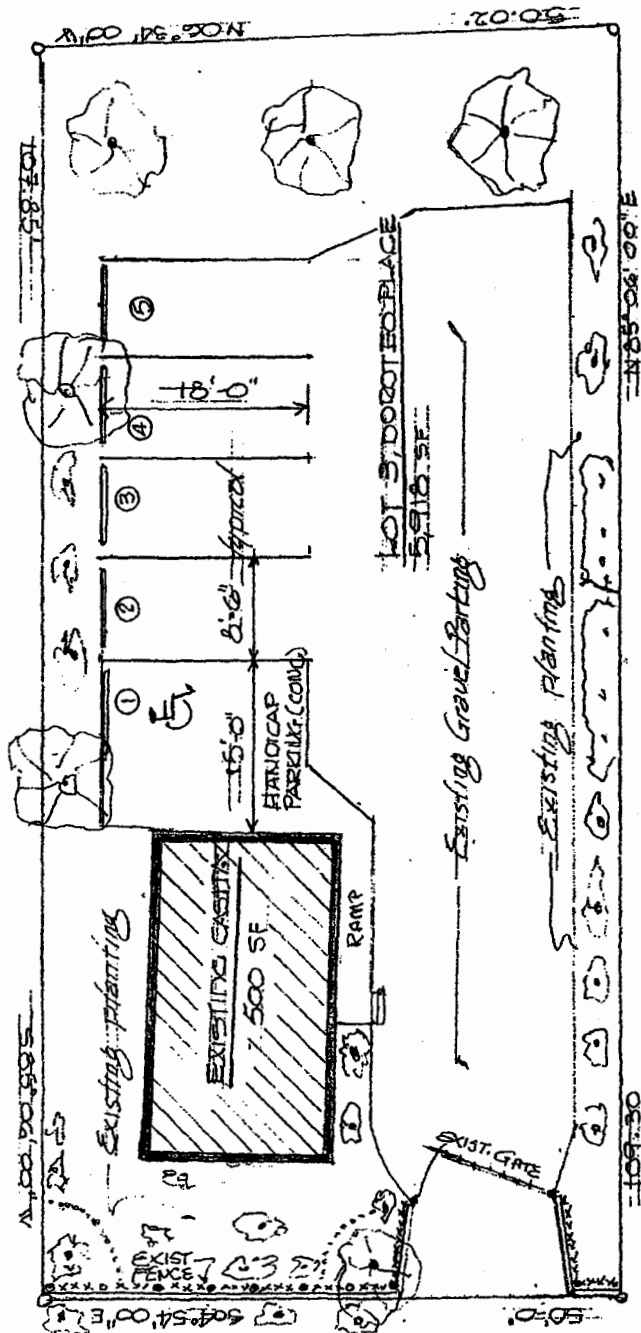
Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gil Gonzales', with a stylized, flowing script.

Gil Gonzales
433 Camino Don Miguel
Santa Fe, NM 87505
699-3006
gigonzales@comcast.net



NORTH
SCALE
1" = 10'

PROPOSED DEVELOPMENT PLAN
710 ST. FRANCIS DRIVE
DEV USE: BUS. & PROFESSIONAL OFFICE
MEDICAL & DENTAL OFFICES

EXHIBIT E-2

Photographs of 504 St. Francis Drive

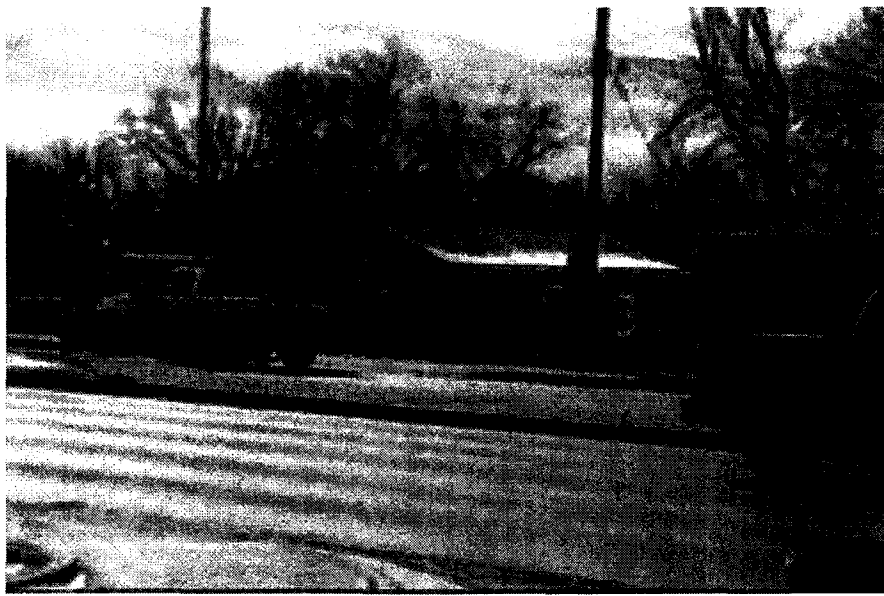


Figure 1: 504 St. Francis, as viewed from across St. Francis at Manhattan Ave.

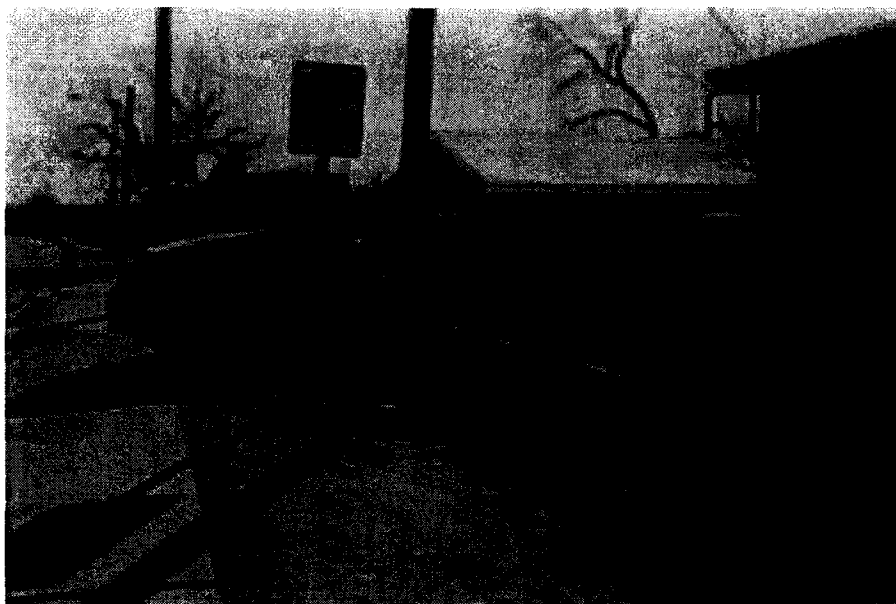


Figure 2: Entry into 504 St. Francis.

EXHIBIT F-1

Photographs of 504 St. Francis Drive

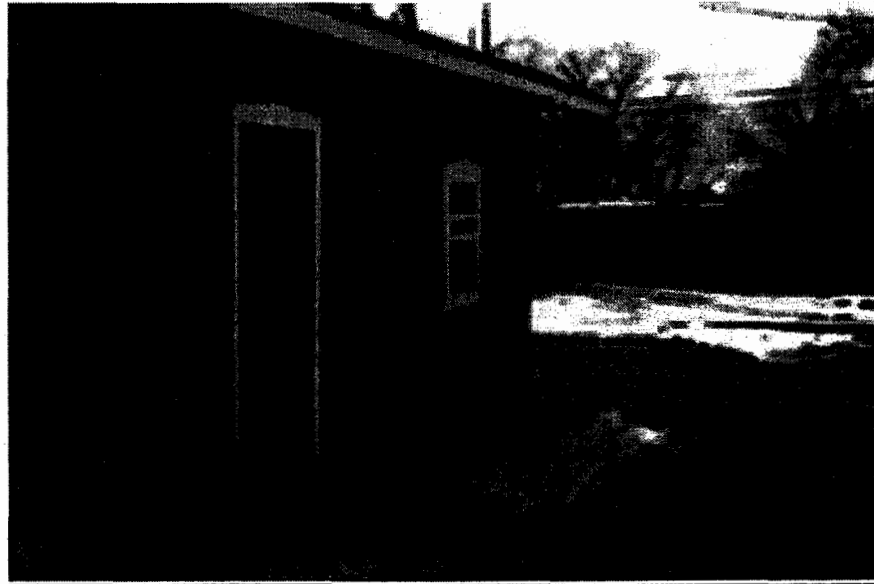


Figure 3: Entrance into north side of structure.



Figure 4: View of 504 St. Francis along north property line.

Photographs of 504 St. Francis Drive



Figure 5: View of property from the south.



Figure 6: South property line as seen from 506 St. Francis.

C-4 Limited Office, Retail and Arts and Crafts District

(1) Purpose

The C-4 limited office, retail and arts and crafts district is district provides a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect residential property owners who are adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

(2) Boundaries

(a) Only property within a C-4 zoning eligibility area, as shown on the official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual parcels shall follow the procedures in Section 14-3.5.

(b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-3.3.

(3) Rezoning Requirements

Rezoning to C-4 requires consideration and approval by the planning commission and governing body of a development plan for the property as provided in Section 14-3.8.

Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Barber shops & beauty salons
4. Boarding, dormitory, monastery
5. Business & professional offices (no medical, dental or financial services)
6. Cabinet shops (custom)
7. Clubs & lodges (private) ✧
8. Colleges & universities (non-residential)
9. Continuing care community
10. Correctional group residential care facility ✧
11. Daycare; preschool; for infants and children (6 or fewer)
12. Electrical distribution facilities
13. Electrical substation
14. Electrical switching station
15. Electrical transmission lines
16. Foster homes licensed by the State
17. Group residential care facility
18. Group residential care facility (limited)
19. Kennels ✧

20. Medical & dental offices & clinics
21. Museums
22. Neighborhood & community centers (including youth & senior centers)
23. Nursing, extended care convalescent, recovery care facilities
24. Personal care facilities for the elderly
25. Public parks, playgrounds, playfields
26. Religious, educational & charitable institutions (no schools or assembly uses)
27. Religious, educational & charitable institutions (no schools or assembly uses) ☼
28. Rental unit; short term
29. Restaurant; fast service, take out, no drive-through or drive-up (not to exceed 1,000 square feet gross floor area; no alcohol sales)
30. Schools; elementary & secondary (public & private) ☼
31. Schools; vocational or trade (non-industrial)
32. Sign shops
33. Tailoring & dressmaking shops
34. Veterinary establishments & pet grooming ☼

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in C-4 districts subject to a Special Use Permit:

1. Colleges & universities (residential)
2. Daycare; preschool; for infants & children (more than 6)
3. Grocery stores (neighborhood)
4. Laundromats (neighborhood)
5. Mobile home permanent installation
6. Sheltered care facilities (?)
7. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in C-4 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Minimum district size

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.
- Single-Family
 - Where the *lot* size is between two thousand (2,000) and three thousand (3,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for qualifying *common open space*, all divided by the number of single *family lots*, equals no less than three thousand (3,000) square feet.
- Multiple-Family
 - *Qualifying common open space* is required at a minimum of two hundred fifty (250) square feet per unit.

Maximum height: 24 feet – see also Table 14-7.3-1, note 6 below

Minimum setbacks: Table 14-7.3-1, note 6: Within 10 feet of a side or rear property line, no point on a structure shall be higher than 12 feet above the finished grade at the closest point on the perimeter of the structure. Within 15 feet of any property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point on the perimeter of the structure.

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

Residential uses: Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less

Max lot cover:


Non-residential uses: 60

Residential uses: 40

Ms. Baer said they did it in a couple of ways. If new construction was done, the note on the legal lot of record would be attended to. It would be more difficult for an existing home coming in for remodeling.

Ms. Baer pointed out that based on the rules adopted March 1, 2012 a new rule applied to this subdivision that applicants didn't need a variance for accessing eight or fewer lots on a single driveway but if there was a further split on that road it would require a variance.

Commissioner Lindell moved to approve Case 2012-43, Holmes Family Transfer Subdivision with all staff conditions of approval. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

- 
2. **Case #2012-125. 504 S. St. Francis Drive Rezoning to C-4.** Gil Gonzales requests rezoning of 0.12± acres from R-10 (Residential, 10 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property was located at 504 S. St. Francis Drive and was within the C-4 eligibility area. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for 504 S. St. Francis Drive rezoning from R-10 to C-4. She indicated the size of the property was 50' wide by 180' deep and included a 500 sq. ft. structure. The C-4 eligibility overlay area stretches from Cerrillos Road to West Alameda.

Ms. Brennan voiced a point of order that the applicant was not present and recommended the case be tabled.

Ms. Wynant responded that the applicant's representative, Ms. Michelle Labounty, was authorized to speak for the applicant and was present.

Ms. Wynant continued her presentation, saying the surrounding zoning was R-10 and across St. Francis. It once was RM-1 which was a major down zoning on Juanita Street in 2009. The subject property was outlined in yellow on her map. The lot was small but it had room for 5 parking spaces and some landscaping next to what was still zoned residential. She shared some views of the site. The structure had a pitched roof and to the north was the entry. The Fire Department requires widening to 20' but at this location they could pull up and stretch their hoses the full length of the lot (150').

The site plan outlined the structure and a little gate in green. The gate would have to be widened if there were changes made to the property. The landscaping to the rear which the applicant would have to specify was not in the packet. There would be some plantings in front too

The C-4 overlay was to allow properties on this major street to have limited office, retail and A/C which wouldn't generate lots of traffic. (She read from the ordinance).

Staff supported the rezoning, subject to the conditions of approval outlined in the staff memo.

Present and sworn was Ms. Michelle Labounty, 423 Camino San Miguel, who offered to answer questions.

There were no speakers from the public regarding this case and Chair Spray closed the public portion of this case.

Commissioner Harris asked Ms. Wynant about the conditions from technical and landscape as the exhibit was not quite complete. He asked when it said "shows compliance" if that meant there should be landscaping installed.

Ms. Wynant agreed. They had a lot of discussion about C-4 in general and it was difficult for some small properties to meet landscape requirements. The reviewer looked at all the requirements and noted a section that looked at alternate requirements and staff determined that more information was needed. The applicant has a very small structure and enough parking to put in landscaping. It might not be a 15' strip particular to the south where there were two houses that need to be screened.

Ms. Baer said in order for the property to use the structure for commercial or office use they would have to do work through the building permit process and get a business license and certificate of occupancy so this would be seen again at the building permit process to work out the final details on landscaping.

Commissioner Harris asked if there would no improvements required as a result of rezoning.

Ms. Baer said they were required but the question was when he would have to meet them. They must be completed by the time of building permit. It was empty now.

Ms. Labounty said Mr. Gonzales did detail trees that would be planted there if approved.

Chair Spray asked Ms. Wynant if the map for the C-4 eligibility area would be referred to future land use. Ms. Wynant agreed. The eligibility overlay was identified on the future land use map. It was actually listed as office but other uses could potentially be done there as long as it fit the site. Mr. Gonzales was interested in a small business office but didn't specify the type of business.

Chair Spray asked if the C-4 eligibility would make it part of the General Plan.

Ms. Baer said it would not. It was just a mapped area showing which parcels were eligible. They still had to go through the rezoning process. The future land use was adopted by resolution but C-4 mapping was integral to the Chapter 14 ordinance.

Chair Spray noted regarding criteria on rezoning, particularly #2, that it said this was less than 2 acres. But this was a very small parcel and it said C-4 wasn't restricted by size and asked how that applied.

Ms. Baer explained that many of these parcels were very small and nothing in the C-4 code that required a property to have a minimum size. It was created in response to the taking of St. Francis and many were originally larger in size so the taking created many small parcels on St. Francis Drive.

Chair Spray had an issue with it. It was laid out but he was not sure how that dealt with the acreage issue. He appreciated the intent but it looks like zoning in an area that would be prohibited based on the acreage. It wasn't quite clear to him what would override it.

Ms. Baer agreed there was a bit of conflict in the code and the intent of C-4 was that it superseded that requirement.

Ms. Brennan said typically the general always gives way to the more specific so the C-4 would control. Rezoning was a general standard but C-4 was specifically created with smaller lots in mind and didn't carry that 2 acre restriction so it would control.

Commissioner Bemis commented that with the volume of traffic and access in and out it could be a problem for smaller businesses and asked if that had been considered at this parcel.

Ms. Baer said there was only one way to access and that access was already there.

Commissioner Lindell moved to recommend to the Governing Body approval of Case 2012-125 subject to the conditions of approval recommended by staff. Commissioner Villarreal seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.

3. Case #2012-137. 4327 Airport Road Rezoning to C-2. Robert Home requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property was located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)

Ms. Wynant provided the staff report. She said this property included a structure previously used as a Bridgestone Tire store. In 2001 the Board of Adjustment approved a special exception to change the general commercial to office space and approved a variance on parking spaces from the required seven to three parking spaces.

The site was located within a mix of types of uses. The designation was transitional mixed use. It lies between Calle Atajo and a higher R district for apartments to the west. The zoning follows along with that. It was within R-1 but this parcel was small.

There was parking in front of the structure. Mr. Home converted it to a photo studio and was using parking spaces on the east side.

City of Santa Fe, New Mexico

memo

DATE: January 30, 2013 for February 13, 2013 City Council Meeting

TO: City Council

VIA:

Robert Romero
Robert Romero, City Manager
Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planning Manager, Current Planning Division *TB*

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

Case #2012-137. 4327 Airport Road Rezoning to C-1. Robert Horne requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)

RECOMMENDATION

The Planning Commission on January 10, 2013 recommended **APPROVAL WITH CONDITIONS** for Rezoning of 0.33± acres located at 4327 Airport Road to C-1 (Office and Related Commercial).

An Early Neighborhood Notification was held on 9/11/12. The neighbors in attendance appeared to be in support of the rezoning request but had questions concerning the future of the surrounding area and if this rezoning request involved the larger parcel surrounding it, which it does not.

SUMMARY

The applicant seeks to rezone 0.33± acres of land located west of Calle Atajo at 4327 Airport Road from R-1 (Residential – 1 dwelling unit/acre) to C-1 (Office and Related Commercial) to allow him to lease part of the existing building for an office use. The property has historically been used for commercial purposes, including a Bridgestone/Firestone tire store from the mid-1950s, pre-dating City zoning, to 1999 and from 1999 to the present, the applicant's photography business, "Images by David's", formerly "David's Photography Studio". In 2001

Exhibit "B"

the Board of Adjustment granted the applicant a Special Exception to convert the nonconforming use from general commercial to office, together with a parking variance from the 7 spaces required to 3. The property has been in continuous commercial use since the 1950s. The rezoning would grant conforming status to this longstanding use of the property.

Throughout this period many properties fronting on Airport Road have been rezoned for commercial and office uses, altering the character of Airport Road from a largely residential area to a commercial corridor serving the needs of the area's fast-growing residential development. While the original request was for C-2 zoning, discussion with the Land Use Department staff to revise the request to C-1 zoning was agreed to by the applicant, which would legally permit the existing use and would allow other non-intensive uses to be established on the property. Rezoning the property to C-1 will be more advantageous to the community in that it will permit as a conforming use an existing business that has served the community from the Property since 1999 and will provide space for another business serving the local community consistent with the continuing development of Airport Road as a commercial corridor serving the area's growing residential development.

Attachments:

- Exhibit 1 Planning Commission Findings of Fact, Approved 2/7/13
(Case #2013-137)
- Exhibit 2 Draft Rezoning Bill- C-1
- Exhibit 3 Planning Commission Staff Report w/attachments- 12/24/12
- Exhibit 4 Planning Commission Minutes – 1/10/13

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

Case #2012-137 – 4327 Airport Road Rezoning
Owner Applicant's Name – Robert Horne

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of Robert Horne (Applicant).

The Applicant seeks to rezone 0.33± acres of land located west of Calle Atajo at 4327 Airport Road (Property) from R-1 (Residential – 1 dwelling unit/acre) to C-1 (Office and Related Commercial) to bring the Property into zoning conformance, which will allow him to lease part of the existing building for an office use. The Property has historically been used for commercial purposes, including a Bridgestone/Firestone tire store from the mid-1950s, pre-dating City zoning, to 1999 and from 1999 to the present, the Applicant's photography business, "Images by Davids", formerly "David's Photography Studio". In 2001 the Board of Adjustment (BOA) granted the Applicant a Special Exception to convert the nonconforming use from general commercial to office, together with a parking variance from the 7 spaces required to 3.

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

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 September 11, 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 on October 9, 2012 at the Southside Public Library on Jaguar Drive.
9. Notice of the ENN meeting was properly given.

EXHIBIT 1

10. The ENN meeting was attended by the Applicant and other interested parties, with telephonic follow-up by City staff 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)].*

The Property was annexed in 1981 with R-1 zoning, which is applied to all property upon annexation, but with an existing nonconforming general commercial use which continued from the 1950s until 1999, when it was converted to a less-intense office commercial use, which became conforming with respect to the Applicant's business in 2001 with BOA approval of a Special Exception permitting that use and related parking variance.

Throughout this period many properties fronting on Airport Road have been rezoned for commercial and office uses, altering the character of Airport Road from a largely residential area to a commercial corridor serving the needs of the area's fast-growing residential development. Rezoning the Property to C-1 will be more advantageous to the community in that it will permit as a conforming use an existing business that has served the community from the Property since 1999 and will provide space for another business serving the local community consistent with the continuing development of Airport Road as a commercial corridor serving the area's growing residential development.

- (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 future land use designation for the Property as "Transitional Mixed Use".

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

The proposed rezoning is consistent with the Plan's "Transitional Mixed Use" future land use designation for the Property and will permit as a conforming use an existing business that has served the community from the Property since 1999 and will provide space for another business serving the local community consistent with the continuing development of Airport Road as a commercial corridor serving the area's growing residential development.

- (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)];*

While the Property is not currently connected to City water or sewer, existing infrastructure, including water and sewer, is sufficient to serve the minimal impact resulting from the rezoning.

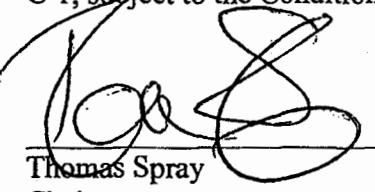
CONCLUSIONS OF LAW

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 meeting 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.

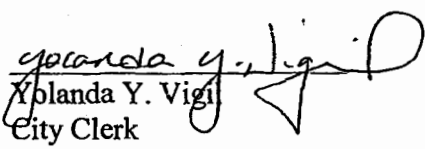
WHEREFORE, IT IS ORDERED ON THE 7TH OF FEBRUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

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 C-1, subject to the Conditions.


Thomas Spray
Chair

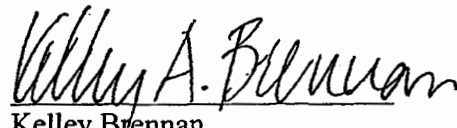
2/7/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

2-8-13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

2/7/13
Date:

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-10

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FROM R-1 (RESIDENTIAL, 1
DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL
DISTRICT); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A
CERTAIN PARCEL OF LAND COMPRISING 0.33± ACRE LOCATED ON THE
NORTH SIDE OF AIRPORT ROAD, WEST OF CALLE ATAJO ("4327 AIRPORT
ROAD" REZONING CASE NO. 2012-137).**

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, is restricted to and classified C-1 (Office and Related Commercial):

A parcel of land comprising 0.33± acre generally located on the north side of Airport Road, west of Calle Atajo, and more fully described in EXHIBIT A attached hereto and incorporated by reference, located in Section 06, T16N., R9E, N.M.P.M., Santa Fe County, New Mexico,


EXHIBIT 2

1 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
2 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth
3 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 as EXHIBIT B
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
7 conditions recommended by the Planning Commission on January 10, 2013.

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

10 **APPROVED AS TO FORM:**

11 
12 _____
13 GENO ZAMORA, CITY ATTORNEY

BILL NO. 2013-10
Exhibit A
4357 Airport Road
Legal Description for C-1 Zoning

A parcel of land lying within section 06, T.16 N., R.9 E., N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

Plat of Survey for Robert W. Horne, 524 Airport Road, within a portion of S.H.C. No. 435, Tract 3, in a portion of sections 6, and 7, Township 16 North, Range 9 East, N.M.P.M City of Santa Fe, State of New Mexico.

Containing 0.33± acre more or less.

4327 Airport Road – DRT Conditions of Approval
Rezoning from R-1 to C-2
(recommendation by Planning Commission, on 1/10/13, to rezone to C-1)

Comments	Department	Staff
Any significant increase in intensity in use shall provide sufficient parking on site.	Land Use	Donna Wynant
The existing property is served by an on-site septic system and is not accessible to the City sewer system at this time. Applicant should verify that existing septic system is adequate for proposed use.	Wastewater	Stan Holland
1. Must comply with IFC 2009 edition. 2. A change of occupancy will require any new/existing building/s to be brought up to code.	Fire Marshal	Reynaldo Gonzales, Fire Marshal
At the time of development of the surrounding property, the City of Santa Fe may require the owners of the surrounding property to grant access to Lot 2 from Calle Atajo. If the City elects to do this, the City may also further restrict or prohibit direct access to Lot 2 from Airport Road.	Traffic Engineering	John Romero, Traffic Engineer, (Sandra Kassens)
Case #2012-137 must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
There are no issues with regard to City water infrastructure. The rezoning of the property does not impact water infrastructure. All requirements with regard to water service will need to be complied with for water service.	Water Division	Antonio Trujillo

EXHIBIT

[Signature]

City of Santa Fe, New Mexico

memo

DATE: Prepared December 24, 2012 for the January 10, 2013 Planning Commission Meeting

TO: Planning Commission

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

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

Case #2012-137. 4327 Airport Road Rezoning to C-2. Robert Horne requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property is located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)

RECOMMENDATION

The Land Use Department recommends rezoning to **C-1 WITH CONDITIONS** as outlined in this report. The applicant has agreed to request C-1 zoning. (See Exhibit E-3)

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

I. EXECUTIVE SUMMARY

The subject property is located at 4327 Airport Road, just west of Calle Atajo. It is 0.33± acres in size and includes a 2,950 square foot building previously used as a Bridgestone/Firestone tire store from the mid-1950s to 1999. The current owner, Robert Horne, purchased the property in 1999 for his photo studio, "Images by David's," (formerly David's Photography Studio), but leased the property to the existing tire store for 2 years. In 2001, the Board of Adjustment reviewed and approved his request for a Special Exception to permit the change of the nonconforming use from general commercial to office space and a parking variance from the required 7 parking spaces to 3 spaces. The commercial use pre-dates City zoning. The property has been in continuous commercial use since the 1950s. The rezoning would grant conforming status to this longstanding use of the property. The requested C-1 zoning would

allow the applicant to continue the use of the existing structure as a photography studio and to rent the 400 square foot front wing of the structure.

The property is bounded on all sides by various residential densities with office and commercial land on the south side of Airport Road across from the property. Surrounding zoning includes R-1, immediately north, east, and west of the property, R-29 further to the west and R-7 PUD to the east, across Calle Atajo. I-1 Light Industrial, R-1 and C-2 zoning are to the south across Airport Road. The large (10.67± acre) parcel which surrounds the subject property and from which this lot was originally created is vacant.

An Early Neighborhood Notification was held on 9/11/12. The neighbors in attendance appeared to be in support of the rezoning request but had questions concerning the future of the surrounding area and if this rezoning request involved the larger parcel surrounding it, which it does not.

While the original request was for C-2 zoning, discussion with the Land Use Department staff to revise the request to C-1 zoning was agreed to by the applicant, which would legally permit the existing use and would allow other non-intensive uses to be established on the property.

II. 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: *The original zoning remained the same when the Board of Adjustment granted a special exception in 2001 to permit the change of a nonconforming use from a commercial tire store (Bridgestone/Firestone) to office use (Images by David's). A variance was also granted from the required 6 spaces to 3 spaces to permit the changes of a nonconforming use from a commercial tire store to office use.*

Staff response: The property was annexed in 1981 and was zoned R-1 at that time. The zoning could be considered a "mistake in the original zoning" since the assigned R-1 zoning did not reflect the existing and continued nonresidential use for which the structure is designed. It could be said that a further mistake was made in 2001 by allowing a special exception for a use that did not qualify for a SE under the R-1 zoning. The use at that time was legal non-conforming

and the BOA in approving the SE recognized the existing legal non-conforming use and the new, less intense use.

(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 property immediately surrounding my property is R-1. However, many of the properties along Airport Road have been zoned to some type of non-residential zoning district since I established my business on Airport Road.*

Staff response: Staff concurs with the applicant's response. Many zoning changes have occurred over the past decade along Airport Road to accommodate new commercial and office development. Zoning along Airport Road consists of a variety of districts ranging from residential districts to industrial, commercial and industrial districts.

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

Applicant response: *A commercial building, just under 3,000 square feet in size on a major arterial such as Airport Road zoned R-1 Single Family Residential, places unnecessary restrictions on the property. The C-2 General Commercial District will allow the property to be in line with the general plan of the City of Santa Fe, and will allow me to rent the front space of my commercial building.*

Staff response: The applicant was granted a special exception by the Board of Adjustment over 12 years ago to establish his photo studio business on the property. The applicant did substantial improvements to the structure and property at that time, but as a nonconformity was restricted to office use and to repairs and maintenance only provided the building was not increased in size. The C-1 district, as recommended, would give more flexibility to the property as to how it can be used.

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

Applicant response: *Yes.*

Staff response: The structure meets the dimensional requirements (setback, height, lot coverage) of the C-1 district. A parking variance was granted for the photo studio based on its limited use and size.

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

Applicant response: *Yes, the rezoning is in compliance with the Future Land Use Map that depicts the area for Transitional Mixed Use.*

Staff response: The proposed C-1 zoning is in accordance with the City's General Plan future land use designation as Transitional Mixed Use located between the adjacent low and high density residential designations (See Exhibit C-1, Future Land Use map).

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

Applicant response: *No new development (i.e. additions onto the existing building) is proposed or will result from this Rezone application.*

Staff response: Staff concurs with the applicant's response. C-1 zoning will bring the zoning into conformance with the existing use and give greater flexibility to the property for limited commercial use in the future.

- (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: *No new development is proposed or will result from this Rezone application. The property is currently served by existing public infrastructure.*

Staff response: The property is not on City water or City sewer. Any substantial change to the property may be required to connect to City water and to City sewer, at the discretion of the Public Utilities Department. Additionally, redevelopment of the surrounding 10.67± acre property will consider incorporating upgrades for access and utility connections to the subject property.

- (2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:
 - (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
 - (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
 - (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Applicant response: (The applicant didn't respond to this.)

Staff response: The proposed change is consistent with the general plan policies. Though the area is less than two acres, this request is a correction to longstanding commercial use of the property, and is not at the expense of surrounding landowners or general public.

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Applicant response: *The subject property is served by existing infrastructure.*

Staff response: There will be no impact on cost of supporting infrastructure since the property will continue its current use. The Traffic Engineer, however, reserves the right to require the applicant, at the time the adjacent property is developed, to redirect its access to Calle Atajo and away from Airport Road. Also, as noted above, redevelopment of the surrounding property will precipitate consideration of utility and access connection to subject property.

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant response: *There is no need for additional streets, sidewalks, or curbs, as part of this request.*

Staff response: No additional streets or sidewalks will be required. However, as stated above, access to the property may be redirected from Airport Road to Calle Atajo as the adjacent property is developed in the future.

III. CONCLUSION

While the original application was for C-2, the Land Use Department recommends the less intensive C-1 category for office and related commercial uses.

Staff supports the rezoning to the C-1 District which is in keeping with the intent of the General Plan and represents a correction to the Zoning Map of a longstanding commercial use and reflects the existing and potential added uses. Any added or changed uses on the property must provide sufficient parking to accommodate those uses.

IV. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Technical Review Division – City Engineer memorandum, Risana Zaxus
2. Wastewater Management Division memorandum, Stan Holland
3. Fire Marshal memorandum, Reynaldo Gonzales
4. Traffic Engineering Division memorandum, John Romero
5. Solid Waste Division memorandum, Randall Marco
6. Water Division memorandum, Antonio Trujillo

EXHIBIT C: Maps

1. Future Land Use
2. Zoning & Aerial
3. Close-up Aerial Photo

EXHIBIT D: ENN Materials

1. ENN Meeting Notes
2. ENN Sign in Sheet
3. ENN Responses to Guidelines

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Site Plan
3. Letter from Applicant, January 3, 2013

EXHIBIT F: Other Material

1. Photographs of site

4327 Airport Road – DRT Conditions of Approval
Rezoning from R-1 to C-2

Comments	Department	Staff
Any significant increase in intensity in use shall provide sufficient parking on site.	Land Use	Donna Wynant
The existing property is served by an on-site septic system and is not accessible to the City sewer system at this time. Applicant should verify that existing septic system is adequate for proposed use.	Wastewater	Stan Holland
1. Must comply with IFC 2009 edition. 2. A change of occupancy will require any new/existing building/s to be brought up to code.	Fire Marshal	Reynaldo Gonzales, Fire Marshal
At the time of development of the surrounding property, the City of Santa Fe may require the owners of the surrounding property to grant access to Lot 2 from Calle Atajo. If the City elects to do this, the City may also further restrict or prohibit direct access to Lot 2 from Airport Road.	Traffic Engineering	John Romero, Traffic Engineer, (Sandra Kassens)
Case #2012-137 must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
There are no issues with regard to City water infrastructure. The rezoning of the property does not impact water infrastructure. All requirements with regard to water service will need to be complied with for water service.	Water Division	Antonio Trujillo

City of Santa Fe, New Mexico

memo

DATE: December 21, 2012
TO: Donna Wynant, AICP
FROM: Risana B. Zaxus
SUBJECT: Case #2012-137

Regarding Case #2012-137- 4327 Airport Road:

I have no review comments on this rezoning.

City of Santa Fe, New Mexico

memo

DATE: December 5, 2012
TO: Donna Wynant, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-137 4327 Airport Road Rezoning to C-2

The subject property is not accessible to the City sanitary sewer system:

Additional Comments:

1. The existing property is served by an on-site septic system and is not accessible to the City sewer system at this time. Applicant should verify that existing septic system is adequate for proposed use.

EXHIBIT B-2

City of Santa Fe, New Mexico

memo

DATE: December 12, 2012

TO: Case Manager: Donna Wynant

FROM: Reynaldo Gonzales, Fire Marshal *RDG*

SUBJECT: Case # 2012-137 4327 Airport Road Rezoning to C-2

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. Must comply with IFC 2009 edition.
2. A change of occupancy will require any new/existing building/s to be brought up to code.

EXHIBIT B-3

City of Santa Fe, New Mexico

memo

DATE: December 21, 2012
TO: Donna Wynant, AICP
FROM: Randall Marco, Solid Waste
SUBJECT: Case # 2012-137- 4327 Airport Road

Case #2012-137:

Must bring refuse & recycling to an area and or street where service is already being rendered.

City of Santa Fe, New Mexico

memo

DATE: December 14, 2012

TO: Donna Wynant, Planning and Land Use Department

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

FROM: Sandra Kassens, Traffic Engineering Division *SMH*

SUBJECT: 4327 Airport Road Rezoning to C-2. Case # 2012-137.

ISSUE

Robert Horne requests rezoning of 0.33 acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property is located on the north side of Airport Road, west of Calle Atajo.

RECOMMENDED ACTION:

Review comments are based on submittals received on November 28, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. At the time of development of the surrounding property, the City of Santa Fe may require the owners of the surrounding property to grant access to Lot 2 from Calle Atajo. If the City elects to do this, the City may also further restrict or prohibit direct access to Lot 2 from Airport Road.

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

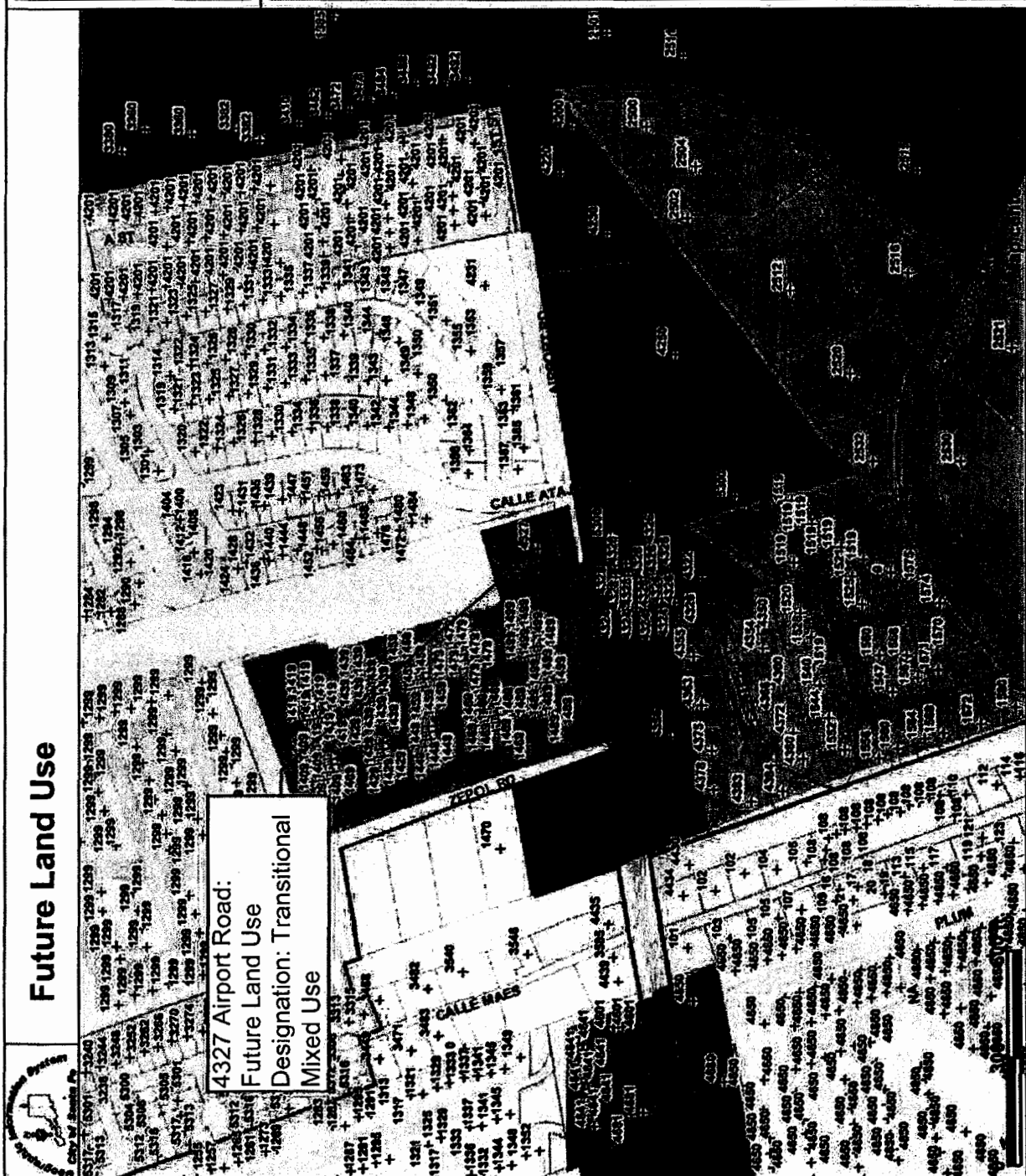
EXHIBIT *B-5*

City of Santa Fe
memo

DATE: December 12, 2012
TO: Donna Wynant, Land Use Planner Senior, Land Use Department
FROM: Antonio Trujillo, ~~Water~~ Division Engineer
SUBJECT: Case # 2012-137 4327 Airport Road Rezoning

There is no issues with regard to City water infrastructure. The rezoning of the property does not impact water infrastructure. All requirements with regard to water service will need to be complied with for water service.

Future Land Use



4327 Airport Road:
Future Land Use
Designation: Transitional
Mixed Use

Legend

- Future Land Use
- Village of Agua Fria THC
- Greater Agua Fria Area
- 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

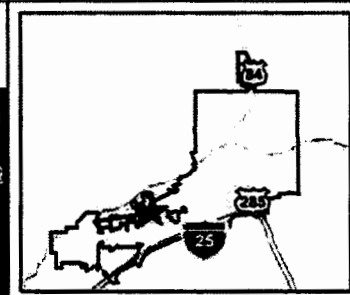
Scale: 1:4,996



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Zoning & Aerial Photo



Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Zoning

RR Rural Residential

R1, (PUD) Single-Family 1du/ac.

R2, (DT), (PUD), (AC) Single - Family 2du/ac

R3, (PUD) Single - Family 3du/ac

R4 Single - Family 4du/ac

R5, (DT), (PUD), (AC), R8 Single - Family 5-8du/ac

R7, (I), (PUD), R8 Single - Family 7-8du/ac

RCS, RCSAC Compound 5du/ac

RC8, RCSAC Compound 8du/ac

R10, (PUD) Multiple - Family 10du/ac

R12, (PUD) Multiple - Family 12du/ac

R21, (PUD) Multiple - Family 21du/ac

R29, (PUD),(AC) Multiple - Family 29du/ac

RAC Residential Arts & Crafts

MHP Mobile Home Park



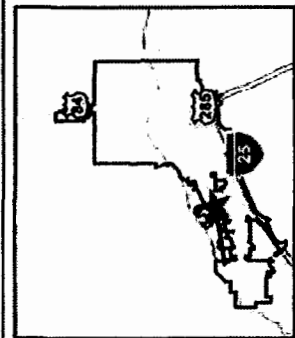
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Aerial Photo- 2011



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Legend

Scale: 1:1,352



**City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes**

ENN

<i>Project Name</i>	Images by David's
<i>Project Location</i>	4327 Airport Road
<i>Project Description</i>	Rezone property from R-1 to C-2
<i>Applicant / Owner</i>	Robert Horne
<i>Agent</i>	same
<i>Pre-App Meeting Date</i>	9/11/12
<i>ENN Meeting Date</i>	10/9/12
<i>ENN Meeting Location</i>	South Side Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant, case manager
<i>Other Staff</i>	
<i>Attendance</i>	3 neighbors

Notes/Comments:

No staff attended this ENN, but follow up calls were made to those in attendance to answer questions and address questions. All of those in attendance were in support of the rezoning request. One neighbor asked if the parcel surrounding the subject property was to also be rezoned to C-2 General Commercial. Staff confirmed that this was not part of the request, only the property at 4327 Airport Road which is .33± acres in size.

ENN MEETING 5:30 pm - 7:30
Discuss - 4327 AIRPORT RD.
Oct. 9, 2012 @ SOUTHSIDE LIBRARY

REZONE FROM A LEGAL NON-CONFORMING USE
IN AN R-1 DISTRICT TO C-2 (GENERAL COMMERCIAL)

NAME	ADDRESS	SIGNATURE
------	---------	-----------

	23439	
Daniel Vigil	PO BOX 23439 SF NM 87502	470-3525
Time 5:43	Concerned About C-2	

DON'T WANT BACHICHA PROPERTY TO BECOME C-2
* FATHER IN-LAW LIVES @ 1464 ACEQUIA BORADA
ADJACENT TO HORSE STABLES (BACHICHA)

TIME	Linda Wilcox Platt Las Acequias	474-8022
6:45	950 Vuelta del Sur SF NM 87507	Board
	Meeting for 1 1/2 acres. Acequia Vista?	
	on Oct 22 5:30 to discuss the property	

out at 7:30 - 10-9-12 Sandy White, reference librarian

CHANGE - PRESIDENT 2012/2013 LAS ACEQUIAS NEIGHBORHOOD ASSOC.

LIDDY PADILLA
4304 ACEQUIAS LN.
SANTA FE NM 87507
424-6929
LIDDYP@Q.COM

APPLICANT / PROPERTY OWNER

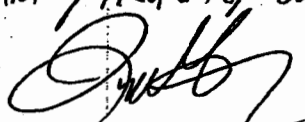
 10-12-12

EXHIBIT D-2
28



ENN GUIDELINES

Applicant Information

Project Name: Images by David's

Name: Horne Robert

Last First M.I.

Address: 4327 Airport Road

Street Address Suite/Unit #

Santa Fe NM 87507

City State ZIP Code

Phone: (505) 982-3546 E-mail Address: Imagesbydavids2@aol.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, 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, landscaping, lighting, access to public places, open spaces and trails.*

The existing single story structure will not be enlarged in order to maintain its scale and keep intact the residential character of the surrounding neighborhood. As such, no adverse effects to the surrounding neighborhoods are anticipated.

- (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 existing landscaping and other property improvements will remain. No adverse effects on the physical environment are anticipated.

- (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.*

Not applicable.

- (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.*

This portion of Airport Road has been designated mixed use on the Santa Fe Future Land Use Map. The existing photography studio has occupied the site since 2001 and is an allowable use under the C-2 Zoning.

- (e) **EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The previous use was a commercial tire store. The property has been operating as a professional photography studio since 2001. As such, no adverse effects to Airport Road are anticipated.

- (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 existing photography studio, Images by David's, has been a fixture in Santa Fe since 1946. Our clients come from Santa Fe as well as all over northern New Mexico, keeping their tax dollars local.

- (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.*

Not applicable.

- (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 the project will contribute to the improvement of existing public infrastructure and services.*

Not applicable.

- (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.*

All roof drainage will be captured via a rain catchment system for irrigating landscaping and site drainage will be detained on site. No adverse impacts to the City's water supply are anticipated.

- (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.*

Not applicable.

- (k) **EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

Not applicable.

(l) **ADDITIONAL COMMENTS (optional)**

November 21, 2012

Tamara Baer, Planner Manager
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: 4327 AIRPORT ROAD, FROM R-1 TO C-2

Dear Tamara:

This letter is submitted in application for a Rezoning of property at 4327 Airport Road. The property is located on the north side of Airport Road, west of Calle Atajo. This application is submitted for consideration by the Planning Commission at their meeting of January 10, 2013.

BACKGROUND & PROJECT SUMMARY

The subject property includes a 2,950 square foot building, with 3 parking spaces. My photography business, Images by David's is all by appointment and I may have 3 or 4 cars in an entire day. I have owned the property since 1999. The property had previously been a commercial tire store since the mid 1950's, so when I purchased the property I assumed it was zoned for commercial use. It wasn't until 2 years later, when I decided to move my photography business there, that I found out that it had been grandfathered in as a tire store but not for any other use. I was then required to go through rezoning. City staff at that time suggested I rezone as a non-conforming use in an R-1 district rather than rezone to C-2. I have taken what was a total eyesore of a building and completely updated it with new windows / doors / stucco / roof, etc. The backyard was 6' to 8' deep in discarded tires when I purchased it. I have since planted shrubbery in that space and use it as a photo park for those of my clients wanting a more environmental look to their portraits.

I decided that with the slow economy I would try to lease the front wing of the building closest to Airport Rd. and had several interested people, since it is a desirable location. But I now find out that the property is not zoned for that.

I am now seeking to bring the zoning of the property into compliance with the current use of the property and to allow me some additional income by leasing the small front wing of the building. I currently have a letter of intent to lease, from a bookkeeper/accountant.

Please refer to the attached submittal plans, which include an aerial photograph and site plan showing the layout of the existing building and parking.

REZONING

The request to rezone from R-1 to C-2, General Commercial, will bring the zoning into compliance with the existing use and the designated future land use designation for this portion of Airport Road. It will also allow a new commercial tenant to get established in the space at the front of the building.

Outlined below are the responses to the Rezone Criteria in Section 14-3.5(C) of the Santa Fe Land Development Code.

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

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

The original zoning remained the same when the Board of Adjustment granted a special exception in 2001 to permit the change of a nonconforming use from a commercial tire store (Bridgestone/Firestone) to office use (Images by David's). A variance was also granted from the required 6 spaces to 3 spaces to permit the change of a nonconforming use from a commercial tire store to office use.

(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 property immediately surrounding my property is R-1. However, many of the properties along Airport Road have been zoned to some type of non-residential zoning district since I established my business on Airport Road.

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

A commercial building, just under 3,000 square feet in size on a major arterial such as Airport Road zoned R-1 Single Family Residential, places unnecessary restrictions on the property. The C-2 General Commercial District will allow the property to be in line with the general plan of the City of Santa Fe. and will allow me to rent the front space of my commercial building.

(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;*

Yes, the rezoning to C-2 is in compliance with the Future Land Use Map that depicts the area for Transitional Mixed Use.

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

No new development (i.e. additions onto the existing building) is proposed or will result from this Rezone application.

- (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.*

No new development is proposed or will result from this Rezone application. The property is currently served by existing public infrastructure.

(D) Additional Applicant Requirements

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

The subject property is served by existing infrastructure.

- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

There is no need for additional streets, sidewalks, or curbs, as part of this request.

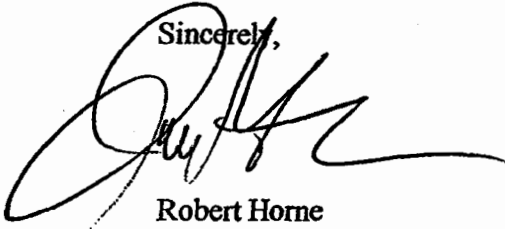
The following documentation is submitted herewith for your review:

- Rezoning Application
- Warranty Deed
- Aerial Photograph
- Future Land Use Map
- Zoning Map
- 6 copies + PDF of the following:
 - Survey of property – proving Legal Lot of Record (2 pages)
 - Site Plan
 - Floor Plan
- Fees in the amount of \$1,000 for the Rezone Application.

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Horne', with a large, stylized initial 'R' and a long horizontal flourish extending to the right.

Robert Horne
Images by David's
982-3546
4327 Airport Road
Santa Fe, NM 87505
Imagesbydavids2@aol.com



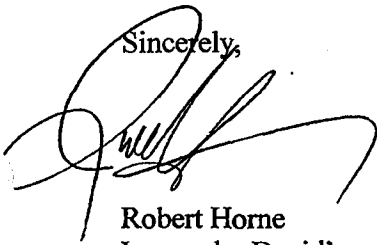
January 3, 2013

Donna Wynant, AICP
Senior Planner
Land Use Department
City of Santa Fe, NM

Dear Ms. Wynant,

Following discussion with Land Use staff regarding my Case #2012-137, 4327 Airport Road Rezoning to C-2, I agree to change my request to the C-1 Office and Related Commercial District instead of the C-2 General Commercial District.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Horne', with a large, stylized flourish extending from the end of the signature.

Robert Horne
Images by David's
4327 Airport Road

EXHIBIT E-3

Photographs of Site



Figure 1: Entrance to photo studio and to vacant space.



Figure 2: Photo Studio

EXHIBIT F-1

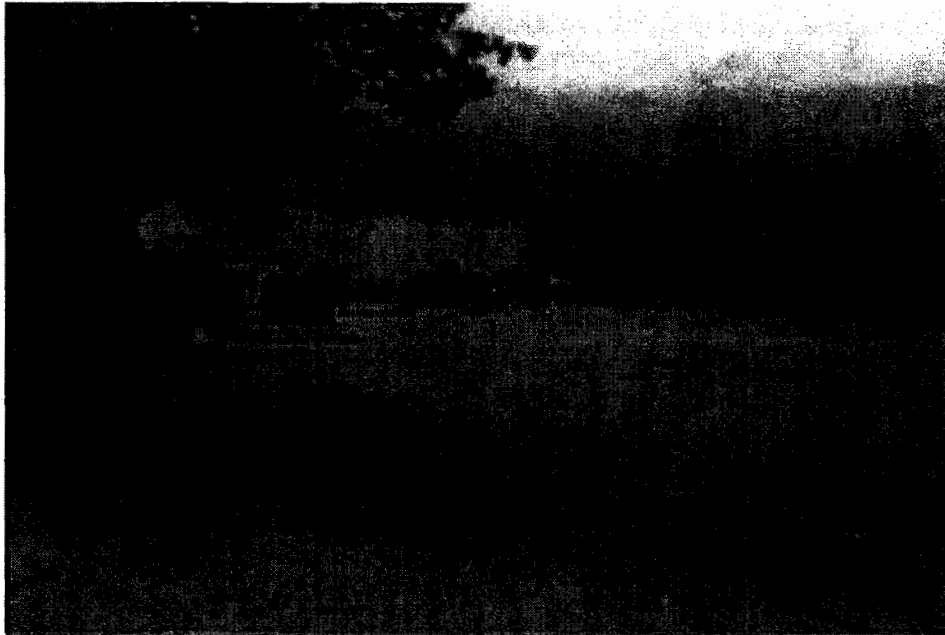


Figure 3: View along east side of property.



Figure 4: Entrance into site from Airport Rd.

Ms. Baer explained that many of these parcels were very small and nothing in the C-4 code that required a property to have a minimum size. It was created in response to the taking of St. Francis and many were originally larger in size so the taking created many small parcels on St. Francis Drive.

Chair Spray had an issue with it. It was laid out but he was not sure how that dealt with the acreage issue. He appreciated the intent but it looks like zoning in an area that would be prohibited based on the acreage. It wasn't quite clear to him what would override it.

Ms. Baer agreed there was a bit of conflict in the code and the intent of C-4 was that it superseded that requirement.

Ms. Brennan said typically the general always gives way to the more specific so the C-4 would control. Rezoning was a general standard but C-4 was specifically created with smaller lots in mind and didn't carry that 2 acre restriction so it would control.

Commissioner Bemis commented that with the volume of traffic and access in and out it could be a problem for smaller businesses and asked if that had been considered at this parcel.

Ms. Baer said there was only one way to access and that access was already there.

Commissioner Lindell moved to recommend to the Governing Body approval of Case 2012-125 subject to the conditions of approval recommended by staff. Commissioner Villarreal seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.



3. Case #2012-137. 4327 Airport Road Rezoning to C-2. Robert Home requests rezoning of 0.33± acres from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property was located on the north side of Airport Road, west of Calle Atajo. (Donna Wynant, Case Manager)

Ms. Wynant provided the staff report. She said this property included a structure previously used as a Bridgestone Tire store. In 2001 the Board of Adjustment approved a special exception to change the general commercial to office space and approved a variance on parking spaces from the required seven to three parking spaces.

The site was located within a mix of types of uses. The designation was transitional mixed use. It lies between Calle Atajo and a higher R district for apartments to the west. The zoning follows along with that. It was within R-1 but this parcel was small.

There was parking in front of the structure. Mr. Home converted it to a photo studio and was using parking spaces on the east side.

At the ENN meeting there were questions whether this zoning would affect other property and it would not affect them. They were in support but just had questions on it.

When staff discussed it, they looked carefully at the zoning request. This was a fairly large building on a small site with not a lot of parking. The access was from Airport Road with a wide curb cut that goes across some of the residential area. Staff's concern was with adequate parking for future uses. His photo studio was allowed in C-2 as well as the vacant space to lease to a future tenant.

Staff recommended instead of C-2 that it be rezoned as C-1. By doing so it would grant conforming status of this long-standing use of the property as a photo studio and to rent the rest of the structure. The parking on the east side extends into the residential area. The property was very close to the intersection. A recommendation was also made to develop access from Calle Atajo.

Present and sworn was the applicant, Mr. Robert Horne, 4327 Airport Road, who said he had owned David's studio for over 20 years. The reason for the zoning was that when he purchased the building, the economy has gone down and it had a wing of 400 square feet to rent out but he found out he couldn't lease it out because it was not zoned commercial. It should have had commercial zoning from the beginning. He leased a half acre of parking to the east and might have six cars at most during the day.

When he bought it this was a tire store and Firestone leased it. Staff advised him to go as a nonconforming use but if he had known all of this he would have gone for rezoning from the beginning. He didn't care if it was C-2 or C-1 but just wanted to be able to rent out the vacant space.

Mr. Horne showed photos of the place with the Commission.

PUBLIC COMMENT

Present and sworn was Ms. Linda Flatt, 950 Vuelta del Sur, who said she was on the Board of Las Acequias Association and wanted to speak on their behalf. She knew Mr. Horne and he had always been a very cooperative neighbor so she wanted to put in a good word for him. They were happy to see this happen for him.

Regarding the future access to Calle Atajo, Ms. Flatt was not certain how that would work. She would like to know if the property changes in form and gets more complicated and it would not be safe to go out to Airport Road.

There were no other speakers from the public regarding this case and Chair Spray closed the public portion of the hearing.

Ms. Baer said regarding the access question that this property was surrounded by much larger property essentially undeveloped and the Planning Commission had no control over it unless it came to them for rezoning or subdivision or a development plan. Staff would ask at such time that happened that access be

provided from Calle Atajo and the condition it be through their property to Mr. Home's property in order to prevent accidents on Airport Road.

Also, Mr. Home has sufficient property to meet the parking requirements but can't use it because of the way the property was laid out and a new access could allow him to provide more on-site parking.

Chair Spray asked if the Commission approved the rezoning how the Airport Road overlay ordinance might have an effect.

Ms. Baer said it would not have any effect because this property was already developed and that ordinance applied only to new construction.

Commissioner Villarreal moved to approve Case #2012-137 for rezoning to C-1 as a recommendation to City Council with all conditions from staff. Commissioner Harris seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.

4. **Case #2012-138. 554 Juanita Street Rezoning to C-4.** David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property was located on the northeast corner of Paseo De Peralta and St. Francis Drive and was within the C-4 eligibility area. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for his case which was a request to rezone the subject property to the C-4 district for limited office and retail or A/C on the NE corner of Paseo de Peralta and St. Francis Drive. It creates a transitional buffer between residential and a heavily traveled road. C-4 was allowed along St. Francis and quite a few have already been rezoned. She showed a zoning map in which the brown area was R-10 and the green area was R-8. It was quite a mix of things. This was a very challenging site because it was bounded on three sides by streets.

The existing house would be converted to office space with no change in size of structure. There was adequate parking there. At the ENN meeting, 10 neighbors expressed concerns about traffic, hours of business and other possible adverse conditions on the neighborhood. A second ENN meeting showed how the applicant would address those issues.

The site plan showed no changes on size of structure. They were adding a portal but not a whole lot of change on the site. They met landscaping requirements with a 15' buffer strip on the north with residents there. There was plenty of landscaping along Juanita. The lot was well designed.

Staff discussed traffic with the traffic engineer. Juanita was a very narrow street. The engineer had no

City of Santa Fe, New Mexico

memo

DATE: January 30, 2013 for February 13, 2013 City Council Meeting

TO: City Council

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

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

Case #2012-138. 554 Juanita Street Rezoning to C-4. David Schutz agent for Ignatios Patsalis request rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located on the northeast corner of Paseo De Peralta and St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)

RECOMMENDATION

The Planning Commission on January 10, 2013 recommended **APPROVAL WITH CONDITIONS** for Rezoning of 0.165± acres located at 554 Juanita Street.

An Early Neighborhood Notification meeting was held 9/19/12. The ten neighbors in attendance had questions regarding traffic congestion, on-street parking along Juanita Street, hours of operation, and restricting certain uses that would have an adverse impact on the neighborhood. A second meeting was held on 10/17/12 to follow-up on the issues raised at the ENN and to present a revised plan.

SUMMARY

The applicant seeks to rezone 0.165± acres of land located at 554 Juanita Street from R-8 (Residential – 8 dwelling units/acre) to C-4 (Limited Office, Retail and Arts and Crafts District). The property is bounded by Paseo de Peralta on the south and St. Francis Drive on the west and is within the C-4 zoning eligibility area shown on the City's official zoning map. It is improved with a 1,150 square-foot building constructed as a residence and can

Exhibit "9"

accommodate 6 parking spaces in accordance with requirements for the proposed office use, with space for cars to turn around so they do not have to back onto Juanita Street when exiting the Property.

There has been a change in the surrounding area as properties along the St. Francis Drive corridor in the immediate vicinity have been rezoned from residential to C-4, with the trend likely to continue as properties immediately adjacent to St. Francis become less desirable for residential use due to high traffic and related impacts. The property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. Due to its location on a corner bounded by streets on three sides and its high visibility from St. Francis, the property is more suited to a limited commercial use than a residential use.

The proposed rezoning is consistent with the Plan's "Office" future land use designation for the property and with the General Plan policies supporting a compact urban form and a mix of land uses in all new and existing neighborhoods of the City to assure that commercial services are located close to residents.

Attachments:

- Exhibit 1 Planning Commission Findings of Fact, Approved 2/7/13
(Case #2013-125)
- Exhibit 2 Draft Rezoning Bill- C-4
- Exhibit 3 Planning Commission Staff Report w/attachments- 12/24/12
- Exhibit 4 Planning Commission Minutes – 1/10/13

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

Case #2012-138 – 554 Juanita Street Rezoning
Owner Applicant's Name – Ignatios Patsalis
Agent – David Schutz

THIS MATTER came before the Planning Commission (Commission) for hearing on January 10, 2013 upon the application (Application) of David Schutz as agent for Ignatios Patsalis (Applicant).

The Applicant seeks to rezone 0.165± acres of land (Property) located at 554 Juanita Street from R-8 (Residential – 8 dwelling units/acre) to C-4 (Limited Office, Retail and Arts and Crafts District). The Property is bounded by Paseo de Peralta on the south and St. Francis Drive on the west and is within the C-4 zoning eligibility area shown on the City's official zoning map. It is improved with a 1,150 square-foot building constructed as a residence and can accommodate 6 parking spaces in accordance with requirements for the proposed office use, with space for cars to turn around so they do not have to back onto Juanita Street when exiting the Property.

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

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 August 15, 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 September 19, 2012 at Warehouse 21 at 1614 Paseo de Peralta. A follow-up meeting was held at Warehouse 21 on October 17, 2012. Of particular concern to attendees at the ENN were issues relating to

congestion arising at the intersection of Juanita Street and the Paseo as a result of ineffective signage and of traffic backing up from the signal at the intersection of the Paseo with St. Francis Drive due to a short signal, effectively blocking Juanita Street at high-traffic times.

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 as properties along the St. Francis Drive corridor in the immediate vicinity have been rezoned from residential to C-4, with the trend likely to continue as properties immediately adjacent to St. Francis become less desirable for residential use due to high traffic and related impacts. The Property is located in the C-4 zoning eligibility area, which was specifically created to protect residential property owners adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding those roads, by serving as a transitional buffer between those roads and residential areas. Due to its location on a corner bounded by streets on three sides and its high visibility from St. Francis, the Property is more suited to a limited office, retail and arts and crafts use than a residential use. The rezoning would be more advantageous to the community in that it would allow uses identified as appropriate buffering between the heavily-trafficked St. Francis and Paseo and the Juanita Street residential neighborhood to the north and east of the Property, while permitting the directly-impacted owner to utilize the Property in a manner more appropriate to its high-visibility location on two heavily-trafficked streets.
 - (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 future land use designation for the Property as "Office".
 - (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 "Office" future land use designation for the Property and with the General Plan policies supporting a compact urban form and a mix of land uses in all new and existing neighborhoods of the City to assure that commercial services are located close to residents.

- (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 minimal impact resulting from the rezoning.

CONCLUSIONS OF LAW

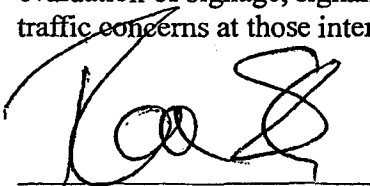
Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meeting 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.

WHEREFORE, IT IS ORDERED ON THE 7TH OF FEBRUARY 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 C-4, subject to the Conditions; and

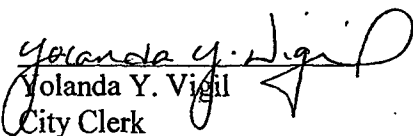
The Commission further recommends that the Governing Body direct staff to undertake a complete traffic analysis of Juanita Street, the intersection of Juanita Street with the Paseo de Peralta and the intersection of the Paseo de Peralta with St. Francis Drive, including an evaluation of signage, signalization and adherence to existing measures available to mitigate traffic concerns at those intersections and on Juanita Street.



Thomas Spray
Chair

2/7/13
Date:

FILED:



Yolanda Y. Vigil
City Clerk

2-8-13
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant/City Attorney

2/7/13
Date:

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-11

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FROM R-8 (RESIDENTIAL, 8
DWELLING UNITS PER ACRE) TO C-4 (LIMITED OFFICE, RETAIL AND ARTS
AND CRAFTS); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A
CERTAIN PARCEL OF LAND COMPRISING 0.165± ACRE LOCATED ON THE
NORTHEAST CORNER OF PASEO DE PERALTA AND ST FRANCIS DRIVE ("554
JUANITA STREET" REZONING CASE NO. 2012-138).**

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

Section 1. The following real property (the "Property") located within the municipal
boundaries of the city of Santa Fe, is restricted to and classified C-4 (Limited Office, Retail and
Arts and Crafts):

A parcel of land comprising 0.165± acre generally located at the northeast corner of
Paseo De Peralta and St. Francis Drive and more fully described in EXIHIBIT A attached
hereto and incorporated by reference, located in Section 26, T17N., R9E, N.M.P.M.,
Santa Fe County, New Mexico,

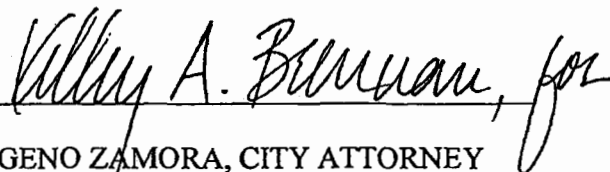
EXHIBIT 2

1 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
2 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth
3 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 as EXHIBIT B
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
7 conditions recommended by the Planning Commission on January 10, 2013.

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

10 **APPROVED AS TO FORM:**

11 
12 _____
13 GENO ZAMORA, CITY ATTORNEY

BILL NO. 2013-11
Exhibit A
554 Juanita Street
Legal Description for C-4 Zoning

A parcel of land lying within section 26, T.17 N., R.9 E., N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

A plat of Tract A; a Plat of a Resurvey and Lot Consolidation prepared for Alfred and Audrey Quintana of the remainder of Lots 3, 4 and 5, Block 5 of Stern's Second Addition, City of Santa Fe, N.M.

Containing 0.165± acre more or less.

554 Juanita Street – DRT Conditions of Approval
Rezoning from R-8 to C-4

Comments	Department	Staff
Must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
<p>The Developer shall demonstrate that their design complies with City Code, Chapter 14, specifically 14-7.1.F as it pertains to sight visibility at driveways and intersections;</p> <p>a. That sight visibility triangles and object heights shall be calculated based on the methodology in the current edition of AASHTO'S "A Policy on Geometric Design of Highways and Streets"; and</p> <p>b. Heights of potential obstructions within the sight visibility triangles shall be measured in relation to the adjacent roadway elevation; rather than the height above the existing grade of the property.</p>	Traffic Engineering	John Romero, Traffic Engineer, (Sandra Kassens)
As submitted, the request and plan set associated with the request meets the requirements of Article 14-8.4 "Landscape and Site Design." At time of construction permit, the applicant will be required to submit an Irrigation Plan as specified in Article 14-8.4€ "Water Harvesting and Irrigation Standards."	Technical Review, landscape	Noah Berke
<p>Must comply with IFC 2009 edition.</p> <p>A Change of occupancy will require any existing building/s to be brought up to code.</p> <p>A renovation or remodel may require any existing building/s to be brought up to code.</p>	Fire Marshal	Reynaldo Gonzales, Fire Marshal

City of Santa Fe, New Mexico

memo

DATE: Prepared December 24, 2012 for the January 10, 2013 Planning Commission Meeting

TO: Planning Commission

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

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

Case #2012-138. 554 Juanita Street Rezoning to C-4. David Schutz agent for Patsalis Ignatios, request rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located on the northeast corner of Paseo De Peralta and St. Francis Drive and is within the C-4 eligibility area. (Donna Wynant, Case Manager)

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.

I. EXECUTIVE SUMMARY

The subject property is located at 554 Juanita Street at the northeast corner of Paseo De Peralta and St. Francis. It is bounded by three streets; Juanita, Paseo De Peralta and St. Francis. The property is 0.165± acres in size and includes a 1,150 square foot building. The property owner, Patsalis Ignatios, proposes to convert the existing house into office space with no expansion of the structure. A 6 space gravel parking lot, with 3 parking spaces on either side of the structure will provide the required number of spaces for the proposed office use. Both parking areas will have turn around spaces to prevent backing out of vehicles onto Juanita Street.

The purpose of the C-4 Limited Office, Retail and Arts and Crafts District, as stated in §14-4.3 is:

"to provide a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect residential property owners who are adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts."

The site is very small and surrounded by streets on three sides, making full compliance with landscape requirements impractical. Landscaping is proposed along street frontages and alongside the adjacent home to the north as required by Code. (See Exhibit E-2). Section 14-8.4(C)(4) allows alternate means of compliance when site conditions, including the configuration of the lot, make full compliance impossible or impractical.

Ten neighbors attended the ENN meeting on 9/19/12. Concerns were expressed about traffic congestion, on-street parking along Juanita Street, hours of operation, and restricting certain uses that would have an adverse impact on the neighborhood. A second meeting was held on 10/17/12 to follow-up on the issues raised at the ENN and to present a revised plan.

II. CHAPTER 14 REZONING 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: This condition does not apply in this case. The property has always been zoned residentially. It was previously zoned RM-1 (Multi-Family Residential, 21 du/ac) and downzoned to R-8 in 2009 as part of an overall neighborhood downzoning.

- (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 C-4 Overlay, as provided in the General Plan, allows for a variety of uses along this section of St. Francis. Over the past several years, what were once residential properties are now zoned C-4 on both sides along St. Francis Drive in both north and south directions. We anticipate that this trend will

continue as properties fronting St. Francis Drive become less desirable for residential use. In this case, because of its location (a corner lot bounded on three sides by streets) and high visibility to St. Francis Drive, the property lends itself to more of a limited commercial use than it does as residential."

Staff response: Staff concurs with the applicant response. The surrounding area has changed significantly with the widening of St. Francis and with the rezoning of a number of properties to C-4 within the C-4 eligibility Overlay.

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

Applicant response: *"The proposed rezoning is consistent with Plan 83 and complies with the "C-4" Limited Office Overlay District" standards, as amended."*

Staff response: The C-4 district is more advantageous to the community since it would allow the property owner to convert the existing structure to office use, and enhance the site with landscaping at this visible location along St. Francis.

- (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 rezoning to C-4 is in compliance with the Future Land Use Map that depicts the area as C-4 Overlay."*

Staff response: Staff concurs with applicant response.

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

Applicant response: *"No new development is proposed or will result from this rezoning application."*

Staff response: Staff concurs with applicant response.

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

Applicant response: *"The property is currently served by existing public infrastructure."*

Staff response: Staff concurs with applicant response.

- (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 which is a mix of residential and office uses.

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

Staff response: The C-4 eligibility overlay was not intended to be restricted in size, but rather a response to the creation of St. Francis Drive with the intent of providing a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

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

Staff response: The rezoning and office use will result in an improved property that will be a benefit to surrounding landowners.

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Applicant response: *"The subject property is served by existing water, sewer and natural gas."*

Staff response: Staff concurs with applicant response.

- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the

developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant response: *"There is no need for additional streets, sidewalks, or curbs, as part of this request."*

Staff response: Staff concurs with applicant response.

III. CONCLUSION

Staff supports the proposed rezoning to the C-4 District which is in keeping with the intent of the General Plan and the code requirements of Chapter 14.

IV. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Technical Review Division – City Engineer email, Risana Zaxus
2. Wastewater Management Division memorandum, Stan Holland
3. Solid Waste Division email, Randall Marco
4. Traffic Engineering Division memorandum, Sandra Kassens
5. Technical Review Division- Landscape review memorandum, Noah Berke
6. Fire Marshal memorandum, Reynaldo Gonzales
7. Water Division memorandum, Antonio Trujillo

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: ENN Materials

1. ENN Meeting Notes
2. ENN Responses to Guidelines

EXHIBIT E: Applicant Materials

1. Letter of Application
2. Site Plan

EXHIBIT F: Other Material

1. C-4 Limited Office, Retail and Arts and Crafts Overlay District Information:
 - Permitted Uses & Dimensional Standards
2. Photographs of site

554 Juanita Street – DRT Conditions of Approval
Rezoning from R-8 to C-4

Comments	Department	Staff
Must bring refuse & recycling to an area and or street where service is already being rendered.	Solid Waste	Randall Marco
<p>The Developer shall demonstrate that their design complies with City Code, Chapter 14, specifically 14-7.1.F as it pertains to sight visibility at driveways and intersections;</p> <p>a. That sight visibility triangles and object heights shall be calculated based on the methodology in the current edition of AASHTO'S "A Policy on Geometric Design of Highways and Streets"; and</p> <p>b. Heights of potential obstructions within the sight visibility triangles shall be measured in relation to the adjacent roadway elevation; rather than the height above the existing grade of the property.</p>	Traffic Engineering	John Romero, Traffic Engineer, (Sandra Kassens)
As submitted, the request and plan set associated with the request meets the requirements of Article 14-8.4 "Landscape and Site Design." At time of construction permit, the applicant will be required to submit an Irrigation Plan as specified in Article 14-8.4€ "Water Harvesting and Irrigation Standards."	Technical Review, landscape	Noah Berke
<p>Must comply with IFC 2009 edition.</p> <p>A Change of occupancy will require any existing building/s to be brought up to code.</p> <p>A renovation or remodel may require any existing building/s to be brought up to code.</p>	Fire Marshal	Reynaldo Gonzales, Fire Marshal

City of Santa Fe, New Mexico

memo

DATE: December 17, 2012

TO: Donna Wynant, Planning and Land Use Department

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

FROM: Sandra Kassens, Traffic Engineering Division *SKK*

SUBJECT: 554 Juanita Street Rezoning to C-4. Case # 2012-138.

ISSUE

David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located on the northeast corner of Paseo De Peralta and St. Francis Drive and is within the C-4 eligibility area.

RECOMMENDED ACTION:

Review comments are based on submittals received on November 28, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

Note: The above referenced property is bounded on three sides by city streets, two of which are arterial streets; and the southern end of the property, adjacent to Paseo de Peralta, has a higher elevation than the adjacent roadways as evidenced by a short stone retaining wall.

1. The Developer shall demonstrate that their design complies with City Code, Chapter 14, specifically 14-7.1.F as it pertains to sight visibility at driveways and intersections;
 - a. That sight visibility triangles and object heights shall be calculated based on the methodology in the current edition of AASHTO'S "A Policy on Geometric Design of Highways and Streets"; and
 - b. Heights of potential obstructions within the sight visibility triangles shall be measured in relation to the adjacent roadway elevation; rather than the height above the existing grade of the property.

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

EXHIBIT *B-1*

City of Santa Fe, New Mexico

memo

DATE: December 3, 2012
TO: Donna Wynant, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-138 554 Juanita Street Rezoning to C-4

The subject property is accessible to the City sanitary sewer system:

Additional Comments:

1. The Wastewater Division has no objection to the rezone.

EXHIBIT B-2

WYNANT, DONNA J.

From: MARCO, RANDALL V.
Sent: Thursday, November 29, 2012 8:45 AM
To: WYNANT, DONNA J.
Subject: cases

Donna, *554 Juanita St.*
2012-167, 138 & 125 must bring refuse & recycling to an area and or street where service is already being rendered.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217

EXHIBIT B-3

City of Santa Fe, New Mexico

memo

DATE: December 17, 2012

TO: Donna Wynant, Planning and Land Use Department

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

FROM: Sandra Kassens, Traffic Engineering Division *SKK*

SUBJECT: 554 Juanita Street Rezoning to C-4. Case # 2012-138.

ISSUE

David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property is located on the northeast corner of Paseo De Peralta and St. Francis Drive and is within the C-4 eligibility area.

RECOMMENDED ACTION:

Review comments are based on submittals received on November 28, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

Note: The above referenced property is bounded on three sides by city streets, two of which are arterial streets; and the southern end of the property, adjacent to Paseo de Peralta, has a higher elevation than the adjacent roadways as evidenced by a short stone retaining wall.

1. The Developer shall demonstrate that their design complies with City Code, Chapter 14, specifically 14-7.1.F as it pertains to sight visibility at driveways and intersections;
 - a. That sight visibility triangles and object heights shall be calculated based on the methodology in the current edition of AASHTO'S "A Policy on Geometric Design of Highways and Streets"; and
 - b. Heights of potential obstructions within the sight visibility triangles shall be measured in relation to the adjacent roadway elevation; rather than the height above the existing grade of the property.

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

EXHIBIT *B-4*

City of Santa Fe, New Mexico

memo

DATE: December 6, 2012
TO: Donna Wynant, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Final Comments for Case #2012-138, 554 Juanita Street Rezoning to C-4.

Below are comments for the 554 Juanita Street Rezoning to C-4 request. These comments are based on documentation and plans dated November 21, 2012:

As submitted, the request and plan set associated with the request meets the requirements of Article 14-8.4 "Landscape and Site Design". At time of construction permit, the applicant will be required to submit a Irrigation Plan as specified in Article 14-8.4(E) "Water Harvesting and Irrigation Standards".

EXHIBIT B-5

City of Santa Fe, New Mexico

memo

DATE: December 12, 2012

TO: Case Manager: Donna Wynant

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case # 2012-138 554 Juanita Street Rezoning

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. Must comply with IFC 2009 edition.
2. A change of occupancy will require any existing building/s to be brought up to code.
3. A renovation or remodel may require any existing building/s to be brought up to code

EXHIBIT B-6

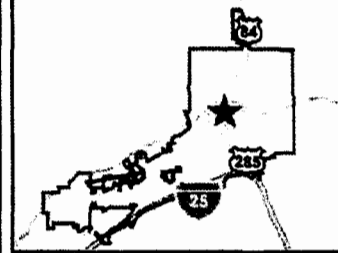
City of Santa Fe
memo

DATE: December 12, 2012
TO: Donna Wynant, Land Use Planner Senior, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case # 2012-138 554 Juanita Street

There is no issues with regard to City water infrastructure. The rezoning of the property does not impact water infrastructure. The property is currently served with a 5/8-in metered service connection.



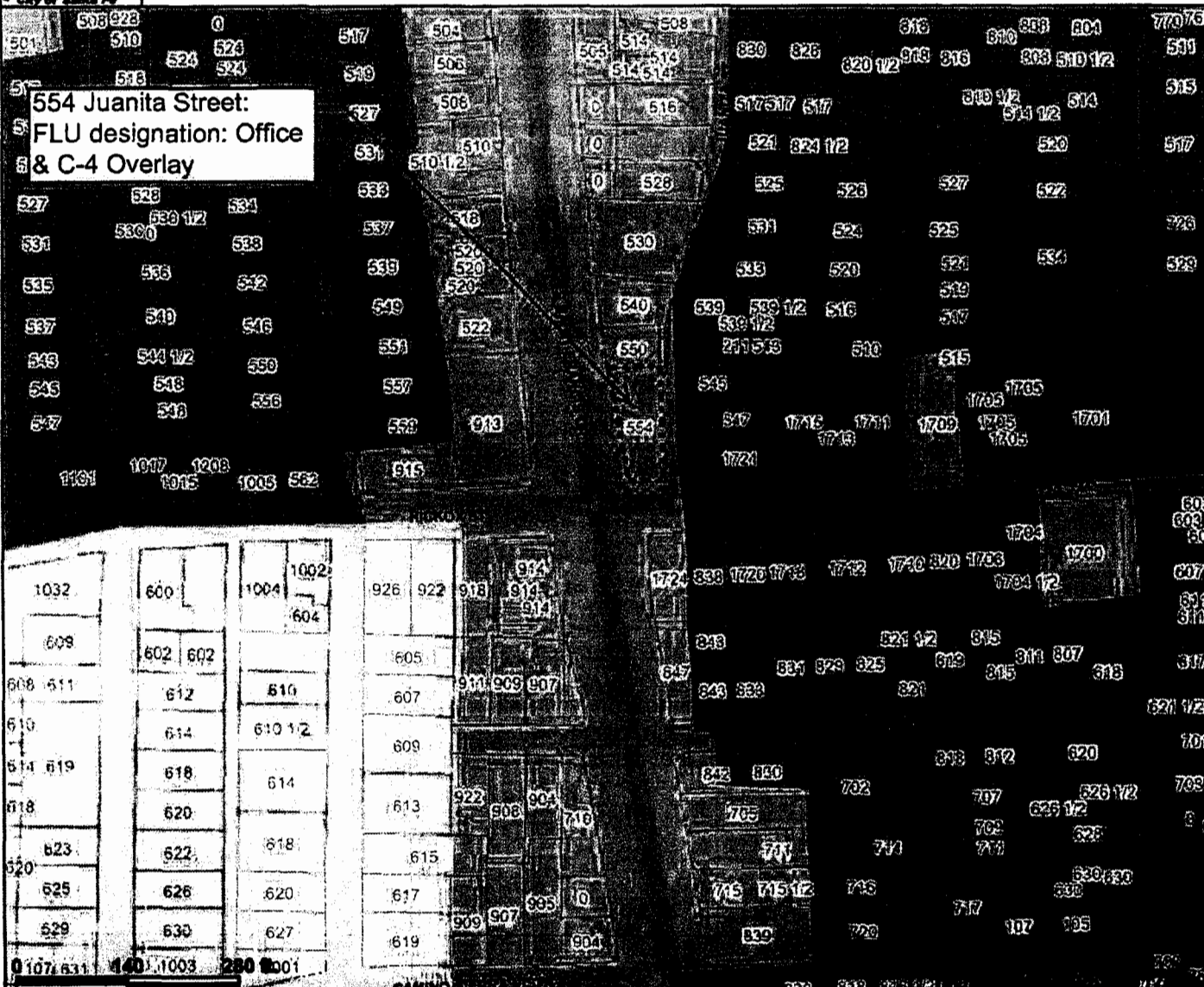
Future Land Use Map



Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Future Land Use
- Village of Agua Fria THC
- Greater Agua Fria Area
- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-12 dwellings per acre)
- Medium Density (12-17 dwellings per acre)
- High Density (17-25 dwellings per acre)
- Regional Commercial

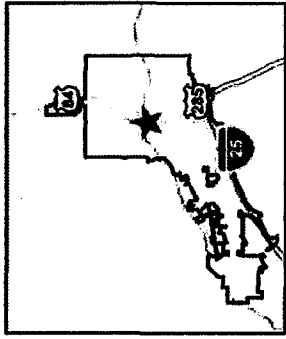
Scale: 1:2,352



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.

EXHIBIT C-25

Zoning Map



Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Zoning
- RR Rural Residential
- R1, (PUD) Single-Family 1dual
- R2, (DT), (PUD), (AC) Single-Family 2dual
- R3, (PUD) Single-Family 3dual
- R4 Single-Family 4dual
- R5, (DT), (PUD), (AC), R6 Single-Family 5dual
- R7, (R), (PUD), R8 Single-Family 7-8dual
- RCS, RCSAC Compound 8dual
- RCS, RCSAC Compound 8dual
- R10, (PUD) Multiple-Family 10dual
- R12, (PUD) Multiple-Family 12dual
- R21, (PUD) Multiple-Family 21dual
- R22, (PUD), (AC) Multiple-Family 22dual
- RAC Residential Arts & Crafts
- MAP Mobile Home Park

Scale: 1:7,323



554 Juanita Street
Rezone from R-8 to C-4

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.



554 Juanita Street- Aerial Photo



Legend

- City Limits
- + Full Address Labels
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



Scale: 1:768

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.



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	554 Juanita Street Rezoning
<i>Project Location</i>	554 Juanita Street
<i>Project Description</i>	Rezone from R8 to C-4 Limited Office, Retail and Arts & Crafts
<i>Applicant / Owner</i>	Ignatios Patsalis
<i>Agent</i>	David Schutz
<i>Pre-App Meeting Date</i>	8/15/12
<i>ENN Meeting Date</i>	9/19/12
<i>ENN Meeting Location</i>	Warehouse 21, 1614 Paseo de Peralta
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Donna Wynant, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Project Team plus 10 members of public

Notes/Comments:

Donna Wynant began the meeting at 5:30 with introductions and explained the purpose of the ENN and the timeframe for the proposed rezoning.

Neighbors raised concerns about traffic congestion, on-street parking, hours of operation, and restricting certain uses that would have an adverse impact on the neighborhood. A second meeting was held on 10/17/12 to follow-up on the issues raised at the ENN and to allow the applicant to present a revised plan.

Meeting ended at 6:30.

10/17/12- Follow-up meeting was held 5:30 at Warehouse 21 and had 3 members of the public in attendance. David Schultz introduced the designer of the project, Tom Lechner. Further details of the site plan were presented and discussed:

EXHIBIT D-1

- **Parking lot:** back out spot for both parking lots on either side of the building to discourage vehicles from backing out of the site onto Juanita Street. Both lots show signs stating "Right Turn Only".
- **Note on Site Plan:** Request for residential parking only with permit along Juanita Street.
- **Parking in "box"** at Paseo De Peralta and Juanita Street. Staff read from city traffic engineer John Romero's email that the box can't really be further "beefed" up. David Schutz suggested the curbs be painted along Paseo & Juanita Street.
- One neighbor suggested yellow flashing lights be set up to bring more attention to the box. Flashing yellow lights are used on Baca Street for similar purpose.
- Another suggestion was to have the delivery truck that parks alongside the Animal Hospital exit out of their parking lot onto St. Francis or at least schedule their deliveries that would allow for the truck to park in their parking lot.
- The meeting adjourned around 6:30 pm.



ENN GUIDELINES

Applicant Information

Project Name: 554 Juanita Street Neighborhood Cafe

Name: Patsalis Ignatios

Last First M.I.

Address: 2720 Ventoso

Street Address Suite/Unit #

Santa Fe NM 87505

City State ZIP Code

Phone: (505) 501-2783 E-mail Address: m.schutz1@hotmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, 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, landscaping, lighting, access to public places, open spaces and trails.*

The existing single story structure will not be enlarged in order to maintain its scale and keep intact the residential character of the surrounding neighborhood. However, some improvements such as additional landscaping, paint, walls and architectural enhancements to the building façade may be requested to enhance the overall aesthetic of the exterior of the building. As such, no diverse effects to the surrounding neighborhoods are anticipated.

(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 existing landscaping and other property improvements will remain. No adverse effects on the physical environment are anticipated. The nighttime sky will not be adversely impacted since no new "upward" lighting will be installed only low level walkway light bollards.

(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.*

Not applicable.

EXHIBIT D-2

(j) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The proposed use as a neighborhood café is an allowable use under the C-4 zoning district for "uses of a nature not likely to generate heavy vehicular traffic". Further, under the C-4 provisions for restaurants, the sale of alcohol is prohibited and the allowable area shall not exceed 1000 square feet gross floor area. The café will comply with the "no sale of alcohol" provision, however, since the building's gross floor area is 1120 square feet, a variance to that provision will be requested.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The property can only accommodate a maximum 7 vehicles at any one time and is the limiting factor to any increase in intensity of use other than what is proposed. Preliminary traffic analyses indicates that a large majority of café traffic will exit the property onto Juanita Street toward Paseo de Peralta and St. Francis Drive, where it is dispersed. Some limited traffic congestion is anticipated to occur during peak traffic times as vehicles wait for the traffic signal at St. Francis Dr. and Paseo de Peralta to change. The subject site is serviced by the public transportation system and we anticipate that much of the clientele will ride the bus, bike, or walk to the café.

(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 proposed café will have a positive economic impact on the City as all of the employees will most likely live in Santa Fe. There will be 4-5 full time employees and 2-3 part time employees. As such, they will contribute to the economic well being of the area.

(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 spaces.*

Not applicable.

(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 the project will contribute to the improvement of existing public infrastructure and services.*

Not applicable.

- (j) 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.*

All roof drainage will be captured via a rain catchment system for irrigating landscaping and site drainage will be detained on site. No adverse impacts to the City's water supply are anticipated.

- (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.*

Not applicable.

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

Not applicable.

(l) ADDITIONAL COMMENTS (optional)

November 21, 2012

Mr. Matt O'Reilly
Land Use Director
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: 554 Juanita Street-Rezoning Request

Dear Matt:

This letter is submitted in requesting the rezoning of the property at 554 Juanita St. The property is located on the north side of Paseo De Peralta, between St. Francis and Juanita St. This application is submitted for consideration by the Planning Commission at their meeting of January 10, 2013.

PROJECT SUMMARY

The subject property includes an 1105 square foot building and portal with space to accommodate 6 parking spaces. No additional building additions are being requested under this submittal. Mr. Patsalis has owned the property for several years and the property has been utilized as a residential rental over that time.

REZONING REQUEST

This application requests the rezoning of the property from its current designation R-8, to C-4, Office and Limited Commercial to allow limited office, retail and other uses allowed for under the C-4 zoning designation.

Outlined below are the responses to the Approval Criteria in Section 14-3.5(C) of the Santa Fe Land Development Code.

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

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

Not applicable.

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

The C-4 Overlay, as provided in the General Plan, allows for a variety of uses along this section of St. Francis. Over the past several years, what were once residential properties are now zoned C-4 on both sides along St. Francis Drive in

EXHIBIT F-1

both north and south directions. We anticipate that this trend will continue as properties fronting St. Francis Drive become less desirable for residential use. In this case, because of its location (a corner lot bounded on three sides by streets) and high visibility to St. Francis Drive, the property lends itself to more of a limited commercial use than it does as residential.

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

The proposed rezoning is consistent with Plan 83 and complies with the "C-4 Limited Office Overlay District" standards, as amended.

- (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 rezoning to C-4 is in compliance with the Future Land Use Map that depicts the area as C-4 Overlay.

- (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.***

No new development is proposed or will result from this rezoning application.

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

The property is currently served by existing public infrastructure.

(D) *Additional Applicant Requirements*

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;***

The subject property is served by existing water, sewer and natural gas.

- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the***

developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

There is no need for additional streets, sidewalks, or curbs, as part of this request.

ENN MEETINGS

An initial ENN meeting with the neighborhood was held on September 19th, 2012 at Warehouse 21. Of those neighbors who attended (10 in all), concerns were raised regarding increased traffic congestion, on-street parking, hours of operation, and restricting certain uses that would have an adverse impact on the neighborhood. At the conclusion of the meeting we requested that we have an opportunity to go "back to the drawing board" to consider their input, modifying our plan and taking additional steps to address their concerns. After having done so, a second meeting would be held with them to present our revisions and additional measures to be taken to reduce neighborhood impact.

A second ENN Meeting with the neighbors (5 in all) was held on October 17th, 2012 to present our revised plans and solicit further input from them in regard to our new plan. At that time we made the following commitments:

1. To alleviate concerns about traffic congestion within the Juanita St. corridor we will require tenants to exit the property in a right hand movement only so that tenant traffic doesn't "penetrate" into the neighborhood interior.
2. We will also require that tenant traffic utilize designated back-out spaces to ensure that cars exit the property safely without backing out into the street.
3. We also stated that we would support a neighborhood resident parking only program in that immediate area closest to Paseo in an effort to keep the Juanita St./Paseo intersection "open" for residents and resident visitors.
4. We assured the neighbors that any improvements made to the property would not detract from the residential character of the neighborhood and that our plan would include increased landscaping to screen parking areas.
5. Certain uses considered to be too intense and uses that would adversely impact the neighborhood (i.e. fast food restaurant) would be restricted as a condition of approval. Such restrictions and covenants would run with the land regardless of future ownership.
6. We assured the neighbors that we would consider imposing reasonable hours of operation on tenants, depending on the use, to further reduce activity levels on the property.

7. We support any measures taken by the City to make the "Do Not Park" box painted on the Paseo more prominent.


We intend to meet with the neighbors once more prior to the Planning Commission hearing to keep them current as we move ahead.

The following documentation is submitted herewith for your review:

1. Rezoning Application
2. C-4 Overlay Zone District Map
3. Submittal Plans – 6 sets + PDF
 - Development Plan
 - Landscape Plan
 - Survey Plat
 - Legal Description

Please do not hesitate to contact me for any questions you may have or need additional information in this regard.

Sincerely,



David Schutz,

Agent for property owner, Ignatios Patsalis
600 Cielo Grande
Santa Fe, NM 87505
505-316-6552
m.schutz1@hotmail.com



(date stamp)

REZONING APPLICATION 14-3.5

Parcel Information

Project Name: 554 Juanita Street Rezoning Property Size: 7,309 sq. ft. (0.165± acre)
Address: 554 Juanita Street
Current Zoning: R-8 Proposed Zoning: C-4
Does a Development Plan application accompany this application? YES ☒ NO ☐
Preapplication Conference Date: 8-15-12 UPC Code Number: _____
Early Neighborhood Notice (ENN) meeting date: 9-19-12

Property Owner Information

Name: Ignatios Patsalis
First Last
Address: 2720 Ventoso
Street Address Suite/Unit #
Santa Fe, NM 87505
City State ZIP Code
Phone: 505-501-2783 E-mail Address: _____

Applicant/Agent Information (if different from owner)

Company Name: _____
Name: David Schutz
First Last
Address: 600 Cielo Grande
Street Address Suite/Unit #
Santa Fe, NM 87505
City State ZIP Code
Phone: 316-6552 E-mail Address: m.schutz1@hotmail.com

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 554 JUANITA ST.
I/We authorize DAVID SCHUTZ to act as my/our agent to execute this application.
Signed: Ignatios Patsalis Date: 11/6/2012
ed: _____ Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the

Submittal Checklist (Requirements found in Section 14-3.5 SFCC 1987)

Six (6) 24"x36" or 11"x17" scalable plan sets and 1 CD with a PDF copy are required. Submittal requirements may vary based on the individual application and the requested zoning district. The City reserves the right to request additional information at any time during the review process. See Section 14-4 and 14-5 SFCC 1987 for rezoning regulations related to specific zones. Please include the following and check box to indicate submittal:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Narrative addressing approval criteria (see below)	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input checked="" type="checkbox"/> Development Plan (see Section 14-3.8 SFCC 2001) <input type="checkbox"/> No Development Plan	<input checked="" type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 2001) N/A	<input type="checkbox"/> Traffic Impact Analysis (if required) N/A per John Romero: 955-6638. N/A	<input type="checkbox"/> Archaeological Clearance (if applicable) N/A	<input type="checkbox"/> Sewer and Water Plan (including profiles and details), letter of availability (if applicable)	<input type="checkbox"/> Phasing Plan (if applicable) N/A

Rezoning Approval Criteria, Sections 14-3.5(C) and (D) SFCC 1987

(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;
 - (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
 - (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (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
- (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.

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

- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

(D) Additional Applicant Requirements

- (1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;
- (2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning requirements.

Signature: *Ignacio Pataqui* Date: 11/6/2012

[illegible]

1785

Legal Description- 554 Juanita St.

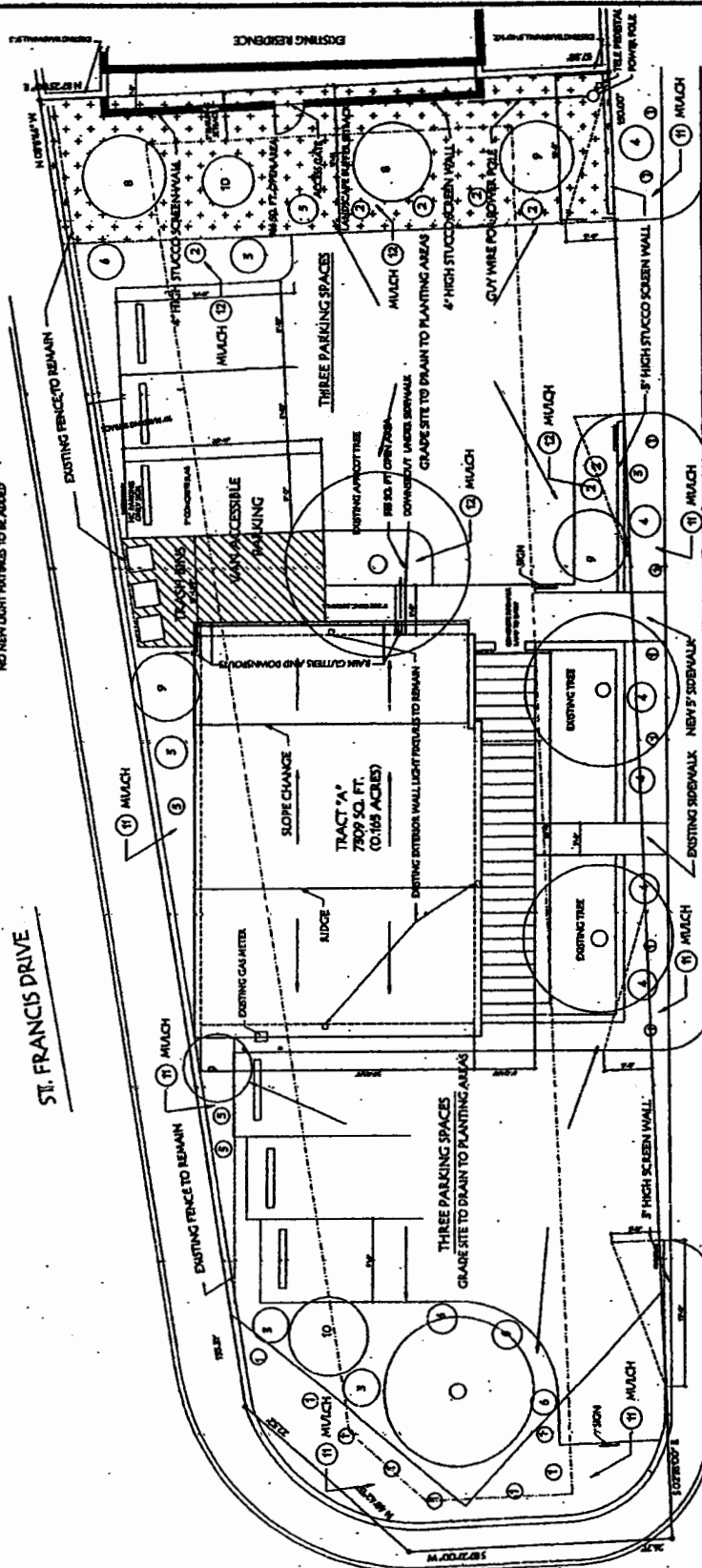
Tract "A", as shown on plat of survey entitled "A Plat of a Resurvey and Lot Consolidation Prepared for Alfred and Audrey Quintana of the Remainder of Lots 3, 4 and 5, Block 5 of the Stern's Second Addition, City of Santa Fe, New Mexico", which plat was filed in the Office of the County Clerk, Santa Fe County, new Mexico on September 5, 1989, in Plat Book 202, page 007, as Document No. 687,116.

PLANT LEGEND

PLANT	QUANTITY	PLANTED SIZE	HEIGHT	COMMON NAME	BOTANICAL NAME
GRASSES					
1	20		2'	LITTLE BLUESTEM	SCHIZANTHUS SCOPARIUM
SHRUBS - DECIDUOUS					
2	4		6'	RED TWIG DOGWOOD	COENOS ALBA 'ATLANTIC'
3	4		6'	THREE LEAF BURNING	RUSSIA TRICOLOR
4	4		6'	RUSSIAN SPICE	PENSAEA ALBA 'POLA'
SHRUBS - EVERGREEN					
5	3		6'	RAVEN HEDGE	CRATAEGUS PHAEOCA
6	3		6'	ADAPPE PLUME	PAULOWNIA
TREES - DECIDUOUS					
7	1		20'	LITTLE LEAF LINCOLN	TRIAL COBATA
8	2		32'-32'	CHOCHOCHIBAY	BLANCA VIRGINIANA
9	4		32'-32'	NEW MEXICO PRINCE	CHRISTENIA INDIANORUM
TREES - EVERGREEN					
10	2		6'-10'	MOUNTAIN MAGNOLIA	CECOCORUS MONTANUS
11	1		6'-10'	YANUA HEDERA CHERRY CRANE ON WEDD BARBERS	
12	1		6'-10'	CHIPPED PRINCE WILLIAM HEDERA	

SITE LIGHTING PLAN

EXISTING EXTERIOR WALL LIGHT FIXTURES TO REMAIN
NO NEW LIGHT FIXTURES TO BE ADDED



JUANITA STREET

LANDSCAPE PLAN

SCALE 3/8"=1'-0"



TURNER LECHNER & ROMERO

554 JUANITA STREET REZONING

LP

C-4 Limited Office, Retail and Arts and Crafts District

(1) Purpose

The C-4 limited office, retail and arts and crafts district is district provides a specific area for limited office, retail and arts and crafts commercial uses of a nature not likely to generate heavy vehicular traffic. The C-4 district recognizes the need to protect residential property owners who are adversely affected by heavily trafficked city roads and to maintain the residential character of the area surrounding these roads. This district serves as a transitional buffer area between heavily trafficked roads and the adjoining residential districts.

(2) Boundaries

(a) Only property within a C-4 zoning eligibility area, as shown on the official zoning map, shall be eligible for rezoning to C-4. Rezoning of individual parcels shall follow the procedures in Section 14-3.5.

(b) Amendment to the existing eligibility area or a proposal for an additional C-4 zoning eligibility area surrounding another heavily trafficked road not already included within the existing C-4 zoning eligibility area(s) constitutes a Chapter 14 text amendment and shall comply with the procedures set forth in Section 14-3.3.

(3) Rezoning Requirements

Rezoning to C-4 requires consideration and approval by the planning commission and governing body of a development plan for the property as provided in Section 14-3.8.

Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Barber shops & beauty salons
4. Boarding, dormitory, monastery
5. Business & professional offices (no medical, dental or financial services)
6. Cabinet shops (custom)
7. Clubs & lodges (private) ✧
8. Colleges & universities (non-residential)
9. Continuing care community
10. Correctional group residential care facility ✧
11. Daycare; preschool; for infants and children (6 or fewer)
12. Electrical distribution facilities
13. Electrical substation
14. Electrical switching station
15. Electrical transmission lines
16. Foster homes licensed by the State
17. Group residential care facility
18. Group residential care facility (limited)
19. Kennels ✧

20. Medical & dental offices & clinics
21. Museums
22. Neighborhood & community centers (including youth & senior centers)
23. Nursing, extended care convalescent, recovery care facilities
24. Personal care facilities for the elderly
25. Public parks, playgrounds, playfields
26. Religious, educational & charitable institutions (no schools or assembly uses)
27. Religious, educational & charitable institutions (no schools or assembly uses) ☼
28. Rental unit; short term
29. Restaurant; fast service, take out, no drive-through or drive-up (not to exceed 1,000 square feet gross floor area; no alcohol sales)
30. Schools; elementary & secondary (public & private) ☼
31. Schools; vocational or trade (non-industrial)
32. Sign shops
33. Tailoring & dressmaking shops
34. Veterinary establishments & pet grooming ☼

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in C-4 districts subject to a Special Use Permit:

1. Colleges & universities (residential)
2. Daycare; preschool; for infants & children (more than 6)
3. Grocery stores (neighborhood)
4. Laundromats (neighborhood)
5. Mobile home permanent installation
6. Sheltered care facilities (?)
7. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in C-4 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Minimum district size

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.
- Single-Family
 - Where the *lot* size is between two thousand (2,000) and three thousand (3,000) square feet, qualifying *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for qualifying *common open space*, all divided by the number of single *family lots*, equals no less than three thousand (3,000) square feet.
- Multiple-Family
 - *Qualifying common open space* is required at a minimum of two hundred fifty (250) square feet per unit.

Maximum height: 24 feet – see also Table 14-7.3-1, note 6 below

Minimum setbacks: Table 14-7.3-1, note 6: Within 10 feet of a side or rear property line, no point on a structure shall be higher than 12 feet above the finished grade at the closest point on the perimeter of the structure. Within 15 feet of any property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point on the perimeter of the structure.

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

Residential uses: Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less

Max lot cover:

Non-residential uses: 60

Residential uses: 40

Photographs of 554 Juanita Street



Figure 1: View of south side of site from Juanita Street towards the Paseo De Peralta/St. Francis
and Juanita Street intersections

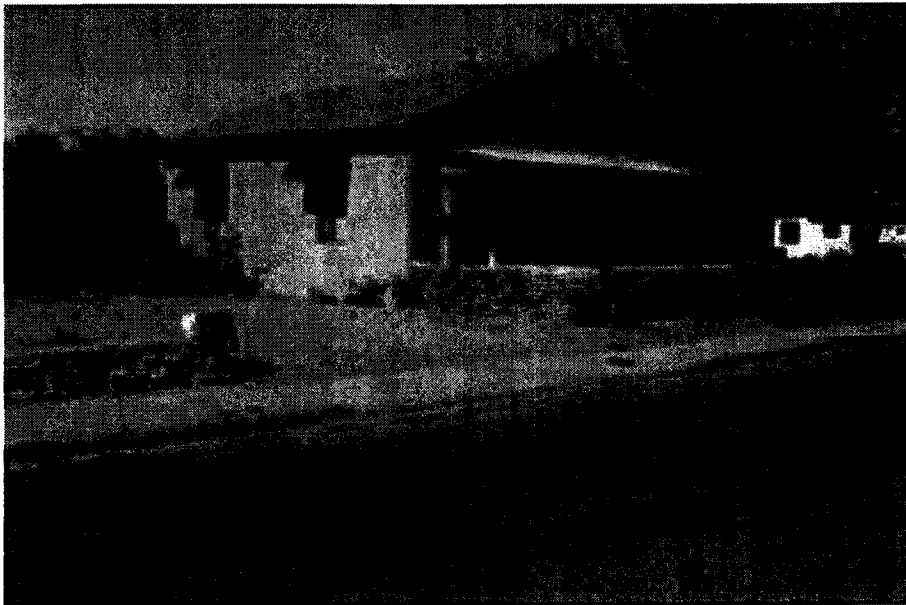


Figure 2: View of existing home at 554 Juanita Street from Juanita Street



Figure 3: View of front of structure

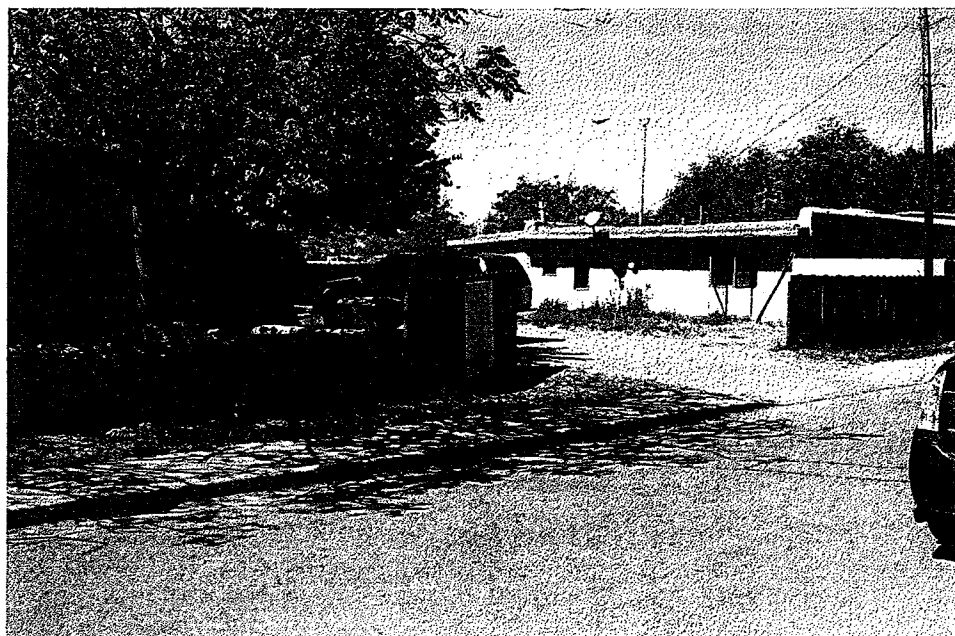


Figure 4: View of entry into parking lot north of structure

provided from Calle Atajo and the condition it be through their property to Mr. Home's property in order to prevent accidents on Airport Road.

Also, Mr. Home has sufficient property to meet the parking requirements but can't use it because of the way the property was laid out and a new access could allow him to provide more on-site parking.

Chair Spray asked if the Commission approved the rezoning how the Airport Road overlay ordinance might have an effect.

Ms. Baer said it would not have any effect because this property was already developed and that ordinance applied only to new construction.

Commissioner Villarreal moved to approve Case #2012-137 for rezoning to C-1 as a recommendation to City Council with all conditions from staff. Commissioner Harris seconded the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.



4. **Case #2012-138. 554 Juanita Street Rezoning to C-4.** David Schutz agent for Patsalis Ignatios, requests rezoning of 0.165± acres from R-8 (Residential, 8 dwelling units per acre) to C-4 (Limited Office, Retail and Arts and Crafts). The property was located on the northeast corner of Paseo De Peralta and St. Francis Drive and was within the C-4 eligibility area. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for his case which was a request to rezone the subject property to the C-4 district for limited office and retail or A/C on the NE corner of Paseo de Peralta and St. Francis Drive. It creates a transitional buffer between residential and a heavily traveled road. C-4 was allowed along St. Francis and quite a few have already been rezoned. She showed a zoning map in which the brown area was R-10 and the green area was R-8. It was quite a mix of things. This was a very challenging site because it was bounded on three sides by streets.

The existing house would be converted to office space with no change in size of structure. There was adequate parking there. At the ENN meeting, 10 neighbors expressed concerns about traffic, hours of business and other possible adverse conditions on the neighborhood. A second ENN meeting showed how the applicant would address those issues.

The site plan showed no changes on size of structure. They were adding a portal but not a whole lot of change on the site. They met landscaping requirements with a 15' buffer strip on the north with residents there. There was plenty of landscaping along Juanita. The lot was well designed.

Staff discussed traffic with the traffic engineer. Juanita was a very narrow street. The engineer had no

comments on it except a change of grade to the street and requirements on the required line of sight view over any walls.

The adjacent resident was satisfied with the proposal and the landscaping design there. Staff supported the rezoning subject to all staff conditions in the report.

Present and sworn was Mr. David Schutz who introduced the owner, Mr. Ignacio Patsalis and Mr. Tom Lechner, the architect. He explained that C-4 was brought in when he was living on Hickox in the sixties and heavy equipment came in and tore out for St. Francis and planners felt it was unfair how St. Francis had created a hodge podge of small lots and those owners should be granted some relief.

Over the years, there has been a slow transformation to primary offices and light commercial activities. The applicant agreed with the staff recommendation for approval and with conditions staff recommended. The applicant had to have an ENN meeting in order to give interested parties and neighbors the opportunity to raise concerns or comments and it was held in September 2012 after notifying all property owners and occupants within 300' of the property. They sent 160 certified letters to those owners and residents. Of those 160, ten attended the September 19 meeting and most of the concerns involved traffic issues: impacts of off-street parking, traffic congestion and highlighting the box on Peralta (to prevent stopping in the intersection).

After that discussion at the conclusion Mr. Schutz requested an opportunity to go back to the drawing board and he modified the plans and scheduled a meeting on October 17, 2012 when they presented revised plans and measures they would take to minimize any impact to the neighborhood as best they could. One measure offered was to require than any tenant exit the property out to Paseo to as to minimize traffic coming out of the parking and penetrating into the neighborhood so the owners would impose a restriction for right turn only out of the property to get to St. Francis or Paseo without going into the neighborhood.

The other issue was the fact that in certain circumstances people backed out onto Juanita Street and Mr. Lechner showed a plan that required them to drive out forward off the property. The back out space was on the property. He pointed out the 15' landscape buffer and said the neighborhood supported this proposal.

Mr. Schultz mentioned a city program called "residential parking permit only" which was a system that provided that if 75% of residents on Juanita Street signed the request, the City would establish the resident parking only and would analyze the on street and off-street parking. They might give him one residential permit and Mr. Patsalis could give it to one of his family to park on the street. They also made a commitment to the residents to maintain a residential character by not adding more square footage to keep residential feel but they would remodel the portal.

Mr. Patsalis wanted to put a Mediterranean restaurant there but backed off as too intensive of use. He manages Tomasitas. He said they rejected 14 of the possible uses for C-4 as too impactful and provided copies of the rejection list to the Commissioners. They agreed to the restrictions as a condition and as a

covenant on the development plan. [Attached as an exhibit to these minutes].

They also assured the neighbors that, depending on the use, they would impose typical business hours of 8-5 weekdays. Once they found a tenant, they would then meet with neighbors and discuss reasonable times of operation.

There were some more general traffic concerns of issues that were under city control such as not being able to change the speed limit at 25 mph. It was 20 mph on Guadalupe Street so they were advocating through Public Works Director, Ike Pino and Councilor Calvert to have a lower speed limit and imposing traffic calming measures.

The other issue involved the sequencing and timing of traffic lights at Paseo and St. Francis. They went there with Mr. Herrera to time the light changes. If you turn left from Paseo de Peralta to St. Francis and stop in the box, it created a problem. They wanted to highlight the box and perhaps have a flashing light. The left turn arrow stays on for 9 seconds and 15 seconds for straight through. This traffic stacks up and with someone asleep at the wheel it gives a level of service of D. So at the end of the day they were asking the City to adjust that timing and sequencing.

Present and sworn was Mr. Tom Lechner who said they were maintaining residential scale in the design. He pointed out the parking areas on north and south with landscaping on the north. He said they showed these drawings to the neighbors in the ENN meeting. The only improvement was replacing of the portal which would stay within the scale. There were existing trees and would add new vegetation. They were upgrading the structure with new windows and doors and upgrading the stone wall. They would meet the traffic and screening requirements, maintaining line of sight with the wall and vegetation at the corners coming out of the driveway. They would bring the wall into their property because the neighbor was two feet away from the property line and moving it would allow her access if she needed it.

Present and sworn was Mr. Ignacio Patsalis, property owner. He thanked Ms. Wynant for doing a great job from staff.

He said any property he acquired he upgraded. Mr. Schutz and Mr. Lechner had done a good job for him. He wanted low impact tenants like an insurance agency or investment broker. He was more excited about the landscaping than expanding the building. His neighbor, Lucy was also excited but she was disappointed that he wasn't going to have a Mediterranean restaurant. He had owned this property for 12 years and the landscaping was at the gateway into Santa Fé. He agreed to keep it up to code.

PUBLIC COMMENT

Present and sworn was Mr. Anthony Herrera, 539½ Juanita Street, said one concern of neighbors was the increasing difficulty entering and exiting Juanita Street. At peak levels they had to go around to get in. It was difficult for vehicles to get through quickly and brought an anger attitude out of frustration getting off Peralta onto St. Francis. Everyone tried to push their way through and it would create larger problems in the future as the city grows.

Present and sworn was Mr. Rick Martínez representing Mr. López. He worked with the neighbors there on rezoning. The rezoning was very tricky. He wondered how much further down Juanita Street commercial would go. The veterinarian down the street generated lots of traffic and people speed through there. A UPS truck had to back around because there was parking on both sides. He feared that when the city offices were moved to the Railyard, the traffic would increase further.

Mr. Martínez said another concern of the neighborhood was to have more signage there at St. Francis Drive and Cerrillos Road where the train stops- Nobody was respecting that on Paseo de Peralta. Hopefully they could get more signage there. A lot of these concerns the City needs to take care of and start improving this road to make it better. It needs an entrance to exit onto St. Francis. The restaurant would generate more traffic and an art gallery would have extended hours so it made a difference to the neighborhood what went in there. The neighborhood appreciates what the owner was trying to do but would like to know what kind of tenant he would have.

Something should be installed to warn people to not stop in the intersection (in the box). It was something the city should be pushed to do. Keeping Juanita Street flowing was important. The box was striped very weird and that was only done once a year. The neighbors were giving up a lot for this rezoning and asking for some help in return. The help with residential permit parking would be great. But it takes intense effort door to door.

Commissioner Ortiz recognized the major traffic issues there. It was a traffic nightmare and the controls might not be a city issue but a state issue because it was a state highway. He didn't know if the city could impose them there but it had been a problem there for years and years. Traffic begins to stack.

Ms. Brennan clarified this was a recommendation to the City Council and could include a recommendation that they consider these other things.

Commissioner Harris appreciated the work that went into solving this long-standing problem - They have worked hard with the neighbors to solve it. The traffic conditions on Juanita Street have certainly gotten worse.

He didn't think the rezoning and how it might be used would affect that problem that much. He was also interested as Mr. Ortiz said that the Commission should inform the Council that City staff should look closely at what measures should be undertaken. They should include having the veterinary clinic egress out onto St. Francis and the box needs to be more evident to drivers. It would always be a difficult intersection but there were things the City could do to mitigate that. He appreciated the professional response that this packet represents. The effort in this project was superior and he was certainly in favor of the rezoning.

Commissioner Lindell agreed that intersection was awful and everyone had cursed it. In the ENN notes it said "café" and then in the staff summary it said "office space" so she asked if they were talking about office space.

Mr. Schutz said their original intent was a café but after thinking about it they called Ms. Wynant and said they didn't want a café as it would have too intense of an impact so they sent a subsequent mailing to neighbors to say they withdrew the café and it would be office. The café was off the table and restaurant was on their excluded list.

Commissioner Lindell didn't see that they had excluded all restaurants on that list but only fast food restaurants.

Mr. Schutz said they intended to exclude restaurants entirely and it could be imposed as a condition of approval. Art galleries were not allowed in C-4 so it wouldn't be an art gallery. They could make jewelry or sell jewelry there but not have an art gallery.

Commissioner Lindell asked staff if six parking spaces were sufficient. She asked if the City had a parking requirement for medical offices or dentists offices.

Ms. Baer said the most intensive use required one space for each 200 sq. ft. The most intense would be 5.6 parking spaces. So the maximum for a use would be six spaces on this property.

Commissioner Lindell complimented the applicants on the quality of their presentation but was deeply troubled by the intersection there.

Commissioner Lindell asked if it was used residentially now.

Mr. Patsalis said it was - by a family of four.

Chair Spray noted on the rezoning criteria on page 2 that it was previously RM-1 and down zoned in 2009. He asked how that related to C-4 eligibility. It was eligible but wondered if it was in an overlay there.

Ms. Baer clarified that there was no relationship between the C-4 and the 2009 Juanita Street down zoning. She said in 2009 it happened north of there on Juanita Street where originally R-21 would have allowed a three story structure. But there was recognition that the infrastructure couldn't support that amount of construction. So the impetus was a political move to take away some of that stress. So there was no relationship with C-4 in that down zoning.

Chair Spray asked if the C-4 overlay went into effect then.

Ms. Baer said it was earlier in the 1980's in response to construction of St. Francis Drive.

Chair Spray understood that the C-4 was more advantageous because it would allow office and more landscaping. He asked if staff felt it was better with C-4 than with residential use.

Ms. Baer believed so. People would arrive and leave at predictable times so the neighborhood would

have a better understanding of its use.

Chair Spray asked if the Commission was allowed to recommend a specific use.

Ms. Baer clarified the city's position which came from the City attorney's office was to not restrict the uses. The applicant could offer their own restrictions but the City wouldn't enforce that.

Chair Spray reasoned that once the Commission recommended approval of it, they were permitted to choose any of the allowed uses. It was the same on the other one on St. Francis. The zoning speaks for itself. Things might change. So the Commission couldn't restrict it to an office but it would be open to everything on that list.

Ms. Brennan said that was accurate. If it was on the list, it was an allowable use.

Chair Spray appreciated that the Commission must go on a case by case but there had to be some kind of planning and some kind of allowance for traffic that handled C-4 zoning.

Commissioner Harris thought this was a failed intersection, no matter what. The applicant and agents have gone as far as they could and that should help mitigate this problem. They mentioned sight triangles, right turn only and taking the lead for a residential permit parking zone and working with the neighborhood to temper it there. This would be a safer conversion than what they said before. To his mind ingress and egress off Juanita was preferred to St. Francis. The size and parking was not that significant. The Commission needed to state its view that this was a failed intersection and see what was needed in the future.

Commissioner Bemis said she used that intersection. The signs were a farce because there were always cars there. She asked why they couldn't have a camera there or photo enforcement or a police car there to let people know about it. That painting on the ground wouldn't keep the intersection open. The application was good but there was a lot of work to be done.

Chair Spray asked if there was an appropriate way to word these recommendations to Council.

Ms. Brennan suggested they could say, "We further recommend..." and Council would hear that from staff.

Commissioner Lindell said this was hard for her to recommend because of that intersection and she asked Ms. Baer if she had said staff's opinion was that this use would not only not intensify the problems at the intersection but perhaps mitigate them.

Ms. Baer agreed. There was more predictability with office use rather than residential. A family could have a huge party there or have many unrelated people living there. With this type use the neighborhood has better knowledge of what would happen.

Commissioner Villarreal agreed with her fellow commissioners. If the owner looked at a use that required customers it wouldn't be doing so well because they would not find any parking. She would advise the owners to think about that. But if the Commission recommended this to further study traffic she would be willing to support it. Commercial use was a better option. A resident across the street had a meth lab there at one time.

Commissioner Villarreal moved to recommend to Council approval of the C-4 rezoning in #2012-138 with all staff conditions and to recommend to Council to study traffic solutions and signage including re-engineering of this area.

Chair Spray asked if that was proper form. Ms. Brennan agreed.

Commissioner Harris asked for a friendly amendment to add to the recommendation - closer adherence to the existing measures as well as discussion with NMDOT on signalization sequencing and timing. Commissioner Villarreal accepted it as friendly.

Commissioner Ortiz seconded the motion with alternate language - "a complete traffic analysis of Juanita Street, the intersection of Juanita and St. Francis, including signage, signalization and adherence to current measures.

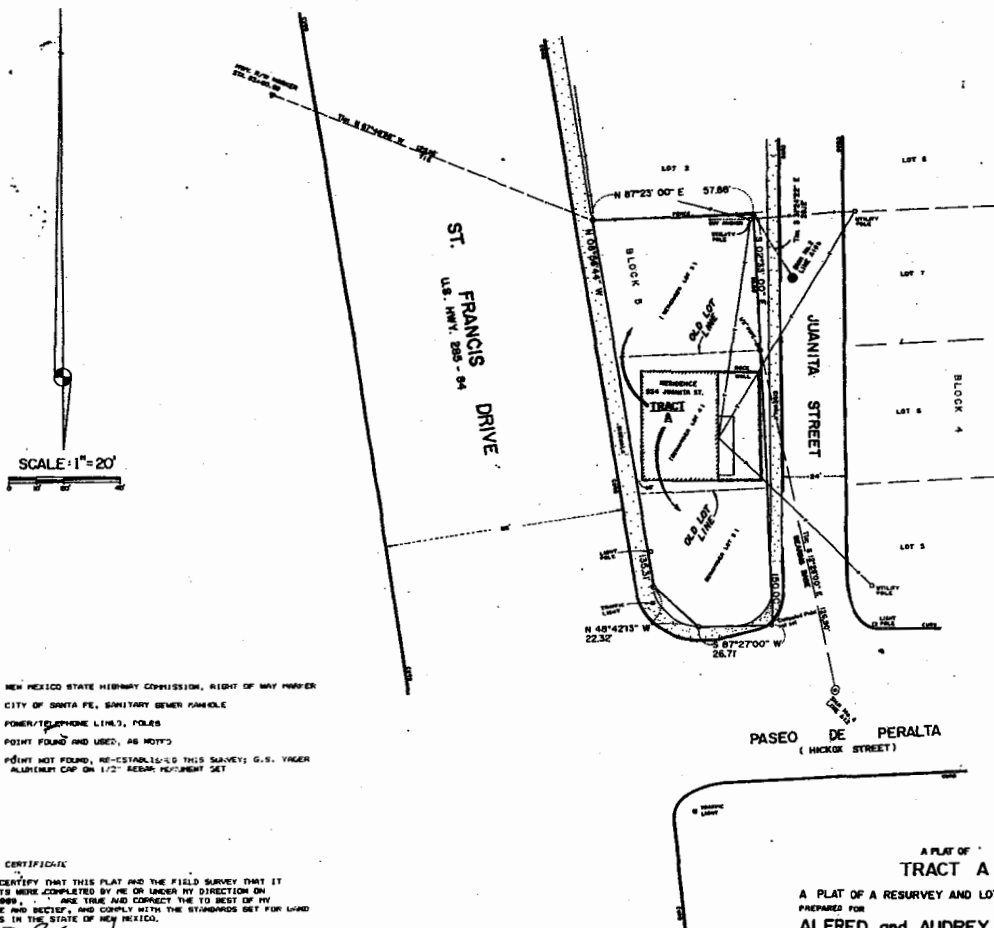
The amendment was friendly to the maker of the motion and it passed by unanimous roll call vote with Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz and Commissioner Villarreal voting in favor and none voting against.

5. Chapter 14 Technical Corrections and Other Minor Amendments. Consideration of various amendments to Chapter 14 as a follow-up to the Chapter 14 Rewrite project (Ordinances Nos. 2011-37 and 2012-11), including technical corrections such as typographical and cross-referencing errors and other minor amendments:

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

554 JUANITA ST. REZONING

CASE # 2012-138



LEGEND

- NEW MEXICO STATE HIGHWAY COMMISSION, RIGHT OF WAY PROPER
- CITY OF SANTA FE, SANITARY SEWER PARALLEL
- POWER/TELEPHONE LINES, POLES
- POINT FOUND AND USED, AS NOTED
- POINT NOT FOUND, RE-ESTABLISHED THIS SURVEY; G.S. YAGER ALUMINUM CAP ON 1/2" REBAR PERMANENT SET

SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE FIELD SURVEY THAT IT REPRESENTS WERE COMPLETED BY ME OR UNDER MY DIRECTION ON JULY 28, 1989, AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF NEW MEXICO.

G. SCOTT YAGER, No. 812

NOTE

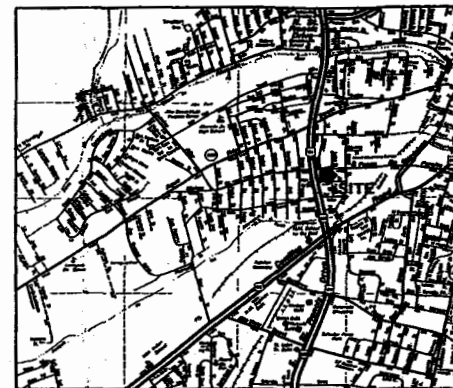
FOR ALL SIDEWALK, STREET, AND UTILITY ENCROACHMENTS ALONG JUANITA STREET LOCATED WITHIN THIS TRACT, REFER TO GRANTS OF PERPETUITY, EASEMENTS TO THE CITY OF SANTA FE, NEW MEXICO, BY ALFRED AND AUDREY QUINTANA, DATED MARCH 9, 1973. (SEE NOTE 30)

PASEO DE PERALTA
(HICKOK STREET)

A PLAT OF
TRACT A

A PLAT OF A RESURVEY AND LOT CONSOLIDATION
PREPARED FOR
ALFRED and AUDREY QUINTANA
OF THE REMAINDER OF LOTS 3, 4 AND 5, BLOCK 3 OF
STERN'S SECOND ADDITION, CITY OF SANTA FE, N.M.

TOTAL AREA OF CONSOLIDATED PARCELS: 0.668 Acres



VICINITY MAP

SCALE: 1" = 1/4 MILE

NOTES

- 1) PLAT BEARINGS AND THE RECONSTRUCTION OF THE ORIGINAL PORTIONS OF LOT 3, AS SHOWN HEREON, WERE BASED ON A PLAT OF SURVEY PREPARED FOR TON S. CONTIGUEZ BY WALTER D. TULLY, M.L.S. NO. 95 DATED AUGUST 31, 1959.
- 2) LOTS 3, 4, AND 5, BLOCK 3, WERE ORIGINALLY PLATTED AND SHOWN ON A PLAT OF SURVEY ENTITLED "PLAT OF STERN'S SECOND ADDITION TO THE CITY OF SANTA FE, NEW MEXICO," AS PREPARED BY JAMES C. HARVEY, M.L.S. NO. 58, DATED JUNE 10, 1928.
- 3) THE CONFIGURATION OF THE REMAINING PORTIONS OF LOTS 3, 4, AND 5, BLOCK 3, STERN'S SECOND ADDITION, AS



PROJECT	SUBJECT	DATE	BY	REVIEWED BY
		11-21-2012	YES	

554 JUANITA STREET REZONING
 554 JUANITA STREET
 SANTA FE, NEW MEXICO

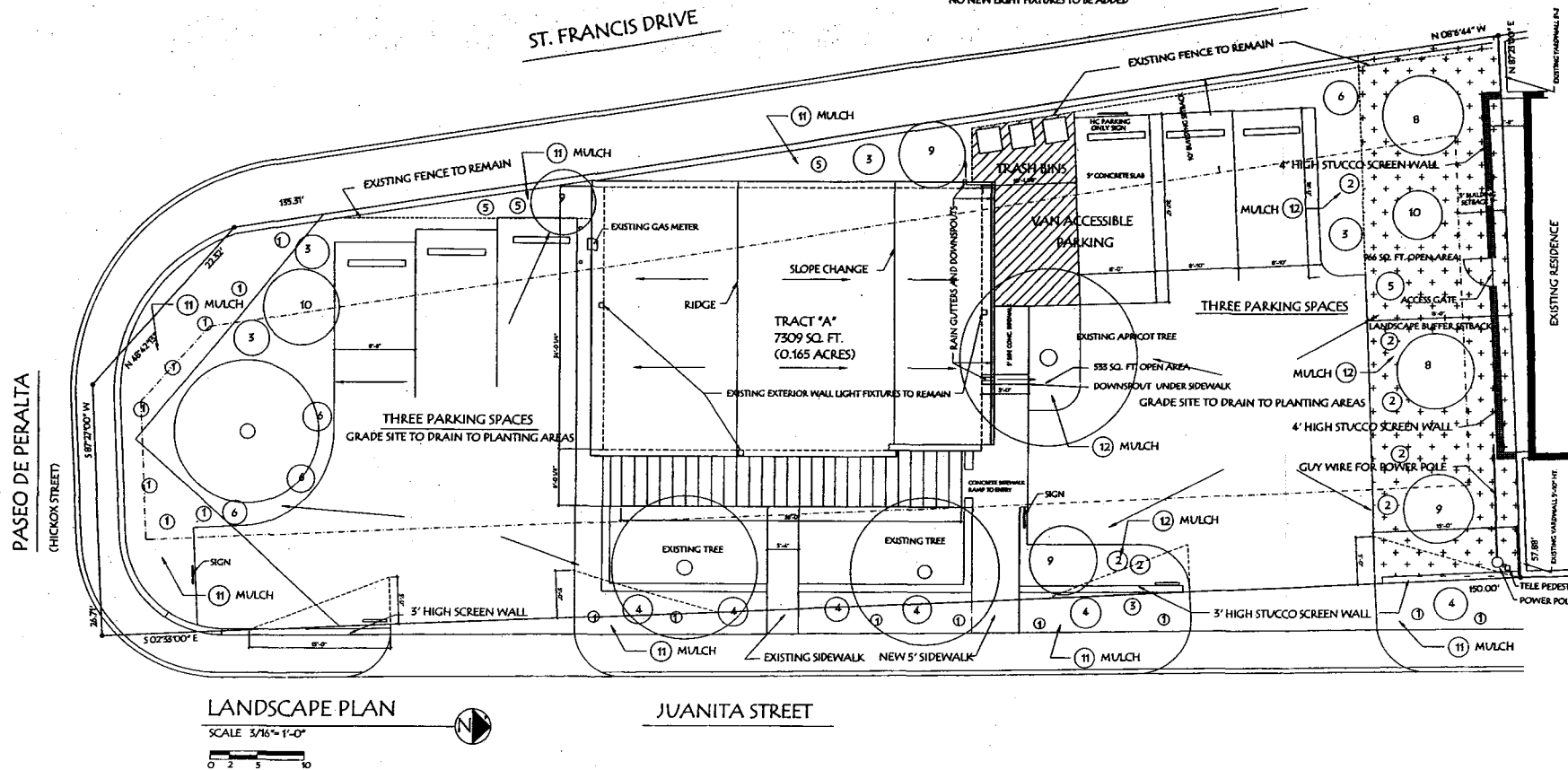
SCALE 3/16" = 1'-0"

PLANT LEGEND

KEY	QUANTITY	PLANTED SIZE HEIGHT CALIPER	MATURE SIZE HEIGHT SPREAD	COMMON NAME	BOTANICAL NAME
GRASSES					
1	20	1 GAL	2'	LITTLE BLUESTEM	SCHIZANTHRUM SCOPARIUM
SHRUBS - DECIDUOUS					
2	8	5 GAL	5' 4'	RED TWIG DOGWOOD	CORNUS ALBA "TATARIAN"
3	4	5 GAL	6'	THREE LEAF SUMAC	RHUS TRILOBATA
4	6	5 GAL	3-4'	RUSSIAN SAGE	PERYSKIA ATRIPLUCKI FOLIA
SHRUBS - EVERGREEN					
5	5	5 GAL	4'	SPANISH BROOM	GENISTA HISPANICA
6	5	5 GAL	6'	APACHE PLUME	FALLUGIA PARADOXA
TREES - DECIDUOUS					
7	1	6' 2"	40' 25'	LITTLE LEAF LINDEN	TILIA CORDATA
8	2	6' 2"	12 - 20'	CHOKECHERRY	TRINUS VIRGINIANA
9	4	6' 2"	12 - 15'	NEW MEXICO PRIVET	FORESTIERIA NEOMEXICANA
TREES - EVERGREEN					
10	2	6' 2"	6 - 15'	MOUNTAIN MAHOGANY	CERCOCARPUS MONTANUS
MULCH					
11				SANTA FE BROWN CRUSHED GRAVEL ON WEED BARRIER	
12				CHIPPED PECAN SHELL MULCH ON WEED BARRIER	

SITE LIGHTING PLAN

EXISTING EXTERIOR WALL LIGHT FIXTURES TO REMAIN
NO NEW LIGHT FIXTURES TO BE ADDED



TURNER LECHNER & ROMERO

554 JUANITA STREET REZONING
554 JUANITA STREET
SANTA FE, NEW MEXICO

LP

554 Juanita St. Rezoning

Owner Imposed Excluded Uses

Fast Food Restaurants

Cabinet Shops

Private Clubs/Lodges

Public Parks

Utility Facilities (electric sub-station, gas regulator station, etc.)

Veterinary Uses

Kennels

Foster Homes

Sheltered Care Facilities

Day Care Facilities (for more than 6 children)

Secondary Schools

Colleges

Group Living Facilities

Mobile Homes

Exhibit "10"