



Agenda

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PLANNING COMMISSION
Thursday, January 9, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: December 19, 2013

FINDINGS/CONCLUSIONS:

Case #2013-111. Presbyterian Healthcare Services Development Plan and Variances.

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. An ordinance relating to the Santa Fe Homes Program ("SFHP"); amending Section 14-8.11 SFCC 1987 to make permanent the current percentage requirements of the SFHP; amending Section 26-1 SFCC 1987 to update the Legislative Findings, to establish the schedule for payments in lieu of constructing units for SFHP development with two through ten total units, to make permanent the current percentage requirements of the SFHP and to make various other changes to the SFHP ordinance. (Councilor Wurzbarger) (Alexandra Ladd)
2. **Case #2013-119. Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat.** James W. Siebert and Associates, Inc., agents for Carmel LLC, Final LLC, SF South LLC, and State Properties of NM LLC, request Final Subdivision Plat approval for 3 lots on 6.54± acres located at 37 Plaza la Prensa. The property is zoned BIP (Business Industrial Park) and is located within the Phase 2 Annexation Area. (Tamara Baer, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

NOTES:

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

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CITY OF SANTA FE
PLANNING COMMISSION
January 9, 2014

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AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION 14-8.11 SFCC 1987, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987, TO UPDATE THE LEGISLATIVE FINDINGS, TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENT WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE	Recommend partial approval	3-14
<u>CASE #2013-119. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NM LLC, REQUEST FINAL SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES, LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA</u>	Approved w/all conditions a/a	14-16

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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
January 9, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, January 9, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Tom Spray, Chair
Commissioner Michael Harris
Commissioner Signe Lindell
Commissioner Lawrence Ortiz
Commissioner Dan Pava
Commissioner Angela Schackel-Bordegary
Commissioner Renee Villarreal

MEMBERS EXCUSED:

Commissioner Lisa Bemis
Commissioner John Padilla

OTHERS PRESENT:

Matthew O'Reilly, Director, Planning Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Lindell moved, seconded by Commissioner Pava, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Harris, Lindell, Ortiz, Pava and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [5-0].

Commissioner Schackel-Bordegary arrived at the meeting

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – DECEMBER 9, 2013

The following corrections were made to the minutes:

Page 13, paragraph 3, line 3, correct as follows: "... the ~~Commission~~ condition become a..."

Page 14, paragraph 1, line 3, delete the comma between "Bobby" and "George."

Page 21, paragraph 5, correct as follows: "Chair Spray said he agreed in part."

Page 8, paragraph 6, line 2, correct as follows: "...the last time and will not vote for it this time."

Page 15, paragraph 13, line 3, correct as follows: "... [inaudible] roof run-off."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Lindell, to approve the minutes of the meeting of December 9, 2013, as amended.

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

2. FINDINGS/CONCLUSIONS

**CASE #2013-111. PRESBYTERIAN HEALTHCARE SERVICES
DEVELOPMENT PLAN AND VARIANCES.**

A copy of the Findings of Fact and Conclusions of Law in Case #2013-111 Presbyterian Healthcare Services Development Plan, prepared by staff, is incorporated herewith to these minutes as Exhibit "1."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Pava, to approve the Findings of Fact and Conclusion of law in Case #2013-111, Presbyterian Healthcare Services Development Plan and variances, as presented by staff [Exhibit "1"].

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

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. **AN ORDINANCE RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION 14-8.11 SFCC 1987, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987, TO UPDATE THE LEGISLATIVE FINDINGS, TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENT WITH TWO THROUGH TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE SFHP ORDINANCE (COUNCILOR WURZBURGER). (ALEXANDRA LADD)**

A Memorandum dated December 20, 2013, with attachment, to the Planning Commission – January 9, 2014, from Alexandra Ladd, Special Projects Manager, Housing and Community Development Department, regarding *Amendments to the Santa Fe Homes Program (SFHP) – Chapter 14*, is incorporated herewith to these minutes as Exhibit "2."

The staff report was presented by Alexandra Ladd. Please see Exhibit "2" for specifics of this presentation. Ms. Ladd said she is asking for input and a recommendation from the Commission on the Ordinance, specifically Items #1 and #2 on page one of her Memorandum [Exhibit "2"].

Public Hearing

Speaking to the Request

There was no one speaking to this request.

The Public Testimony Portion of the Public Hearing Was Closed

Chair Spray asked Ms. Brennan if the Commission is being asked for a specific recommendation only for the two items in Section 1 and Section 2 of the Ordinance.

Ms. Brennan said, "It is correct Chair Spray that you have the jurisdiction to review changes, Ordinance Changes in Chapter 14, and to the extent this affects Chapter 14, those are the sections that you are reviewing."

The Commission commented and asked questions as follows:

- Commissioner Lindell said, referring to the chart on page 3 of 4, said in 2011, "we took the Tier 2... we were at 10% requirement on home sales and the change now is to make that 5%. Am I reading that right."

Ms. Ladd said, "Yes. I can explain the rationale behind that. When the 2011 amendment was made reducing the requirement from 30% to 20%, previously the 10% had been distributed across those

3 income ranges. In 2011, it was taken out of the highest, at that time, which was income Tier 4. They just struck out the 10% from there and left 10% in Tiers 2 and 3. But one of the things that is also in the Ordinance, is a sort of encouragement, an incentive for essential workers. So what City Council had decided was that it was very important to provide housing for the people who felt like they couldn't afford what they wanted in our community, teachers, police officers, firefighters. But many of them made too much money to qualify under the program. So what the City Council decided, and this was before 2011, was that those types of essential workers could earn more and buy the Tier 4 house, so they could earn in the Tier 5. But once the City struck the 10% out of Tier 4, that becomes sort of a moot point. There's no way to provide that incentive for them. So that was one rationale."

Ms. Ladd continued, "The other is that for homebuyers to qualify for many of the HUD down-payment assistance sources, CDBG and the Homes Program, as well as some of the programs that the MFA runs from the State level, is they can't earn more than 80%, so by striking the requirement out of Tier 4, these people can't qualify for a lot of the down-payment assistance either, because they earn just a little too much. But they still don't really earn enough to afford a market rate home. So the other part of that rationale was let's get some homes priced for them, so if they're not able to get down-payment assistance, they will still be able to buy a house in that income range."

- Commissioner Lindell said, "My inclination is to want to talk about going back to 30%, rather than the 20%, but this is.... We had a sunset of June 2014 on the amendment we're looking at, and now we're being asked to codify that permanently, correct."

Ms. Ladd said this is correct.

- Commissioner Lindell said, "I really hope the Commission makes a recommendation not to do that. Maybe we could look to extend this for a couple more years, but once we have codified those rates we've got them. That's it. And I think going back ends up... it's very, very hard for affordable housing with that. I think that 5% with the 50-65 ami which is the Area Average Median Income... I've worked in affordable housing for years, and it makes it very, very, very tough for those folks to have any consideration of buying a home. So a compromise position that I would propose on this is that we extend... is it an amendment that we have at this point... what was it before that we had."

Ms. Ladd said it was an Ordinance, but it had a sunset date in it.

- Commissioner Lindell said, "I would ask that we would extend the sunset date on that Ordinance and watch over the next couple years to see what happens with the market, because, I think to make this permanent.... I think that it's a mistake and I don't think we know in the next couple years where the market's going to end up. I know things are moving in the right direction right now, but I also know that when people are in that 50-65 ami, that's a very, very tough income range to purchase a home."

- Commissioner Harris said, "I just had a couple of specific questions. I was not part of the Commission in working on this previously, and I find it somewhat complex, it's hard to follow."

Ms. Ladd said, "I find it complex."

- Commissioner Harris said, "My instinct is to go with the 10%. I think that we have still a relatively flat market, and I think that 20%.... I always have a hard time sorting out exactly who pays for this. What's your experience Ms. Ladd."

Ms. Ladd said, "The private developer subsidizes the units that they provide."

- Commissioner Harris said, "In most peoples' understanding, it's really coming out of the developer's pocket. Is that what you think."

Ms. Ladd said yes, and there are other subsidy sources layered on top of that.

- Mr. Harris said, "Just reading through this I know there's a mix there. Granted, it is dependent upon the market place, but it seems to me most likely..... and you have to understand that I've been part of the business, although I haven't really developed property for 10 years. The last development we did was 22 units on an acre, so it was very dense and we had an average sale price of around \$200,000, but that preceded these requirements. But my own experience is, if the market place will bear it, that the subsidy essentially would go to, in this 80%... or it would have to be drawn from the housing prices in the other 70-80%, if the market will bear it. I don't know if the market will bear it right now, quire frankly, and to me, that's an argument for extending it to 20%. If we had a much better market, and the people I've talked to have said it's not terribly robust out there, then perhaps it's appropriate to increase it knowing that most likely the developer is going to try to spread that subsidy of 20-30% to the remaining buyers. In fact, I think that's really how it works. That's, quite frankly, what I would try to do if I were to develop a property under this rule."

Ms. Ladd said, "I did a lot of research on what inclusionary zoning programs looked like in other communities. And the community is aware a 30% requirement works. Our community does not support super, super high density development, and have very high values, so San Francisco is a good example. And it's so hard to know, because this program was adopted at the 30% and then, virtually two years later, the market pretty much crashed for everything. So I would never venture a guess as to what the effect on either of those things was. I do know that if you were looking at it objectively, we don't really support the kind of density here that makes the 30% super, super easy to do. And I've talked to a lot of the local development community and even the nonprofits, and the 20% number sort of anecdotally works for everybody in a way that the 30% number also anecdotally did not. For what that's worth."

- Commissioner Harris said, "That's kind of my instinct too, but again, I haven't run any numbers on any *pro forma* associated with development, but I think it would be a hard, difficult problem. On

page 11, there is a reference back to Chapter 14, 14-8.11(G)(2), and I copied that and forgot to bring it. But basically, I'm sure Ms. Baer probably knows what I'm referring to. This reference allows for a 15% increase in density. Correct."

[STENOGRAPHER'S NOTE: There was no audible response to the Commissioner's question, but someone seemed to indicate he is correct.]

- Commissioner Harris continued, "Describe to me how that would work. So let's just say we have a situation at the 20%, that's today's mark, and then, please explain how would that work.

Ms. Baer said, "If someone wants to increase their density over the base zoning it allows, then they can go 15% higher as long as they provide those extra units in compliance with the Santa Fe Homes Program."

- Commissioner Harris said, "So the extra units... does that mean.... but still you're at a 20% mark."

Ms. Baer said, "No. That's in addition to the 20% or whatever it is previously that required, as a baseline, if you want to add density over what would normally be allowed, then you have to make those additional units also in compliance."

- Commissioner Harris said, "So, if you had a 10 unit subdivision, zoned appropriately, and you're working against the 20% mark, today's number, but the increased density, the 15%, and I realize point five rounds up and things like that, but those additional units, 15% or however many there are, have to be part of the affordable housing program. Is that what it says."

Ms. Baer said, "That's correct, unless it's a portion of a unit and then you can pay the fee on the portion."

- Commissioner Harris said, "Quite frankly, I looked at it with a developer's frame of reference and thought well, there's a tradeoff. It's not necessarily an incentive to go ahead and develop that property, but there is a tradeoff to the costs associated with meeting the 10% affordable. That's what I took it, but it seems like I misinterpreted that a bit, because you're still providing those extra units at below market rate."

Ms. Baer said that's correct.

- Commissioner Lindell said, "So let's take Commissioner Harris's example of 10 units.... so let's go back to Commissioner Harris's example of 10 units, so they would have to provide 2 units as affordable units. Correct."

Ms. Baer said, "Currently, if you're going up to 10 units you actually don't have to do that. That's the current regulation, because the number is so few. If you used 100 units, that's a good example. So you have 100 units you're allowed under whatever the density is, and then you would have to provide 20 that were within the program."

- Commissioner Lindell said, "What about my 15 units that fall into my bonus category. My extra density category. Can those all just be regular market units."

Ms. Baer said, "No, those also have to be in compliance with the Santa Fe Homes Program."

- Commissioner Lindell said, "Then every one of those has to be affordable."

Ms. Baer said, "Yes, and I would defer to Ms. Ladd to explain how the various tiers work, because that's beyond me."

- Commissioner Lindell said, "I do know how that works. My point is this. I'm not opposed to the 20%. I have no opposition to that whatsoever. What I'm opposed to, is changing within the Ordinance how the percentages are broken down within the different ami's. That's my opposition to this. I'm perfectly willing to extend what we already have, but I really don't want to make it permanent, and I really don't want to make the change to, particularly in the 50-65% ami, to take that down to 5%. Thank you."

- Chair Spray said, "On page 2 of your presentation, the second paragraph had a nice breakdown of the pro-active and integrative approach to affordable housing. I'd like to ask a couple of questions about that to give me some context in working with that. We've got 3,300 affordable homes that have been made available, as I'm reading from that. About 1/3 of that, 1,150, were built in Tierra Contenta. That's accurate, right."

Ms. Ladd said yes.

- Chair Spray asked, "Can you elaborate for me a little bit on the 390 homes that were built as the result of annexation agreements and other negotiations."

Ms. Ladd said, "The first example, or the most obvious example is Nava Adé, and that happened before HOP, the inclusionary zoning program. And there have been a couple of others, but I can't think of the names off the top of my head. I can look that up for you if you want to know what the other ones were. There aren't too many, but they are big enough that they resulted in a number of units."

- Chair Spray said, "I am curious as to how the law works with the HOP and the Homes Program, which we talk about in some of the next lines here. 540 homes were priced affordably because of City incentives. Were they sold. I don't know what does that mean exactly, 540 homes were priced..."

Ms. Ladd said, "That refers to the Type A and Type B for the HOP Program. So those were developments where the developer agreed to keep the sales prices at a certain level. So, for the Type A's, they got all the incentives because they were basically affordably priced, so they got all

of the qualifying incentives. For a Type B, they didn't have to provide any housing and they got a limited number of the incentives. The idea was the market creating the affordable housing without the regulations."

- Chair Spray said, "Then approximately 90 homes were built in compliance with HOP's regulations. How is that different."

Ms. Ladd said, "That is the percentage requirement of HOP. HOP is a little complicated in that there were 4 tiers of development. So the developer would come in, propose their project, and according to the proposed price of the homes, they were either a Type A, Type B, Type C, or Type D. Type D being the super high end project and C being highish and then B being medium market priced, and A being actually at an affordable level. For a type C development, the developer provided 11% of the units at an affordable price and the price was affordable to.... they averaged them over the affordable units so buyers earning 65% of area ami were served through HOP. And for the Type D development, the developer provided 16% affordably priced units."

- Chair Spray said, "Then the 1,000 multi-family homes, that's apartments."

Ms. Ladd said, "Yes, and that's mostly low income housing tax credits."

- Chair Spray said, "And those were built for renters with low and moderate incomes. Was that the result of the SFHP."

Ms. Ladd said, "No. Low income housing tax credit projects aren't subject [to this requirement]."

- Chair Spray said, "Okay, so that was part of that. The one thing I'm seeing from the project is 27 homes were sold as required. I don't want to say that's it, but that is it."

Ms. Ladd said, "Yes. A chunk of it are the homes that the Santa Fe Community Housing Trust built for the senior co-housing project on Cerrillos, there was sort of a big chunk of that."

- Chair Spray said, "Out of all this stuff, and all this effort and all this political energy expended to that, that's what we have. That's all we got from that."

Ms. Ladd said, "Yes. We still have Cen-Tex providing some homes through the program, and I think their requirement is actually from their annexation agreement. There's a couple of small projects off Lopez Lane, Casa Bonitas, so there are a few, and they are moving forward."

- Chair Spray said, "There are FHP requirements as part of that, and they'll build some more out of that. This is my opinion, of course, but there's not an overwhelming number. And it would appear that the market has adjusted appropriately, because we all remember what it was a few years ago. The market has made the adjustment and has provided, I assume, that other level of affordable housing."

Ms. Ladd said, "It's so hard to know exactly what is going on, because of what happened in the market, and the Land Use staff can verify this. The number of building permits for single family homes just pretty much dropped off the map over the last few years. People were accessing housing in different ways, and then suddenly houses that people wouldn't have been on the buy for before, they could afford. And a lot of that had to do with what was going on with short sales and foreclosure."

- Chair Spray said, "There is complexity in the law itself, but I think it relates to the efficacy of the entire effort as well. There's so many pieces here from different areas, some of which were done in counting the 3,300 without this at all, whether you sunset it or whatever you do with it..... whatever percentage Commissioner Lindell talks about. I just don't think.... those are very surprising to me."

Ms. Ladd said, "We usually talk about affordable housing in the way that there is a toolbox to achieve affordability, because you can have a home that's priced affordably, but if your home buyer is not trained and doesn't have down payment assistance to buy down their mortgage, then they get into an unaffordable payment. So you're sort of looking at it from a lot of different ways."

- Chair Spray said, "As you know, I was a former Chair of the Affordable Housing Roundtable, and I am familiar with those issues, but this is a great opportunity to be able to look at it, and I thank you for doing that and for shedding some light on that."

Ms. Baer said, "I need to correct a comment I just made, because I'm looking at the specific language in the Code. Chapter 14 doesn't specify that the additional 15% need to be within the affordable homes program. So, since we don't administer that program, it's not something we typically calculate. We just calculate the number of housing you can build. So I would ask Ms. Ladd to clarify whether that additional 15% bonus has to comply or doesn't."

- Chair Spray asked Ms. Ladd to comment.

Ms. Ladd said, "Since I've started in this job, I don't think we've had a single situation where anyone has gotten that far and actually wanted the density bonus. I can't think of a good example of where the density bonus was utilized. In the past, usually the developer was given quite a bit of flexibility in terms of how those units were priced, and they were always encouraged to throw in an affordable unit, and I think for the most part, there was willingness to do that. I would have to go back through the files to try to find one."

Mr. O'Reilly said, "I don't believe in the past, the density bonus was ever applied in a way that required all of the density to comply with the Ordinance. Speaking from personal experience working in the private sector, there were people in the past in Ms. Ladd's position long ago, who would do a new calculation as to the total density and then take 20% of that total. So if the density allowed 100, they would go to 115 and then take 20% of the 115, and that's how they did that. I also seem to remember a time when they would calculate the 20% or 30% or whatever based on the 100 and then the 15% density bonus could be anything the developer wanted."

Mr. O'Reilly continued, "In the original days of the inclusionary zoning ordinance, almost 20 years ago, the intent of the density bonus was to offset losses the developer might take in having to provide houses at the low market rate. And so the idea that all of that bonus be used to provide 100% affordable houses, would have been in conflict with that. That's why I say, we're not exactly sure how the affordable housing office has applied this specifically in the past, but I cannot recall a density bonus where the entire bonus had to be used for the affordable program."

- Commissioner Harris said, "I am relieved to hear there seems to be quite a bit more flexibility, and maybe it's worth it, not necessarily now, to have a discussion of Chapter 14 to say how that percentage can be used. To me, it's a tradeoff. And as you said, 20 years ago the thinking was that there are costs to the developer associated with this and the density increase is a trade-off. To my way of thinking, I think it should be a 20% increase. If there's a 20% requirement for affordable housing, then I would think it would be worth consideration for a 20% increase. And I realize there are problems with that by the time you meet parking, streets, landscaping.... it would be hard to achieve. I am glad to hear that all of the percentage isn't going to a certain program. Quite frankly, I think it should go to the market place overall."

Mr. O'Reilly said, "We are at a disadvantage because the staff who were here when the original ordinance was created aren't here any more. The original inclusionary zoning ordinance had two tiers at 11% and then 17%. And I believe that the 15% density bonus was a holdover from the time when the requirements were even lower than they are now, and that's why they picked that number which was between the 11% and 17% when the Ordinance came into being. That is the ordinance which was amended in 2005 when we went to 30%"

- Commissioner Lindell said, "It is my understanding that there is a 15% density bonus that can be built at market rate. Secondly, on the affordable unit, there is consideration on those units in terms of fees. Is that not correct."

Mr. O'Reilly asked, "Were you asking if fees are waived for the affordable units."

- Commissioner Lindell said yes.

Mr. O'Reilly said, "Oh yes indeed. For any affordable units there are waivers of all kinds of fees, starting at the development approval level through building permit, utility expansion charges, impact fees. All of those things are either waived or reduced for affordable units."

- Commissioner Harris said, "I noticed this as well, but the reduction in impact fees or the whole fee structure is applicable only to the affordable units. Correct."

Mr. O'Reilly said, "This is correct. Taking the example of the 100 units. If the development application fee for 100 unit subdivision was \$20,000 and 20% of it had to be affordable, we would charge the \$20,000 minus 20% - we would subtract \$4,000 from that. And then it moves on from there when you get into other fees, and utility expansion charges, all of which are reduced or waived completely for affordable units."

- Commissioner Harris said, "In closing, I also was struck by the paragraph referenced by Chair Spray, and I'm glad he walked you through this Ms. Ladd. What it seems to say... and I realize there is a toolbox.... but what it seems to say that is this whole program hasn't necessarily worked that well. That would be my take. If it only ended up with 27 homes. To me, it's a very generous program. There are other incentives for the homebuyer. They get a little of the 5% of equity on the 95% appraised value, and they can do upgrades to the tune of \$5,000. There are a number of things in there that really incentivize the potential buyer. And I have to wonder if there are some real structural problems in the Ordinance so that it doesn't deliver the results people expected that it would."

Ms. Ladd said, "This is my opinion, but I think that the non-profits who are creating our affordable buyers for the most part, in order to be eligible for most of our subsidy sources, the buyers have to go through those programs, including a private developer who builds affordably priced homes. Their buyers need to be certified through the non-profits as well. I think what happens is that the non-profits steer the buyers toward the housing they are building, understandably so, and most of those houses have been in Tierra Contenta, so the 27 units are not all the production since the Ordinance was passed. There is a force moving buyers away from the SF Homes Program homes which haven't been created."

- Commissioner Lindell said, "Having worked in affordable housing, there are many more than 27 homes that were sold. And however the numbers are broken down or wherever that 27 comes from, what I do know personally is that there were more than 27 houses sold through that program. I personally in 5 years sold more than 150. So whatever the source, certainly Cen-Tex participated in that program and a lot were sold through that program. Homewise is building their own homes, and most of their homes fall within that. And as Ms. Ladd was saying, those may not be reflected, but it is a lot more than 27 homes. And even if it was only 27 homes, there still are 27 families that got a home that never thought they would have a home, and each home is a major, major victory for the City."
- Chair Spray said, "There may be some confusion on how those are counted, what is part of the program and what is the efficacy of the program. I would agree with those 27 folks it would be great. Perhaps, it would have been easier simply to cut them a check to be able to do that, and not have to do that, and they might have qualified in a different way. "

Ms. Ladd said, "I just wanted to clarify that for most of the Cen-Tex homes, those properties were brought into the annexation agreements from years and years and years ago. So, to say that the Santa Fe Homes Program hasn't had any influence on those, I probably shouldn't have represented it that way, although that is the way the data is tracked, because we take the SF Homes Program requirements and put them on top of what the original annexation agreement said. So yes, the Santa Fe Homes Program is creating that affordability, but the requirement came from something else, if that makes any sense."

- Commissioner Villarreal asked Ms. Ladd to explain the process to get input on the Ordinance, noting Ms. Ladd says, "Local builders, developers and housing advocates concur with their discussion. How did you all facilitate that process."

Ms. Ladd said, "We did a big focus group meeting last March, to just toss it out there and say what do you guys think. And the rest of the input was less formal than that, based pretty much on me having conversations. And Council Wurzbarger feels very strongly about this, and she's pretty hooked in with that community. And I sent the proposed changes in draft form to many of the non-profit advocates and developers to ask if there are any red flags and how does this look. And I got pretty much universally positive feedback to that."

- Commissioner Villarreal said, "When you're talking about housing advocates, you're talking about the non-profits that provide affordable housing options, not necessarily the general public, like what anyone would think about that if it were to change. Did you have any kind of general public input as well."

Ms. Ladd said, "Other than advertising the forum as a public meeting, we did not have specific public input, but as you can see, we are going to four other committees."

- Commissioner Villarreal said, "I was thinking about the paragraph that Chair Spray was talking about, the breakdown. Since the 1990's I think about how many people since the 1990's have actually moved away from Santa Fe to live somewhere else, to be able to live affordably, and then have to commute to Santa Fe. It would be interesting to find out that number in comparison to the number which was provided for affordable housing. I do agree with my colleague, Commissioner Lindell, about maybe not looking at the permanency factor tonight. And I would be open to looking at an amendment if possible."
- Chair Spray said there is nothing to amend at this time.
- Commissioner Villarreal said she is speaking of another option.

Ms. Baer said, "What's interesting about the density bonus is that in the places where it works, where you see it working, is in cities where you get the density by going vertical. And you simply can't do that in Santa Fe and that's why we don't see it more often."

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, that this Commission recommend to the City Council, with respect to Item #1 of Action Requested, to recommend to the City Council to leave the Ordinance as it currently stands, and extend the sunset period another two years to 2016; and with respect to Item #2 of Action Requested, to recommend approval to the City Council to clarify applicability to specify conversion from commercial uses to residential is also subject to SFHP (Chapter 14-8.11(D))."

CLARIFICATION OF MOTION BY CITY ATTORNEY BRENNAN. Ms. Brennan said, "As I understand, the motion, it is to basically extend the Sunset provision and keep it the way it is. But when you say include the second point, do you mean recommend approval of that provision."

Commissioner Lindell and Villarreal said, "Yes."

DISCUSSION: Commissioner Schackel-Bordegary said, "I'll try, I'll stumble through this. This is admittedly one of the more complex areas of planning. And this is a planning issue, because it is difficult to quantify the results of the individual tools within the tool box, and leaves it to policymaking bodies to decide which tool to sharpen, which to throw in the basement, and which to pull out. And I guess I'm definitely in a quandary about this because I, first of all, feel I don't fully understand it. But I understand the bigger picture, that shows on the one hand..... and I'm inclined to go with more tools and more strength in encouraging a desired result which is affordable housing. And Lord knows that's the number one issue in this town, and goes hand in hand with livable and meaningful employment. We don't solve one without also working on the other. So I tend to want to be more pragmatic in expanding chances for more affordable housing."

Commissioner Schackel-Bordegary continued, "That said, it is difficult to quantify and tease out what has led to the affordable housing we have now in Santa Fe, and what didn't lead to more now. On the other hand, I also believe in symbolism, and the fact that Santa Fe had one of the first inclusionary zoning ordinances in the country and what we've learned over the past 20 years. Although, obviously, we still don't really know. We can tinker with things, and it resonates with me that in Santa Fe, in this stage and particularly at this time with our economy, we're slogging along. Some improvements in some markets, not these markets. The higher end markets. That we would not make that statement, in this year, 2014, maybe in 2016, to reduce the requirement from 30% to 20%. I don't know, but those are two sides of this issue.

Commissioner Schackel-Bordegary continued, "And I can appreciate the expertise and knowledge of both Commissioners who have spoken on this. Commissioner Harris from the building private sector side, and Commissioner Lindell who has helped people get into homes and who knows how that particular area works. So I would like to hear from the rest of the Commission where we see this right now in our community. Thank you."

Chair Spray asked Ms. Brennan if the motion on the floor is appropriate, and if she heard what he said.

Ms. Brennan said, "Yes. If your question is, is the motion appropriate to extend the sunset, yes, as a recommendation. You're being asked to evaluate this portion of the Ordinance."

CLARIFICATION OF REQUESTED ACTION: Chair Spray said, "As I understand it, a yes vote on this motion means that we are asking that the 20% threshold be kept in place through June 2016, and that we recommend approving the clarification of the applicability of specific conversion from commercial uses to residential."

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

For: Commissioners Villarreal, Lindell, Ortiz and Pava.

Against: Commissioners Harris and Schackel Bordegary.

[4-2]

2. **CASE #2013-119. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK FINAL SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NM LLC, REQUEST FINAL SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES, LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA. (TAMARA BAER, CASE MANAGER)**

A Memorandum, with attachments, prepared December 30, 2013, for the meeting of January 9, 2014, is incorporated herewith to these minutes as Exhibit "3."

An aerial photograph and photographs of the site, presented for the record by Jim Siebert, are incorporated collectively herewith to these minutes as Exhibit "4."

Recommendation: The Land Use Department recommends Approval with conditions as outlined in this report [Exhibit "3."]

Tamara Baer presented information in this case. Please see Exhibit "3," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, Agent for the owner was sworn. Mr. Siebert said, "Just to give you a little history. If you recall, on this project there are 3 existing buildings on this property now. And what we are doing is dividing those 3 buildings into 3 lots to allow for the future sale to the individual governmental entities that either are in there now or could be in the future."

Mr. Siebert handed out some exhibits [Exhibit "4"].

Mr. Siebert said, "We are asking for consideration of the one condition that says the homes must be site built. And we have no objections, and in fact the covenants already provide that manufactured homes are not permitted. We would like the opportunity to provide modular homes on the site, because modular homes in this particular area are not that uncommon. What we have done is to show where there are actually existing mobile homes adjoining this particular residential subdivision. Now some of these mobile homes are on permanent foundations, some are not, but I think what we are trying to inform you is that modular units would be in keeping in the residential character of the area."

Mr. Siebert continued, "The other thing, I guess, is the modular homes these days, are, a lot of the components are site built, so at what point does it become a site built structure. You have to build the footings, the stem wall, and a lot of times it comes out you and either it has no stucco or some stucco on it and the final coats are applied on site, and the garages are always built on site because you can't trailer those."

Mr. Siebert said, "So I guess the consideration that we are requesting from the Commission is that we are in internal agreement to prohibiting manufactured homes, but we would like the opportunity to provide for modular homes on the residential lots that surround this particular development. And I'll answer any questions you have."

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Chair Spray asked Mr. O'Reilly for a more specific definition of a modular home versus a site built home.

Mr. O'Reilly said, "A modular home... I can read you the definition in the Code. A modular home is a prefabricated structure built to all applicable building codes and used as a permanent building or dwelling unit, that does not have permanent or temporary axles of its own and is connected permanently to an on-site foundation made exclusively for that modular home or building. A modular home is exactly equivalent to a site built home, except that it comes to the site in one or more pieces. It differs from a manufactured home. A manufactured home is often transported to the site on a vehicular chassis. And staff would be in agreement that modular homes would be acceptable."

Chair Spray asked, "In terms of what the approvals might be, would that change what we have under the conditions that we have in front of us right now, Ms. Brennan."

Ms. Brennan said, "It's assembled on site. I think that we could specifically say that it included modular housing as defined in the Code, site built and modular housing as defined in the Code."

Chair Spray asked Mr. Siebert if that condition would be acceptable to him and his clients.

Mr. Siebert said, "Yes, it would."

Commissioner Lindell asked Ms. Brennan to state the new condition to which the Applicant just agreed.

Ms. Brennan said, "The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site built. Site built housing and modular housing as defined in Chapter 14, is acceptable for this site."

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve Case #2013-119, Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat, with all conditions of approval as recommended by staff, with the amendment to Condition of Approval #2, so that it reads as follows: The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site built. Site built housing and modular housing as defined in Chapter 14, is acceptable for this site."

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

G. STAFF COMMUNICATIONS

Ms Brennan introduced Zachary Shandler who will be working in the Land Use area. She said he is doing a great job on behalf of the City.

Mr. Shandler said he looks forward to working in the area of Land Use.

Responding to the Chair, Ms. Brennan said she still is the Interim City Attorney, noting the City Attorney typically will be appointed after the election in March by the new Mayor.

Ms. Baer said last night at the City Council meeting, the City Council upheld the appeal to the City Council on the Aguafina Subdivision Plat and variances.

Ms. Brennan said, "The issue was the variance of the through road from Rufina to Aqua Fria, versus three driveways on cul-de-sacs."

Ms. Baer said, "So there was a variance that was also denied and the preliminary subdivision plat was denied by the [Planning] Commission. They appealed those two points because they couldn't go forward without the variance, and the City Council upheld the appeal and unanimously let them move forward. They granted the variance, so it will be coming back here as a Final Subdivision Plat."

O'Reilly said, "I just wanted to remind the Commission that as of 8 days ago, this Commission is now responsible for 13,200 more residents, 4,100 acres of additional City property and 4,445 additional homes as the result of the Phase 2 annexation."

H. MATTERS FROM THE COMMISSION

Commissioner Pava asked, "Has the Impact Fee Ordinance that we reviewed in December gone up to the Governing Body yet."

Mr. Reilly said, "The Impact Fee Ordinance that you reviewed continues to move forward, and has one more Council committee to move through, and it will then go to the City Council for final approval. It was scheduled for a hearing for final approval by the City Council last night. The sponsor postponed the Ordinance and is proposing a substitute bill which probably will be heard in February 2014, and the substitute bill likely will differ from the bill original put forth."

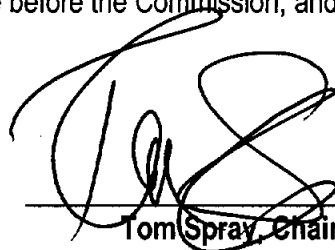
Commissioner Pava said, "As you know, I Chair the Long Range Planning Subcommittee. In continuing conversations, that Subcommittee.... and on my own I've thought... I would like to ask if it might be the pleasure of my fellow Commissioners, and if staff would be conducive to what I would call some additional educational sessions.... not specifically from staff from Long Range Planning or anything like that, but in general, since we have alternate Thursdays, which typically aren't used, or perhaps another time..... as Commission study sessions on general planning issues. This wouldn't require necessarily a quorum or anything, because it would be a study session. And I would be more than happy, if my fellow Commissioners wanted, to work up some proposed ideas. For example, Jim Hays is on our Long Range Development Subcommittee, and Jim has made an excellent presentation, very entertaining, because it's slides, and it shows, over time, work for example, that Jim has done in arroyos on his developments, with permaculture changes and stuff like that. We're not talking about educating about City Ordinances, but maybe best practices, what other places do. And so I would put forth, if it was the pleasure of my fellow Commissioners that I would certainly be happy to work with staff, if staff was conducive, to maybe putting a suggested list of topics together, and then eventually, over time, commit to some presentations, not on a rigorous schedule because I don't want to impose. I think it would augment and assist us in our duties as Commissioners and build rapport."

Chair Spray asked Commissioner Pava to continue to work on this and come up with something that makes sense.

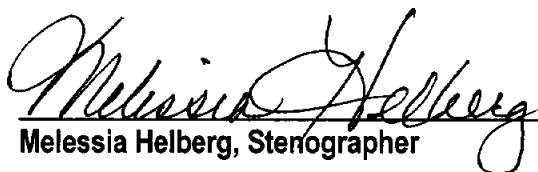
Commissioner Pava said he doesn't intend to increase staff work load and will work carefully with staff about how to do this. He said this is something else we can do, and he is suggesting short sessions of an hour. He said he is open to any and all suggestions for topics. He said we can apply lessons learned to some of the reviews that we do.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:20 p.m.



Tom Spray, Chair



Melessia Helberg, Sterographer

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

Case #2013-111

Presbyterian Healthcare Services Development Plan

Owner's Name – Presbyterian Healthcare Services

Agent's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 19, 2013 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Presbyterian Healthcare Services (Applicant).

The Applicant seeks development plan approval for the construction of an approximately 33,000 square-foot medical facility offering primary and urgent care (the Project) on 6.71± acres located at 454 St. Michael's Drive west of Botolph Road (Property). The Property is zoned C-1 (Office and Related Commercial) and is located within the South Central Highway Corridor Protection District established pursuant to Santa Fe City Code (Code) §14-5.5(A). The Applicant is also seeking variances to Code §14-8.10(C)(1) to permit the placement of two monument signs within the 50-foot setback from the St. Michael's Drive public rights-of-way established by Code §14-5.5(A)(4)(a)(iii) and to Code §14-8.10(G)(2) to permit a wall sign exceeding 32 square feet in size (collectively, the Variances).

Development plan approval is required because the Project has a gross floor area in excess of 30,000 square feet.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
3. Code §14-3.8(C)(2)(b) provides for variance requests associated with a development plan to be reviewed concurrently and approved or denied by the land use board that reviews the development plan.
4. Code §14-2.3(C)(3) provides for the Commission to hear and decide requests for variances pursuant to Code §14-3.16 when the request is part of a development plan request requiring Commission review.

Exhibit "1"

5. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN) , notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
6. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
7. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
8. An ENN meeting was held on the Application at 5:30 p.m. on October 15, 2013 at the Residence Inn Conference Room.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 20 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the development plan and Variances and recommending approval by the Commission, subject to certain conditions set out in said report (the Conditions).

The Development Plan

12. Pursuant to Code §14-3.8(B)(3)(a), approval of a development plan by the Commission is required prior to new development with a gross floor area of thirty thousand square feet or more located within any zoning district within the City.
13. The Project includes new development with a gross floor area of approximately 33,000 square feet.
14. A development plan is required for the Project.
15. Code §14-3.8(B)(4) requires that development plans described in §14-3.8(B)(3) must be reviewed by the Commission.
16. The development plan for the Project is required to be reviewed by the Commission.
17. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
18. The Applicant has complied with the Submittal Requirements.
19. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - (a) That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)];
 - (b) That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].

20. The Commission finds, subject to the Conditions, the following facts:

- (a) *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan [Code §14-3.8(D)(1)(a)].*

The Commission has the authority to grant development plan approval for the Project.

- (b) *Approving the development plan will not adversely affect the public interest [Code §14-3.8(D)(1)(b)].*

Approving the development plan for the Project will not adversely affect the public interest in that the Property is currently zoned C-1, which pursuant to Code §14-4.3(A) is intended "...to provide areas for...professional...offices; medical and dental offices or clinics;...and hospitals, laboratories...and related complementary businesses..."; the Project is a less intense development than a prior project approved for the Property, which permitted 91,273 square feet in 6 buildings distributed throughout the Property, including along the arroyo that abuts residential development, with 24% lot coverage and a 140-foot setback from the nearest residences, where the Project is 33,000 square feet in a single building located at the center of the Property away from the arroyo, with 11.3% lot coverage and set back 400 feet from the nearest residences; and parking is located to the north and west of the Project building away from the arroyo and the adjacent residential neighborhood.

- (c) *That the Project use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [Code §14-3.8(D)(1)(c)].*

The Project is compatible with and adaptable to buildings and uses of abutting property and other properties in the vicinity in that it is located in a C-1 zone across from Christus St. Vincent Hospital in an area developed with other professional medical offices and uses; the Project building complies with applicable design standards and requirements; and the Project design is compatible with and adaptable to residential development on abutting property in that it is generally designed to minimize impact on those properties.

21. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the general plan.

The Variances

22. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Variances that (a) unusual physical characteristics exist that distinguish the Property from others in the vicinity that are subject to the same regulations, in that the Property is lower than St. Michael's Drive, where other properties in the area such as Christus St. Vincent Hospital, which is located on a bluff and clearly visible from St. Michael's Drive and in addition has a prominent monument sign within the applicable setback; (b) special circumstances make it infeasible, for reasons other than financial cost, to develop the Property in compliance with applicable standards in that a primary and urgent care clinic such as the Project must provide clearly visible entrance signs in order for patients to locate the

facilities; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations, in that a number of other signs have already been constructed much closer to the Saint Michael's Drive right of way than the proposed Project signs, as set out in the Staff Report; (d) the Variances are the minimum variances that will make possible the reasonable use of the Property, in that any business use permitted with C-1 zoning would require clearly visible signs to identify the business and its access points; (e) the Variances are not contrary to the public interest, in that they serve a public purpose in clearly identifying the location of the Project which is providing an essential service to patients.

CONCLUSIONS OF LAW

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

General

1. The proposed development plan and the Variances were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The Development Plan

3. The Commission has the power and authority under the Code to review and approve the Applicant's development plan.
4. The Applicant has complied with all applicable requirements of the Code with respect to the development plan, including the Submittal Requirements.

The Variances

5. The Commission has the power and authority at law and under the SFCC to hear and decide the Variances.
6. The Variances meet the approval criteria set forth in SFCC §14-3.16(C).

WHEREFORE, IT IS ORDERED ON THE _____ OF JANUARY 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the development plan, subject to the Conditions, with the proviso that the Applicant reconfigure the entrance to the eastern driveway onto St. Michael's Drive to extend the median to assure that no left-out is possible.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the Variances.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

City of Santa Fe, New Mexico

memo

Date: December 20, 2013

To: Planning Commission – January 9, 2014

Via: Kate Noble, Interim Director *KW*
Housing and Community Development Department

From: Alexandra Ladd, Special Projects Manager *ALL*
Housing and Community Development Department

Re: Amendments to the Santa Fe Homes Program (SFHP) – Chapter 14

ACTION REQUESTED

Recommend approval of the proposed amendments to Chapter 14-8.11, the Santa Fe Homes Program (SFHP) for the purposes of responding to market conditions, making necessary corrections, and other changes as needed. The amendments accomplish the following:

- 1) Make permanent the 20% threshold requirement and eliminate the sunset date of June 2014 for reinstating the original 30% requirement (Ch. 14-8.11(F));
- 2) Clarify applicability to specify conversion from commercial uses to residential is also subject to SFHP (Ch. 14-8.11(D));

A more detailed description of these proposed amendments is contained in the following section, #2 and #3. The other items (#1, 4-12) propose changes to Chapter 26 which are provided for your information but do not require a recommendation from the Planning Commission.

BACKGROUND

The City of Santa Fe has a long history of supporting affordable housing through a combination of regulation, policy development, grant administration, and financial support for its nonprofit partners. The City adopted its first inclusionary zoning program, the Housing Opportunity Program (HOP) in 1998 and has been an entitlement community for Community Development Block Grant (CDBG) funds since the 1980s. Santa Fe was the first community in New Mexico to secure funds through the Neighborhood Stabilization Program (NSP) that were used to purchase homes in foreclosure for renters with mental illness. In FY 2013-14, the City will pass through to its subrecipients \$1.3 million in HUD rental assistance funds for very low renters with disabilities.

Exhibit "2"

Additionally, the City has used its own resources to support affordable housing, most significantly to purchase Tierra Contenta and to create the Tierra Contenta Corporation development entity. The end result is a community that is not only houses 10% of the city's population, but has won national recognition for its high quality design, integration of housing types and uses, and most importantly, the achievement of its 46% affordability levels.

As a direct result of the City's proactive and integrative approach to affordable housing, since the early 1990s, approximately 3,300 affordable homes, townhouses and apartments have been made available for low- and moderate-income residents to buy or rent. Of this total, 390 homes were built as a result of annexation agreements or other negotiations; 540 homes were priced affordably because of City incentives through the Housing Opportunity Program (HOP); approximately 90 homes were built in compliance with HOP's regulations; over 1,000 multi-family homes were built for renters with low- and moderate-incomes; 27 homes were sold as required by SFHP; and 1,150 affordably-priced homes and apartments were built in Tierra Contenta.

ITEM AND ISSUE

In 2005, HOP was replaced by the SFHP ordinance, which required that 30% of all new developments be sold at affordable prices to income-qualified homebuyers and that 15% of all new rental units are rented to income-qualified renters. The affordability of the homeownership home is maintained through the establishment of a lien held by the City. The lien amount is based on the difference between 95% of the appraised value of the home and the effective/affordable home sales price. The lien may also include the value of fee waivers or reductions granted when the development proposal went through the permitting process. When the home is sold or transferred, the lien is either recycled to another income-qualified homebuyer or paid back to the City and placed in the Affordable Housing Trust Fund (AHTF) where it is used to support homebuyer activities.

In 2011, in response to the economic recession, the requirement was lowered to 20% for homeownership developments and other incentives were put in place to support local builders (Ord. 2011-17). While there are indications that the market is making a slow recovery, the primary purpose of these amendments is to make permanent the reduced requirement put in place in 2011. A specific description for each part of the ordinance to be amended is provided in the following section.

- 1) Update the Findings to reflect new data including the 2013 Housing Needs Assessment (Ch. 26-1.4). *No additional explanation necessary.*
- 2) Make permanent the 20% threshold requirement and eliminate the sunset date of June 2014 for reinstating the original 30% requirement (Ch. 26-1.15; Note: Ch. 14-8.11(F) is also amended). *Other inclusionary zoning programs with a 30% requirement are generally located in areas with very high valued markets and zoning that allows much higher densities than are customary in Santa Fe. Local builders, developers, and housing advocates concur that 20% in Santa Fe's market is achievable.*
- 3) Clarify applicability to specify conversion from commercial uses to residential is also subject to SFHP (Ch. 26-1.8(A)1; Note: Ch. 14-8.11(D) is also amended). *No additional explanation necessary.*
- 4) Correct language that allows a developer of small project (2-10 units) to pay a fee in lieu of constructing a unit (Ch. 26-1.8(A)4). *Ordinance 2011-17 lowered the SFHP requirement for homeownership housing from 30% to 20% and provided other incentives to support the construction industry. One of those incentives was to allow a builder of a small scale development (2 – 10 homes) the option of paying a fee rather than building the obligated unit(s), without necessitating a request for an alternate means of compliance. However, the exact language that*

was adopted in the bill omitted specifying that paying the fee was allowed, even though it was clearly the intention of the sponsors of the amendment that this be the case. The amendment corrects this deficiency.

- 5) Change the mix of units by income tier from 10% each in the income ranges 2 and 3 to: 5% (income range 2); 10% (income range 3); 5% (income range 4) (Ch. 26-1.15). Under the original SFHP requirement, the 30% were distributed evenly among three income tiers. The City maintains a pricing schedule which calculates a home sales price that is affordable to each particular tier. The income tiers are based HUD's "Area Median Income" (AMI) data that is released annually for every governmental jurisdiction in the country. Affordability is then determined by setting home prices that are affordable to earners at various percentages of the AMI.

When the 2011 amendment was made, the obligation was removed entirely from the highest tier and kept at 10% each for the lowest and middle tier. The justification for this was that the higher income earners were better able to afford market rate homes when the overall market values were depressed. Given recent market data that shows the market is in recovery, it seems timely to reestablish the requirement in the highest tier. The higher tier represents an important homebuyer demographic – both first time homebuyers but also "move up" homebuyers. Also, this income tier doesn't qualify for CDBG downpayment assistance and other HUD funds that are reserved for buyers at 80% AMI and below. This amendment redistributes the requirement as illustrated in the following table:

Income Tier	% of AMI	Orig Req'm	2011 Amendment	2014 Amendment	2013 AMI (3 person HH)
1	<50%	5% Rental	5% Rental	5% Rental	<\$29,400
2	50-65%	5% Rental 10% Homeowner	5% Rental 10% Homeowner	5% Rental 5% Homeowner	\$29,400-38,250
3	65-80%	5% Rental 10% Homeowner	5% Rental 10% Homeowner	5% Rental 10% Homeowner	\$38,250-47,050
4	80-100%	10% Homeowner	10% Homeowner	5% Homeowner	\$47,050-58,800
5	100-120%	No requirement	No requirement	No requirement	\$58,800-\$70,600
	Total	15% Rental 30% Homeowner	15% Rental 20% Homeowner	15% Rental 20% Homeowner	

- 6) Delete home sales pricing information from code and reference administrative procedures (Ch. 26-1.16). Pricing schedules are updated annually. By removing the specific pricing information from the code and referencing it in the administrative procedures, the pricing schedule can be updated administratively instead of requiring a code amendment.
- 7) Address design, unit types, dispersal of units in guidelines presented in the administrative procedures (Ch. 26-1.17). The original table in the ordinance was somewhat restrictive. Even though the ordinance contains language that allows a developer to deviate from the City's standard, referring to a "guideline" in the administrative procedures provides more flexibility. A developer proposing an alternative to the City's standard can be approved administratively if staff determines that the proposal meets the intent of the ordinance.
- 8) Eliminate shared appreciation, clarify the affordability lien and describe how it is subordinate and reduced by the city if values decline (Ch. 26-1.18). The current code requires that for every affordability lien held by the City, an equity share is calculated pursuant to the proportion of the City's lien to the market value of the home. When the affordable homeowner sells the home, the lien is paid back and the remaining equity in the form of market appreciation is split between the seller and the City according to the percentage established at the time of purchase. While this mechanism can generate additional revenue for the City, it only works when the market is appreciating. The shared equity obligation is difficult for homebuyers to understand and it creates uncertainty for them when they sell their homes because they don't know how much equity they will take away from the home until the transaction is complete. This makes it cumbersome, if not prohibitive for "move up" buyers to finance the purchase of a

bigger home that might better meet the needs of a growing family, etc. Likewise, in recent years, homeowners with a lien who sell their homes for less than their initial appraisal value have not had enough in their sales proceeds to pay back the City's lien in its entirety. The language proposed in the amendment seeks to clarify how this situation is handled, as well as how the lien works.

- 9) **Address household sizes in administrative procedures and add "veterans" to list of eligible homebuyers (first responders, teachers, health workers, etc.) who are allowed to exceed income limits and still qualify for an affordable home in Tier 4 (Ch. 26-1.21).** *Similar to #7, referring to a "guideline" in the administrative procedures provides more flexibility. The ordinance provides a way to increase home buying opportunities for "essential workers" in that it allows them to purchase a Tier 4 home, even if they earn slightly too much to qualify and this specific amendment adds "veterans" to the approved category of occupations.*
- 10) **Remove rental rate schedule from code and references admin procedures instead (Ch. 26-1.24).** *Rental rate schedules are updated annually. By removing the specific pricing information from the code and referencing it in the administrative procedures, the rental rate schedule can be updated administratively instead of requiring a code amendment.*
- 11) **Use Fair Market Rents (FMR) to determine rental amount at SFHP rental property covered by housing choice/rental assistance voucher (Ch. 26-1.28).** *The current ordinance prohibits SFHP landlords from not accepting rental vouchers but it doesn't allow the landlord to use the voucher to cover the cost of any portion of managing the unit above the affordable rent levels. This amendment proposes using the FMR, set annually by HUD and the standard for rental subsidy programs, as a maximum rental amount for units occupied by voucher holders.*
- 12) **Include other subsidy programs for simplified compliance in addition to Low Income Housing Tax Credit (LIHTC) (Ch.26-1.31).** *Changes in the way that tax credits are allocated suggest that Santa Fe will not be the site of as many LIHTC-funded projects in the near future. In response, developers are turning to other federal subsidy programs. This language increases the flexibility in how the SFHP requirement interacts with subsidized development projects.*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2014-__

3 INTRODUCED BY:

4
5 Councilor Rebecca Wurzbarger

6
7
8
9
10 AN ORDINANCE

11 RELATING TO THE SANTA FE HOMES PROGRAM ("SFHP"); AMENDING SECTION
12 14-8.11 SFCC 1987 TO MAKE PERMANENT THE CURRENT PERCENTAGE
13 REQUIREMENTS OF THE SFHP; AMENDING SECTION 26-1 SFCC 1987 TO UPDATE
14 THE LEGISLATIVE FINDINGS, TO ESTABLISH THE SCHEDULE FOR PAYMENTS IN
15 LIEU OF CONSTRUCTING UNITS FOR SFHP DEVELOPMENTS WITH TWO THROUGH
16 TEN TOTAL UNITS, TO MAKE PERMANENT THE CURRENT PERCENTAGE
17 REQUIREMENTS OF THE SFHP AND TO MAKE VARIOUS OTHER CHANGES TO THE
18 SFHP ORDINANCE.

19
20 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

21 Section 1. Section 14-8.11(D) SFCC 1987 (being Ord. No. Ord. No. 2011-37 § 11) is
22 amended to read:

23 (D) Applicability

- 24 (1) Except as set forth in this Subsection 14-8.11(D), the *SFHP* shall apply to
25 any *application for development*, including annexation, rezoning, subdivision

1 *plat*, increase in *density*, *development plan*, extension of or connection to *city*
2 utilities for land outside the city limits, and construction *permits* that propose
3 two or more *dwelling units* or *buildings* or portions of *buildings* that may be
4 used for both *nonresidential* and *residential* purposes and *manufactured*
5 *home lots*. *SFHP* applies to the *residential* portion of the *development*.

6 (a) The *SFHP* applies to *new* construction, [~~and~~] to the conversion of
7 existing rental units to ownership units and the conversion of
8 commercial uses to residential uses.

9 (b) The *SFHP* does not apply to a *family* transfer as set forth in Section
10 14-3.7(F)(2) or a division of land into two *lots* as set forth in Section
11 14-3.7(D) (Summary Procedure).

12 (c) The *applicant* is responsible for determining the applicability of
13 *SFHP* to the proposed *development* and complying with the
14 requirements of *SFHP*.

15 (2) The *SFHP* applies to dwelling units in vacation time share projects.

16 (3) The *SFHP* does not apply to:

17 (a) a *development* or portion of a *development* that is subject to a formal
18 written and binding agreement entered into prior to August 15, 2005
19 with the *city* or Santa Fe County in which the signatories agreed to
20 provide affordable housing or payment in lieu thereof; or

21 (b) *dwelling unit* or *manufactured home lots* for an elementary, middle
22 or high school; *college or university*; *hospital*; or similar institution
23 to be used exclusively by its *employees* or enrolled students and their
24 families. If the *dwelling units* or *manufactured homes* are no longer
25 exclusively used by its *employees* or enrolled students and their

families, the *SFHP* shall apply at the time the units are converted.

(4) Petitioners for annexation[s] and the office of affordable housing shall negotiate all terms for providing affordable housing on site, including the distribution of *development* types and the number of *SFHP* units required or alternate means of compliance. The number of *SFHP* units required or alternate means of compliance may be in excess of that required by *SFHP*. These terms shall be included in the annexation agreement. To the extent practicable, all other *SFHP* requirements apply to annexations. In no case shall the agreement provide for less affordable housing or a lesser in-lieu contribution than required by *SFHP*. As the *property* is developed, a separate *SFHP* agreement in compliance with the annexation agreement shall be recorded with each subdivision *plat* or *development* plan.

(5) All provisions of the prior ordinance, titled Housing Opportunity Program (HOP), remain in effect with respect to any agreements executed by the *city* and others which were required by HOP or incorporated HOP provisions by reference. However, the office of affordable housing is responsible for administering such agreements according to the administrative procedures for the *SFHP* ordinance until such time as all obligations under the agreements have been satisfied except for sale prices or rental rates. Sale prices and rental rates shall be based on the prior HOP administrative procedures and annually updated by staff.

Section 2. Section 14-8.11(F) SFCC 1987 (being Ord. No. 2012-11 § 25) is amended

to read:

(F) Santa Fe Homes Program Requirements

(1) [If a *SFHP* developer obtains a residential construction permit for a *SFHP*

1 development between June 8, 2011 through] Effective June 7, 2014, and
2 thereafter, [then] twenty percent of the total number of *dwelling units* or
3 *manufactured home lots* in an *SFHP development* shall be *SFHP units* and
4 meet all requirements of Section 26-1 SFCC 1987. A modification to a *SFHP*
5 agreement or *HOP* agreement that was entered into prior to June 8, 2011
6 shall be made to reflect the twenty percent requirement; and if applicable, an
7 annexation agreement, subdivision plat or development plan shall be
8 administratively amended to reflect the reduction and redistribution of *SFHP*
9 or *HOP lots* and the amended annexation agreement, subdivision plat or
10 development plan shall be recorded or filed, as applicable, by the *owner* or
11 *developer*.

12 ~~[(2) Effective June 8, 2014, and thereafter, thirty percent of the total number of~~
13 ~~*dwelling units* or *manufactured home lots* in an *SFHP development* shall be~~
14 ~~*SFHP units* and meet all requirements of Section 26-1 SFCC 1987.]~~

15 ~~[(3)]~~ Fifteen percent of the total number of *dwelling units* or *manufactured home*
16 *lots* offered for rent in an *SFHP development* shall be *SFHP units* and meet
17 all requirements of Section 26-1 SFCC 1987.

18 ~~[(4)]~~ However, the *governing body* may approve alternative means of compliance
19 as provided in Section 26-1.33 SFCC 1987 (*SFHP – Alternate Means of*
20 *Compliance*).

21 **Section 3. Subsection 26-1.4 SFCC 1987 (being Ord. #2005-30(A), § 33) is amended**

22 **to read:**

23 **26-1.4 Findings.**

24 The governing body finds and determines that:

25 A. Affordable housing furthers geographic and community balance through providing a

1 range of housing opportunities throughout the city; and

2 B. New residential development has not provided sufficient housing opportunities for
3 households with incomes below the area median income; and

4 C. The amount of land in the city available for new residential development is severely
5 limited by geography and topography; and

6 D. Inclusionary housing programs represent an extension of cities' police powers to
7 regulate land use, ensuring that the limited supply of developable land provides housing opportunities
8 for all incomes; and

9 E. Santa Fe is facing a growing shortage of housing that is affordable to a wide range of
10 our population affecting the ability of new graduates, senior citizens, families with children, and
11 employees in industries and services that are vital to a healthy economy to remain living in the city;
12 and

13 F. The lack of affordable housing is detrimental to the health, safety and welfare of the
14 city's residents; and

15 G. Federal and state funds for the construction of new affordable housing are
16 insufficient to fully address the problems of affordable housing within the city and the private housing
17 market has not provided adequate affordable housing opportunities for persons and households with
18 incomes below the area median income; and

19 H. The city has previously adopted the Housing Opportunity Program in an attempt to
20 address the affordable housing needs. This program has achieved limited effectiveness in stemming
21 the growing affordable housing crisis in the city; and

22 I. The governing body in partnership with the regional planning authority established
23 an affordable housing task force that was charged with recommending appropriate affordable housing
24 policy and programs for the region. The task force recommendations included the implementation of
25 a broadly applicable program to increase the supply of affordable housing particularly for those

1 households with incomes less than the area median income; and

2 J. Based on the findings of the task force the governing body finds that it is necessary to
3 adopt a new inclusionary zoning ordinance to replace the Housing Opportunity Program in order to
4 address the city's housing crisis; and

5 K. ~~[According to the "2004 Housing Needs Study" prepared for the Santa Fe county~~
6 ~~land-use department by Prior and Associates, twenty-eight and one-half percent (28.5%) of all new~~
7 ~~homes in central Santa Fe county will need to be made affordable to households with incomes below~~
8 ~~the median income if the area is going to simply maintain its existing homeownership rate and sixty-~~
9 ~~six and two-tenths percent (66.2%) of new rental units will need to be affordable to households~~
10 ~~earning below eighty percent (80%) of the median income to meet the projected demand;]~~ According
11 to the Housing Needs Assessment, updated in 2013, the greatest mismatch between need and
12 available services and affordable housing inventory is for renter households earning less than thirty
13 percent (30%) of the Area Median Income (AMI) with as many as three thousand (3,000) renter
14 households in Santa Fe likely to be "cost burdened" or paying more than one-third (1/3) of their
15 incomes toward rents; and

16 L. ~~[According to the "Recommendations for an Affordable Housing Strategy in Santa~~
17 ~~Fe" developed by the regional planning authority's affordable housing task force there are currently~~
18 ~~seven thousand five hundred eleven (7,511) renters living in Santa Fe who are in need of homes that~~
19 ~~are affordable to households with incomes below the median income while very few homes are on the~~
20 ~~market that could help meet this need.]~~ The 2010 Census indicates that:

21 (1) Santa Fe's population is aging, with fifty percent (50%) of the overall
22 population aged fifty-five (55) years or older;

23 (2) Households are smaller, with single person households comprising forty
24 percent (40%) of overall households; and

25 (3) The median age is forty-four (44) years old, compared to forty (40) years old

1 in 2000.

2 All factors that indicate housing demand is likely to shift to smaller units that can accommodate the
3 needs of aging households and are located close to transit, services and amenities; and

4 M. Home sales prices continue to rise and were sixty-five percent (65%) higher in 2010
5 than in 2000, increasing the gap between what buyers can afford and how much homes are priced,
6 with only fourteen percent (14%) of current renters able to afford the median-priced home,
7 necessitating the continued implementation of the city's inclusionary zoning and other affordable
8 housing programs that improve the capacity of lower- and moderate-income Santa Fe residents to buy
9 homes; and

10 N. The city's support of affordable housing through regulation, policy development and
11 administrative funding has achieved significant results, serving the needs of the homeless to the
12 homeowner.

13 **Section 4. Subsection 26-1.8 SFCC 1987 (being Ord. #2005-30(A), §37, as amended)**
14 **is amended to read:**

15 **26-1.8 Applicability.**

16 A. Except as set forth in this paragraph the SFHP shall apply to any application for
17 development including, but not limited to, annexation, rezoning, subdivision plat, increase in density,
18 development plan, extension of or connection to city utilities for land outside the city limits, and
19 building permits which propose[s] two (2) or more dwelling units or buildings or portions of
20 buildings which may be used for both nonresidential and residential purposes and manufactured home
21 lots. SFHP applies to the residential portion of the development.

22 (1) The SFHP applies to new construction, [and] to the conversion of existing
23 rental units to ownership units and the conversion of commercial uses to residential uses.

24 (2) The SFHP shall not apply to a family transfer as set forth in subsection 14-
25 3.7(E)(3)(b) or a division of land into two (2) lots as set forth in subsection 14-2.3(E)(1)(a).

1 (3) It shall be the responsibility of the applicant to determine the applicability of
2 SFHP to the proposed development and comply with the requirements of SFHP.

3 (4) If a SFHP developer obtains a residential building permit for a SFHP
4 development with two (2) through ten (10) total units ~~between June 8, 2011 and June 7, 2014,~~
5 then a seventy percent (70%) reduction in fees associated with such development shall be
6 assessed and the developer has the option to pay a fee in lieu of providing the required
7 percentage of units in accordance with the SFHP administrative procedures.

8 B. The SFHP shall apply to dwelling units in vacation time share projects as defined in
9 Article 14-12 SFCC 1987.

10 C. In addition to paragraph A.(2) above, the SFHP shall not apply to the following:

11 (1) Any development or portion thereof which is subject to any formal, written
12 and binding agreement entered into prior to August 15, 2005, with the city or Santa Fe county
13 which if within said agreement the signatories agreed to provide affordable housing or
14 payment in lieu thereof; or

15 (2) Dwelling units or manufactured home lots for an elementary, middle or high
16 school, community college, private four (4) year college or related institutions where
17 coursework leads to an associate of arts, bachelors or vocational degree or certification,
18 hospital or similar institution to be used exclusively by its employees or enrolled students and
19 their families. If the dwelling units are no longer used exclusively by its employees or
20 enrolled students, the SFHP shall apply at the time the units are converted.

21 D. Petitioners for annexations and the office of affordable housing shall negotiate all
22 terms for providing affordable housing on site including the distribution of development types and the
23 number of SFHP units required or alternate means of compliance. The number of SFHP units
24 required or alternate means of compliance may be in excess of that required by SFHP. These terms
25 shall be included in the annexation agreement. To the extent practicable, all other SFHP requirements

1 shall apply to annexations. In no case shall the agreement provide for less affordable housing or a
2 lesser in-lieu contribution than required by SFHP. As the property is developed, a separate SFHP
3 agreement in compliance with the annexation agreement shall be recorded with each subdivision plat
4 or development plan.

5 E. All provisions of the prior ordinance, titled Housing Opportunity Program (HOP)
6 remain in full force and effect with respect to any and all agreements executed by the city and others
7 which were required by HOP or incorporated HOP provisions by reference. Accordingly, the office of
8 affordable housing will continue to use and annually update the administrative procedures for the
9 HOP ordinance until such time as all obligations under such agreements have been satisfied.

10 Section 5. Subsection 26-1.15 SFCC 1987 (being Ord. #2005-30(A), §44, as
11 amended) is amended to read:

12 **26-1.15 Required Number of For Sale SFHP Homes in a Development.**

13 A. If a SFHP developer obtains a residential building permit for a SFHP development,
14 [~~between June 8, 2011 and June 7, 2014, then~~] twenty percent (20%) of the total number of dwelling
15 units or manufactured home lots offered for sale in an SFHP development shall be SFHP Homes, as
16 follows:

17 (1) [~~Ten (10%)~~] Five percent (5%) of the total dwelling units or manufactured
18 home lots shall be sold at or below the affordable home price or affordable manufactured
19 home lot price, as applicable, for income range 2.

20 (2) Ten percent (10%) of the total dwelling units or manufactured home lots
21 shall be sold at or below the affordable home price or affordable manufactured home lot
22 price, as applicable, for income range 3, and

23 (3) [~~Zero (0%)~~] Five percent (5%) of the total dwelling units or manufactured
24 home lots shall be sold at or below the affordable home price or affordable manufactured
25 home lot price, as applicable, for income range 4.

1 A modification to a SFHP agreement or HOP agreement that was entered into prior to June 8,
2 2011 shall be made to reflect the twenty percent requirement; and if applicable, an annexation
3 agreement, subdivision plat or development plan shall be administratively amended to reflect the
4 reduction and redistribution of SFHP or HOP lots and the amended annexation agreement,
5 subdivision plat or development plan shall be recorded or filed, as applicable, by the owner or
6 developer. Fifteen percent of the total number of dwelling units or manufactured home lots offered
7 for rent in an SFHP development shall be SFHP units and meet all requirements of §26-1 SFCC 1987.

8 ~~[B. Effective June 8, 2014, and thereafter, thirty percent (30%) of the total number of~~
9 ~~dwelling units or manufactured home lots offered for sale in an SFHP development shall be SFHP~~
10 ~~Homes, as follows:~~

11 ~~(1) Ten percent (10%) of the total dwelling units or manufactured home lots~~
12 ~~shall be sold at or below the affordable home price or affordable manufactured home lot~~
13 ~~price, as applicable, for income range 2.~~

14 ~~(2) Ten percent (10%) of the total dwelling units or manufactured home lots~~
15 ~~shall be sold at or below the affordable home price or affordable manufactured home lot~~
16 ~~price, as applicable, for income range 3, and~~

17 ~~(3) Ten percent (10%) of the total dwelling units or manufactured home lots~~
18 ~~shall be sold at or below the affordable home price or affordable manufactured home lot~~
19 ~~price, as applicable, for income range 4.]~~

20 ~~[C]B.~~ If an applicant exceeds the percentage in income range 2 or income range 3 as set
21 forth above, the requirement in any higher income range may be reduced by the same percentage.

22 ~~[D]C.~~ The whole number resulting from this calculation shall be the number of SFHP
23 homes required to be constructed or SFHP manufactured home lots to be created. If the calculation
24 described results in a fraction of a unit, this obligation shall be satisfied as set forth in the
25 administrative procedures. Nothing herein shall prohibit a developer from building a greater number

1 of SFHP homes or creating a greater number of SFHP manufactured home lots than specified herein.
2 Such additional units shall meet all the requirements as an SFHP home or manufactured home lot to
3 be considered an SFHP home or manufactured home lot. The SFHP developer shall receive the fee
4 waivers described in subsection 14-8.11 G,(2) for such additional units so long as those units meet all
5 SFHP requirements.

6 [E]D. In any development with a mix of rental and ownership units or manufactured home
7 lots, the number of SFHP rental units or rental manufactured home lots shall be in the same
8 proportion as the number of non-SFHP rental units or rental manufactured home lots and likewise
9 with ownership units or ownership manufactured home lots.

10 [F]E. In any development with a mix of detached and attached ownership units, the
11 mix of SFHP units shall be in the same proportion as the mix of non-SFHP units.

12 [G]E. In the event that two (2) or fewer SFHP Homes or SFHP manufactured home lots are
13 required, the SFHP Homes or manufactured home lots shall be affordable to income range 3 or
14 ~~[income-range-2]~~ lower.

15 ~~[H—The Governing Body by adoption of a resolution may approve the temporary~~
16 ~~modification to the requirements of this Section. This authority shall not be used for a specific SFHP~~
17 ~~development or for an individual economic situation, but shall apply to all SFHP development due to~~
18 ~~broad economic downturns.]~~

19 Section 6. Subsection 26-1.16 SFCC 1987 (being Ord. #2005-30(A), §45, as
20 amended) is amended to read:

21 **26-1.16. Determination of Affordable Home Price.**

22 A. To ensure the SFHP homes are affordable, the affordable home prices [below] are
23 calculated to ensure that the sum of principal and interest payments, taxes, property insurance and
24 mortgage insurance does not exceed thirty-three percent (33%) of the monthly income of the assumed
25 household size in each applicable income range. The affordable price shall be determined at the

1 midpoint in each income range as determined by the current pricing schedule based on HUD's area
2 median income (AMI) figures for Santa Fe city.

3 ~~{B.}~~ Except as provided in this section below, at the time of enactment of this chapter, the
4 affordable home price for each income range shall be:

Income Range	Affordable Home Price Studio	Affordable Home Price 1 Bedroom	Affordable Home Price 2 Bedroom	Affordable Home Price 3 Bedroom	Affordable Home Price 4 Bedroom
Income Range 2	\$84,750	\$92,000	\$105,250	\$118,250	\$131,500
Income Range 3	\$112,500	\$119,500	\$136,750	\$153,750	\$170,750
Income Range 4	\$140,000	\$147,250	\$168,250	\$189,250	\$210,250]

5
6 ~~{C}B.~~ ~~{Except as provided in this section below, the}~~ The affordable manufactured home lot
7 price shall be twenty-five percent (25%) of the affordable home price for a 3 bedroom home for each
8 applicable income range, determined by the current SFHP pricing schedule in effect at the time of the
9 SFHP development application. [as follows:]

Income Range	{Affordable Manufactured Home Lot Price
Income Range 2	\$29,563
Income Range 3	\$38,438
Income Range 4	\$47,313]

10
11 ~~{D}C.~~ Beginning in 2006 and every year thereafter, the office of affordable housing shall
12 review and adjust the affordable home price and affordable manufactured home lot for each
13 applicable income range and home size based on the changes in area median income from the
14 previous twelve (12) months, as determined by HUD. The price schedule will be adjusted within
15 thirty (30) days of the release of the HUD data. However, every three (3) years thereafter at a
16 minimum, the governing body shall review the methodology for calculating annual increases and
17 make appropriate adjustments if necessary. The office of affordable housing shall report to the
18 governing body within thirty (30) days of adjusting the affordable home price and affordable
19 manufactured home lot price.

1 ~~[E.]D.~~ The affordable home price and affordable manufactured home lot price shall be
2 reduced pursuant to administrative procedures in order to limit the impact on SFHP home buyers of
3 fees assessed by condominium, common area, or homeowner associations. The affordable home price
4 or affordable manufactured home lot price shall be reduced so that the buyer's mortgage or
5 manufactured home loan principal amount and, accordingly, the buyer's monthly mortgage payments,
6 are reduced by an amount equal to the assessed fee in excess of ~~[seventy-five dollars (\$75.00)]~~ an
7 allowable base fee, established pursuant to administrative procedures and updated annually according
8 to the HUD's AMI figures.

9 [F]E. Pursuant to administrative procedures, the affordable home price may be increased at
10 the request of the SFHP home buyer by the price of allowable option upgrades, not to exceed the
11 maximum option upgrade allowance.

12 ~~[G]E. [At the time of the enactment of this chapter, the maximum option upgrade allowance~~
13 ~~shall be no greater than five thousand dollars (\$5,000.-).]~~ Beginning in 2006 and every year thereafter,
14 the office of affordable housing shall review and adjust the maximum option upgrade allowance
15 based on changes in the area median income for the previous twelve (12) months. Permissible items
16 to be included in the maximum option upgrade allowance shall be determined pursuant to
17 administrative procedures.

18 [H]G. Pursuant to administrative procedures, the affordable home price may be increased
19 by the amount of the approved energy efficiency adjustment.

20 **Section 7. Subsection 26-1.17 SFCC 1987 (being Ord. #2005-30(A), §46, as**
21 **amended) is amended to read:**

22 **26-1.17. Design, Unit Types, Siting, Warranty Requirements for SFHP homes.**

23 A. The SFHP homes shall be constructed according to the ~~[minimum requirements]~~
24 guidelines for bathrooms and areas of habitable residential space described ~~[below]~~ in the
25 administrative procedures and any deviation from the guideline is subject to city approval:

Unit Type	[Minimum Number of Bathrooms	Minimum Area
Studio	1	— 750 square feet
1 Bedroom	1	— 850 square feet
2 Bedrooms	1	— 1,000 square feet
3 Bedrooms	2	— 1,150 square feet
4 Bedrooms	2	— 1,250 square feet]

Habitable space shall be defined and calculated in accordance with the city's building code, except that the minimum area of SFHP homes may be greater than minimum building code requirements.

B. The distribution of SFHP homes [shall meet the following distribution:] is presented in a guideline in the administrative procedures.

~~[(1) The distribution of SFHP unit sizes shall be as follows:~~

Unit Size	Required — Percentage of SFHP Homes
Studio, 1 Bedroom and 2 Bedroom	25%
3 Bedroom	50%
4 Bedroom	25%]

(2) The SFHP developer may request approval from the office of affordable housing to provide a mix of unit sizes that varies from the [above] guideline presented in the administrative procedures. Factors that may be considered as a basis for approving a different unit size mix include, but are not limited to:

(a) A different mix would better match the mix of non-SFHP homes within the development.

(b) A different mix would better match the consumer demand for SFHP homes.

C. ~~[The minimum sizes specified in this subsection shall not apply to units converted~~

1 ~~from existing rental units to ownership units.]~~ In ~~[such]~~ developments~~[-]~~ where units are converted
2 from existing rental units to ownership units, the mix of size and type of SFHP Homes offered for
3 sale shall be in proportion to the mix of non-SFHP homes offered for sale.

4 D. SFHP homes at different price levels and of different home sizes shall be dispersed
5 ~~[evenly]~~ among the non-SFHP homes and be evidenced by designation of home lots at time of plat
6 recording for each phase of development on the basis that the proposed dispersal takes full advantage
7 of affordable housing opportunities that would not otherwise be maximized.

8 E. The SFHP homes shall be similar in architectural and landscaping appearance to the
9 non-SFHP homes.

10 F. The seller of an SFHP home shall provide a warranty of at least one year covering
11 defects in materials and workmanship in addition to any manufacturers' warranties or warranties
12 provided by a contractor or subcontractor, such as warranties on roofing and appliances. The
13 minimum one year warranty on defects in materials and workmanship shall not preclude the seller or
14 any person from providing a warranty of longer period. No developer, seller, general contractor,
15 subcontractor or other person shall be permitted to request that an SFHP homebuyer sign a waiver of
16 the required warranty. Any such waiver shall be considered null and void.

17 Section 8. Subsection 26-1.18 SFCC 1987 (being Ord. #2005-30(A), §47, as
18 amended) is amended to read:

19 **26-1.18. Affordability Controls on SFHP Homes; Rental Prohibition.**

20 A. An SFHP developer selling a SFHP home or manufactured home lot shall cause to be
21 recorded, in the county clerk's office, simultaneous with the recording of the deed of sale, a form of
22 deed restriction, restrictive covenant or other legal instrument that fulfills the requirements set forth in
23 the administrative procedures with regard to controls placed on the occupancy and subsequent resales
24 of SFHP homes and SFHP manufactured home lots. In order to maintain affordability, the SFHP
25 developer shall impose resale controls consisting of mortgage liens, which include ~~[shared~~

1 ~~appreciation described below, and]~~ right of first refusal requirements as set forth in the administrative
2 procedures. The effect of the recordation of said document(s) shall be to create, in accordance with
3 state law, an obligation that runs with the property. The city shall approve the form of such
4 documents prior to recordation. Initial affordability shall be achieved by including in the SFHP
5 agreement terms of an escrow instruction requiring certification of SFHP compliance by the escrow
6 agent.

7 B. The amount of the above-described lien will be the difference between the SFHP
8 price and the initial market value of the SFHP home or SFHP manufactured home lot. In order to
9 provide additional equity to the SFHP buyer at the time of purchase, the initial market value shall be
10 determined as ninety-five percent (95%) of the appraised value of the SFHP home or SFHP
11 manufactured home lot.

12 C. ~~[An SFHP lien will provide for shared appreciation by requiring the buyer to repay~~
13 ~~the original amount of the lien plus a share of appreciation, if any, upon resale of the home or~~
14 ~~manufactured home lot or violation of the occupancy requirements as described herein and by the~~
15 ~~administrative procedures. The city's share of appreciation, if any, will be in proportion to the ratio of~~
16 ~~the SFHP lien to the initial market value at the time of the SFHP buyer's initial purchase. The~~
17 ~~administrative procedures shall provide for a deduction from gross appreciation to account for capital~~
18 ~~improvements and repairs made during time of ownership and for a proportion of closing costs~~
19 ~~incurred upon resale. For purpose of example, following are steps used to determine the city's share of~~
20 ~~appreciation:~~

21 (1) ~~Determine SFHP affordable home price (example: 3 bedroom home in~~
22 ~~income range 3): \$142,000~~

23 (2) ~~Determine appraised value of SFHP home: \$220,000~~

24 (3) ~~Determine initial market value of SFHP home: $\$220,000 \times 95\% = \$209,000$~~

25 (4) ~~Determine amount of lien: $\$209,000 - \$142,000 = \$67,000$~~

1 (5) ~~Determine city's share of appreciation (proportion of lien to initial market~~
2 ~~value): \$67,000/\$209,000 = 32%]~~

3 The affordability lien, as described, is non-interest bearing, no payment due until sale or
4 transfer, and subordinate to the buyer's first position financing and other sources of subsidized
5 assistance. The lien will be forgiven by the City or its agent when the primary financing is paid off or
6 30 years, whichever comes first.

7 D. Upon resale of an SFHP home or manufactured home lot, the affordability lien may
8 be assumed by another SFHP buyer as approved by the city or its agent, or the seller must repay the
9 SFHP lien to the city or its agent. In the event that the home has lost value and the sales proceeds are
10 not enough to pay off the seller's primary financing and other assistance to which the affordability
11 lien is subordinate, the city will reduce the amount of the lien due to ensure that all other obligations
12 are met, however, in no event, shall the city release more than the total amount of the lien.

13 E. The proceeds of repayment of SFHP liens resulting from SFHP agreements or
14 annexations and held by the City shall be credited to a housing trust fund approved by the governing
15 body and managed by the office of affordable housing, which may include funds from other sources.
16 Uses of housing trust fund monies may include down payment assistance, as well as subsidies for
17 low-income rental, emergency and special needs housing. Funding from the trust fund must be
18 awarded through a competitive process.

19 F. An SFHP home buyer or SFHP manufactured home lot buyer shall not rent the SFHP
20 unit or manufactured home lot to a second party, except as approved in writing by the office of
21 affordable housing for instances in which the owner is under duress by reason of unemployment,
22 family medical emergencies, or inability to sell the home for an amount equal to or greater than the
23 original sale price, or other unique circumstances of family hardship. The city, at its sole discretion
24 will approve or disapprove the request to rent a SFHP home pursuant to administrative procedures.

25 Section 9. Subsection 26-1.21 SFCC 1987 (being Ord. #2005-30(A), §50, as

amended) is amended to read:

26-1.21. Eligibility of SFHP Buyers.

A. The household income of an SFHP homebuyer shall not exceed the defined income ranges as set forth in subsection 26-1.5 except as set forth in paragraph E. below.

B. The household income of an SFHP manufactured home lot buyer shall not exceed the defined income ranges as set forth in subsection 26-1.5 for a 3-person household, regardless of the household size of the SFHP buyer except as set forth in paragraph E. below.

C. SFHP homebuyers and SFHP manufactured home lot buyers shall also meet additional eligibility criteria established in the administrative procedures.

D. ~~[A SFHP home may not be sold to a household which is smaller than the following household]~~ Household sizes are provided as a guideline for SFHP homes in the administrative procedures unless the office of affordable housing approves in writing a smaller minimum household size[.].

<u>Unit Size</u>	<u>Minimum Household Size</u>
Efficiency/studio	1-person household
1 Bedroom	1-person household
2 Bedrooms	1-person household
3 Bedrooms	2-person household
4 Bedrooms	3-person household]

E. An eligible buyer meeting the criteria of armed services veteran, emergency worker, first responder, teacher or related educational employees in Santa Fe County whose household income exceeds one hundred percent (100%) of area median income (AMI) but does not exceed one hundred twenty percent (120%) of AMI shall be eligible to purchase an SFHP unit in income range 4.

(1) The status of the buyer as a veteran, emergency worker or first responder ~~[shall be noted on the certificate of eligibility and]~~ shall be verified by the office of affordable housing.

(2) The office of affordable housing shall maintain a list of occupations that

1 meet the requirement of emergency worker, first responder or essential worker, and the
2 verification of veteran status pursuant to administrative procedures. [~~which shall include:~~

3 (a) ~~Police officers;~~

4 (b) ~~Nurses;~~

5 (c) ~~Emergency medical technicians;~~

6 (d) ~~Firefighters;~~

7 (e) ~~Other health and safety workers whose services are crucial to~~
8 ~~community safety in an emergency situation; and~~

9 (f) ~~Teachers and related educational employees.]~~

10 (3) All other eligibility requirements shall apply.

11 Section 10. Subsection 26-1.22 SFCC 1987 (being Ord. #2005-30(A), §51) is
12 amended to read:

13 **26-1.22. Requirements for SFHP Rental Units**

14 A. The marketing, leasing and occupancy of an SFHP rental unit and SFHP
15 manufactured home lot that is rented shall conform to the criteria set forth in the administrative
16 procedures. Rental rates shall be in accordance with the rates set forth in subsection 26-1.24. SFHP
17 rental units shall be built to comply with the minimum size, unit type(s) and other structural
18 requirements set forth in subsection 26-1.25. The location of the SFHP rental units shall be approved
19 by the office of affordable housing. [~~The units or manufactured home lots shall be dispersed~~
20 ~~throughout the development; however, if multiple SFHP units or manufactured home lots are~~
21 ~~required, the units or manufactured home lots may be grouped provided that the groups are dispersed~~
22 ~~throughout the development.] The units or manufactured home lots shall have compatible exterior
23 architectural and landscaping appearance with other units in the development.~~

24 Section 11. Subsection 26-1.24 SFCC 1987 (being Ord. #2005-30(A), §53, as
25 amended) is amended to read:

26-1.24. **Determination of Affordable Rent.**

A. To ensure that rental rates do not exceed thirty percent (30%) of the monthly income for both rent and utilities for households in each applicable income range, the affordable rent for SFHP rental dwelling units ~~[shall equal the rental rate,]~~ is determined annually, based on HUD income limits, pursuant to the administrative procedures ~~[as set forth below. These rents include utilities and shall be adjusted if utilities are provided separately].~~

B. Affordable rental rates shall be determined for each income range ~~[as follows:]~~ pursuant to the SFHP rental rate schedule in the administrative procedures. The required rental rates include utilities and shall be adjusted if utilities are provided separately.

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

C. The affordable rent for manufactured home lots shall not exceed thirty percent (30%) of the affordable rent for a 3 bedroom dwelling unit for each applicable income range ~~[as follows:]~~, pursuant to SFHP rental rate schedule.

Income Range	[Affordable Manufactured Home Lot Rent
Income Range 1	\$134
Income Range 2	\$223
Income Range 3	\$290

D. Beginning in 2006 and every year thereafter, affordable rent and affordable manufactured home lot rent for each applicable income range shall be adjusted by the percentage change in area median income from the previous twelve (12) months, as per HUD's annual determination of income limits, and the office of affordable housing shall issue an updated schedule of affordable rents and affordable manufactured home lot rent for each applicable income range. The

1 office of affordable housing shall report to the governing body within thirty (30) days of adjusting
2 affordable rents and affordable manufactured home lot rent.

3 Section 12. Subsection 26-1.28 SFCC 1987 (being Ord. #2005-30(A), §57, as
4 amended) is amended to read:

5 26-1.28. **Allowed and Disallowed Uses of Subsidies.**

6 Prospective tenants who may be income eligible and have rent subsidy, such as a Section 8
7 Voucher, are eligible to rent a SFHP unit; however, under no circumstances shall rents in excess of
8 ~~[these allowed under the SFHP]~~ Fair Market Rent (FMR) as established annually by HUD, be
9 charged. Developers of SFHP rental units may use any type of capital development subsidy to
10 achieve the required rents.

11 Section 13. Subsection 26-1.29 SFCC 1987 (being Ord. #2005-30(A), §58) is
12 amended to read:

13 26-1.29. **Term of Compliance.**

14 Rental housing developments and manufactured home lot developments subject to SFHP (or
15 portions thereof completed and occupied at different times) shall maintain required occupancy and
16 rental rates in SFHP units for a period of ~~[(twenty-20)]~~ ten (10) years after the date of issuance of a
17 certificate of occupancy for the entire development or portions thereof. This requirement shall be
18 made applicable to successors in title, if any, by means of a deed restriction. (Ord. #2005-30(A), §58)

19 Section 14. Subsection 26-1.30 SFCC 1987 (being Ord. #2005-30(A), §44, as amended)
20 is amended to read:

21 26-1.30. **Monitoring by the City of SFHP Leases and Enforcement of**
22 **Agreements.**

23 SFHP agreements involving SFHP rental units shall provide for annual monitoring and
24 certification of leased SFHP rental units by the city or its agents, as set forth in the administrative
25 procedures. The city shall have the right to inspect and photocopy all accounting and occupancy

1 records with regard to any SFHP rental unit. It shall further have the right to contact and interview
2 any SFHP tenant with regard to compliance issues. Owners of SFHP rental units shall keep adequate
3 records of all payments of rent and data concerning tenants, in accordance with standard practices of
4 the rental housing industry. If disputes arise over what constitutes adequate record keeping, the city or
5 its agents under its SFHP agreement shall have the right to require owners to adopt financial and
6 information management practices that are recommended by a certified public accountant and/or
7 property management manuals published by the institute of real estate management. The city, or its
8 agents shall have access to all relevant financial and tenant information records during normal
9 business hours, upon providing verbal or written notice at least two (2) business days prior to a
10 proposed monitoring visit. Upon completion of this annual monitoring activity, the city, or its agents
11 shall certify that the property owner is in compliance with the SFHP agreement, or shall issue
12 findings of noncompliance. Upon findings of noncompliance with the SFHP agreement, the city, or
13 its agents shall issue orders for bringing the SFHP development into compliance. Such orders shall
14 give the property owner twelve (12) months to reach compliance, but may also require actions to
15 compensate for noncompliance. If a property owner willfully and continually refuses to comply with
16 SFHP agreements or related orders from the city, the city or its agents may invoke sanctions set forth
17 in subsection 26-1.19.

18 **Section 15. Subsection 26-1.31 SFCC 1987 (being Ord. #2005-30(A), §60) is**
19 **amended to read:**

20 **26-1.31. Simplified Compliance and Low-Income Housing Tax Credit Projects.**

21 Notwithstanding any other terms of SFHP or a SFHP agreement, if rental units in a SFHP
22 development have been awarded tax credits under the federal low-income housing tax credit program,
23 or have received substantial subsidy under another local, state or federal funding program that enables
24 the project to serve renters or meets other emerging needs as identified in the city's annual action plan
25 and approved by HUD, such units shall be deemed to comply with all tenant certification and rental

1 requirements of the SFHP program, so long as the project is in good standing with regard to the
2 monitoring standards of that program. For such projects in good standing, the only monitoring
3 required by the city shall be delivery to the office of affordable housing, within ten (10) days of
4 receipt, all copies of the monitoring agency's reports and correspondence with regard to compliance
5 monitoring.

6 **Section 16. Review.** This Ordinance shall be reviewed by the governing body one year
7 from the date of adoption and thereafter on an annual basis with particular attention given to
8 quantifying the economic benefits of this policy change.

9 APPROVED AS TO FORM:

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12 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY
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City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2013-103

Owner's Name – Carmel, LLC, Final LLC, SF South LLC and State Properties of NM LLC
Applicant's Name – James W. Siebert, for James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on November 7, 2013 upon the application (Application) of James W. Siebert, for James W. Siebert and Associates, Inc. on behalf of Carmel, LLC, Final LLC, SF South LLC and State Properties of NM LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat to divide 6.54± acres at 37 Plaza la Prensa (Property) into 3 lots. The Property is zoned BIP (Business Industrial Park) and is located within the Phase 2 Annexation Area.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
3. Code §14-3.7(B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code §14-3.1(E).
4. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
5. A pre-application conference was held on January 31, 2013 in accordance with the procedures for subdivisions set out in Code §14-3.1(E)(2)(a) and (c).
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§14-3.1 (H), and (I) respectively.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for preliminary subdivision plats and Code §§14-3.1(F)(4) and (5) establish procedures for the ENN.
8. The Applicant conducted an ENN meeting on the Application on May 15, 2013 at the South Side Library in accordance with the notice requirement of Code §14-3.1(F)(3)(a).
9. The ENN meeting was attended by the Applicant and City staff; approximately eight members of the public were in attendance.
10. Code §14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvements plans and other specified

supplementary material and in conformance with the standards of Code §14-9 (collectively, the Applicable Requirements).

11. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
12. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

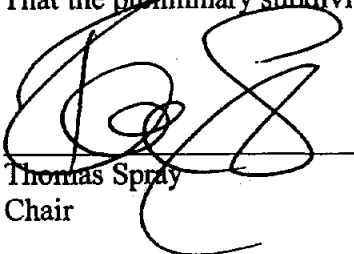
CONCLUSIONS OF LAW

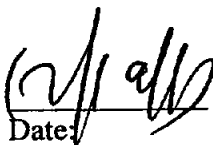
Under the circumstances and given the evidence and testimony submitted during the public hearing, the Commission CONCLUDES as follows:

1. The Commission has the authority to review and approve the preliminary plat subject to conditions.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.
3. The public hearing was properly noticed and conducted pursuant to applicable Code requirements.
4. The Applicable Requirements have been met.

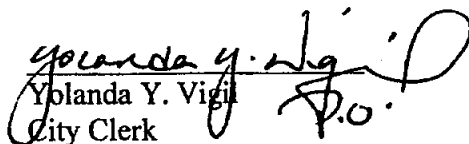
WHEREFORE, IT IS ORDERED ON THE 19th OF DECEMBER 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the preliminary subdivision plat for the Property is approved, subject to the Conditions.


Thomas Spray
Chair


Date:

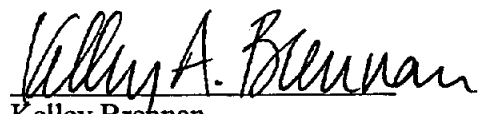
FILED:


Yolanda Y. Vigil
City Clerk

12/23/13
Date:

[REMAINING SIGNATURES ON FOLLOWING PAGE]

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney


Date:

4. **CASE #2013-103. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NEW MEXICO LLC, REQUEST PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS +INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA. (TAMARA BAER, CASE MANAGER)**

A Memorandum prepared October 24, 2013 for the meeting of November 7, 2013, with attachments, to the Planning Commission, from Tamara Baer, Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

Tamara Baer presented information via overhead projector, using the documents in the Commission packet. Please see Exhibit "5," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in the Staff Report [Exhibit "5"].

Public Hearing

Presentation by the Applicant

Jim Siebert, 915 Mercer, Agent for the applicant, was sworn. Mr. Siebert said, "The reason for this is that the State has a policy that, where possible, and funding is available, they would prefer to buy the building than lease the building, because it turns out to be a much better proposition financially in the long run. What this gives the opportunity to do, as funding becomes available for these various State agencies, is they have the ability to actually purchase the building and lot, in order to bring it in within the State agency."

Mr. Siebert continued, "Maybe one comment on the second condition. Ms. Baer pointed out there are covenants, and I was sitting here thinking that we would have to amend the plat and it's not this plat, because the residential units aren't on this plat, and we would have to amend another plat. There were covenants. The desire was to not allow mobile homes on the residential units. They used the term mobile home, thinking that they were covered. So I guess, rather than amend the plat, I would like to see if we can work something out that we can simply amend the covenants. They own all the lots, they totally control it, they can amend it any way they like. But as an alternative, whatever that language is that prevents whatever you call a mobile home, we would like to just simply amend the covenants in order to accomplish that, rather than to try to figure out how we get a plat, pull it out of the County or do a brand new plat, all of which is very expensive. And the much simpler solution is simply to amend the covenants. So I'll answer any questions you may have."

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commissioners commented and asked questions as follows:

Ms. Brennan said, "With respect to simply amending the covenants to address manufactured housing or site built, the City would not have the authority to enforce those

covenants. They would need to be noted on the plat, which would require an amendment of the plat in any event."

- Commissioner Padilla asked the reason the City is applying conditions on adjacent property which is not a part of this Preliminary Subdivision Plat.

Ms. Baer said, "This property was all developed in concert. It was all one piece. As I mentioned earlier, it is still under the same ownership so we have the opportunity to that. The City accommodated these owners by correcting lot lines and zoning to allow the subdivision to go forward. The owners actually overbuilt into the residential lots, even though that was something that was approved by the County administratively, and we felt that was a fair request to make, since they did still have control over those lots."

- Commissioner Padilla said, "In reference to the Landscape Plan and Landscape Plan L-101, is everything that is grayed out on this Landscaping Plan.... I guess this is either to staff or Mr. Siebert, is everything that is grayed out on there that shows landscaping as well as a cistern and catch basins, etc., basically site improvements, is all existing and we have no concerns with those existing improvements, and the only thing that we are asking is to address your note. The main concern are the landscape buffers approved with the original plans that had not been installed."

Ms. Baer said, "That's not exactly correct. What's grayed at the very top on the north side, is actually a detention basin. And that graphic is showing a different material on the ground, it's a rock-lined detention basin. I would say that most of this material that Ms. Ocuma has shown is new, certainly in both of the landscape buffers to the north and west, that's all new material. And then there is additionally new material within the parking lot. She went out and did an analysis of what was there and what wasn't and I'm not sure you can read it on here, possibly on the larger plat, it's clear as to what's already there and what is new material, but that was clear when we reviewed it as staff."

Chair Spray asked if she is looking at L-101.

Ms. Baer apologized and said she was looking L-201.

Ms. Baer said, "So as I said earlier, the part that is grayed out at the top is just a different surface treatment. It doesn't indicate whether it's new or not."

- Mr. Padilla rephrased his question: "Everything that is shown in black on our plot that is presented in our package, I show is indicated as new landscaping material along the west property line and along the north property line, along with whatever ground cover treatment

they're proposing there, everything else, and there's some trees scattered inside some of the planting areas within the site. Is everything else that is shown on this plan, including the cistern, catch basins and other site improvements, existing."

Ms. Baer said, "I believe it is not, so I think that's just a problem with the graphics." She asked Mr. Siebert to confirm that, noting she knows the cistern is already in place.

Mr. Siebert said, "For sure, the cistern is there and catch basins going into the cistern are there. Frankly, probably only [inaudible] could tell exactly which is existing and which is to be planted. There's no... I don't see anything on here anything that would specifically distinguish that."

- Commissioner Padilla said then we are to assume, by the Planting Plan L-101, that this is specifically addressing the concerns of the neighbors to provide the landscape buffer and it addresses one of the conditions of approval.

Ms. Baer said, "I believe it is a compromise. It's not as extensive as the original landscape buffer that was promised them, but part of the reason for that is that the original landscape buffer was outside the property lines of this development. And nobody felt that was a reasonable or practical thing to do."

- Commissioner Padilla said, "Then this is acceptable to staff for us to recommend, if we recommend approval, to meet the neighbors' concerns about landscape buffer."

Ms. Baer said yes.

- Commissioner Pava asked if we were to approve the preliminary plat, would the subdivision then comply with standards of the BIP District, with regard to setbacks, height and such, commenting this is an existing situation.

Ms. Baer said she can't answer that completely, because she is unsure staff did the analysis, simply because it was already there. She said, "When we look to see if a variance is required, for example, the trigger for that is whether the action being requested creates a non-conformity or exacerbates a non-conformity. And I can tell you that it does not. So whether it's in total compliance with all BIP standards, I'm not completely sure, but we're not making it worse."

- Commissioner Pava said the second condition of approval talks about residential construction on Lots 2, 3, 4, 5 and 6, which shall be site built. He said, "Do I understand it, that the City can propose, provided the applicant and owner accept this condition, that

doesn't contravene anything in federal or state law, with regard to the placement of manufactured type housing in residential districts."

Ms. Brennan said, "As I understand it, there's an existing covenant, and this is more in the nature of updating that provision to make sure it remains effective on these properties. So, I think that the answer is no, I don't think it violates state or federal."

- Commissioner Padilla said there are 4 bullet items, 3 specifically related to landscaping. The 4th bullet states, "Show how trail and walking path along the west edge of the property will connect to trails on adjoining property, specifically how it will connect to the southwest edge of the property." He said, "Now, I'm looking at sheet P-2 provided by Siebert & Associates. It does show a path along the west property line. What's it connecting to."

Ms. Baer said there is a path there, and the PERA building to the south is not currently accessible. She said when they looked at that in the field, it seemed a shame that they weren't connected, but some of the State office buildings have security concerns, and so Mr. Burke is asking that they investigate the possibility of opening that up just so employees on the property can use that path during lunch or break or whatever to walk the perimeter of the property. She said staff understands that may not be possible, and we can't make it a condition because we don't control the other property. We are just looking to investigate that a little further.

- Chair Spray said on page 3 of the Memorandum, Ms. Baer says, "Overdevelopment of the office buildings on Lot 6A resulted in the reduction of lot sizes..." He said he presumes overdevelopment doesn't mean illegal and presumes it was approved by the County.

Ms. Baer said this is correct. She said, "There was a series of approvals. At one point the EZC said that any further development changes could be approved administratively, and in 2008, the County Administrator approved the expansion of the parking which encroached into those residential lots. And that was approved properly. And as you know, part of the SPPAZO agreement is that we honor County approvals."

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve Case #2013-103, Lot 6A, Plaza la Prenza, Southwest Business Park Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [5-0]

G. STAFF COMMUNICATIONS

A copy of the 2014 Planning Commission Schedule and the 2014 Summary Committee Schedule are incorporated herewith collectively to these minutes as Exhibit "6."

Chair Spray noted the schedules on the Commissioners' desks for 2014 for the Planning Commission and the Summary Committee.

Ms. Baer said these are still in draft form because we depend on the City Clerk to confirm the final dates, and she typically doesn't do that until the beginning of the year. However, since our schedules carry-over, starting now, into next year, we wanted you to be aware of those.

H. MATTERS FROM THE COMMISSION

Commissioner Villarreal wished Matthew O'Reilly a Happy Belated Birthday from yesterday.

Commissioner Padilla asked what are the next steps for Cases F(1) and F(2).

Mr. O'Reilly said, "As you know, the Planning Commission is a recommending body on legislative matters, so it really depends on the sponsors. They could, based on the comments they receive tonight, decide to take those comments and attempt modifications of the Ordinances. Or they could ignore your comments entirely and move on to the Council. Or, they could drop the Ordinances altogether."

Commissioner Pava thanked Director O'Reilly for his assistance during a most unusual visit of a delegation of Mayors and City officials earlier this month from Shandong Province in China, which is the most populous province in China. He said they were very interested in Santa Fe, and he thanked Mr. O'Reilly for going all out and doing whatever he could to make it work.

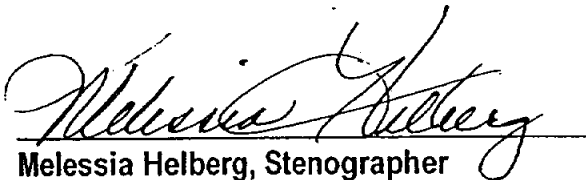
Mr. O'Reilly said Commissioner Pava gave a brief presentation on how things work in the State of New Mexico, and the City of Santa Fe and the Planning Commission. The presentation was really great and they really appreciated it.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 8:45 p.m.



Tom Spray, Chair



Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: December 30, 2013 for the Meeting of January 9, 2014

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*

FROM: Tamara Baer, ASLA, Manager, Current Planning Division *TB*

Plaza la Prensa Final Subdivision Plat

Case #2013-119. Lot 6A, Plaza la Prensa, Southwest Business Park Final Subdivision Plat. James W. Siebert and Associates, Inc., agents for Carmel LLC, Final LLC, SF South LLC, and State Properties of NM LLC, request Final Subdivision Plat approval for 3 lots on 6.54± acres located at 37 Plaza la Prensa. The property is zoned BIP (Business Industrial Park) and is located within the City's Phase 2 Annexation Area. (Tamara Baer, Case Manager)

RECOMMENDATION

The Land Use Department recommends Approval with Conditions as outlined in this report.

I. EXECUTIVE SUMMARY

On November 7, 2013 the Planning Commission granted Preliminary Subdivision Plat approval for this project. The approval included conditions as recommended by the Land Use Department. Findings of Fact and Conclusions of Law (Findings) were approved on December 19, 2013. The Findings and Minutes of the November meeting are included with this report. No changes to the plan were requested and none are proposed. The subdivision plat creates three lots in an existing business park. The property is fully built out and no new construction is anticipated.

II. CONDITIONS OF APPROVAL

Two conditions of approvals were proposed by the Land Use Department and supported by the Commission at the time of Preliminary Plat approval. These are:

- 1) Landscape improvements shall be installed no later than Spring 2014. Options for accomplishing this end were provided in the Preliminary Plat staff report; and
- 2) The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site-built.

1) Landscape

The applicant's agent has informed Land Use Department staff that the owners intend to install the landscape improvements, as shown on the Landscape Plan, prior to recordation of the Final Subdivision Plat. Per SFCC 14-3.19 (B) (3) Expiration of Development Approvals, Final Subdivision Plats, *"Approval of a final plat for a subdivision... shall expire three years after final action approving it unless the plat is filed for record with the county clerk."*

That is to say, the applicants have three years to record the subdivision plat before it expires.

The Land Use Department recommends that the required landscape be fully installed as shown on the Landscape Plan in the Spring of 2014, or no later than June 1, 2014, or else a financial guarantee be required for any work that has not been completed. In no case shall the Final Plat be recorded until the landscape is fully installed.

2) Site built housing

Following the Preliminary Plat hearing, the applicant's agent advised Land Use Department staff that the applicants object to this condition. The Land Use Department recommends this condition remain in place. As stated in the original staff report, the reason for this condition is as a concession to adjacent residential lot owners, who were originally assured of landscape buffers from the non-residential uses. This landscape was never installed. Rather, the non-residential uses expanded beyond their originally approved boundaries, and in so doing, diminished the residential properties in size and in value.

Furthermore, construction of residences on lots adjacent to the office development will serve two additional purposes. Not only will they establish an actual buffer between the offices and the houses in the Mutt Nelson vicinity, the new houses will start to create a more coherent neighborhood by having houses facing other houses on the two streets, create a residential streetscape, and build community by creating a neighborhood edge.

III. CONCLUSION

The Land Use Department recommends approval of the Final Subdivision Plat for Lot 6A of the Southwest Business Park, including the same two conditions of approval, with the added clarification regarding timing of the landscape installation.

IV. ATTACHMENTS

- EXHIBIT A: Findings of Fact and Conclusions of Law
- EXHIBIT B: Minutes of the Planning Commission meeting of November 7, 2014
- EXHIBIT C: Staff Report for Preliminary Subdivision Plat, Planning Commission meeting of November 7, 2013
- EXHIBIT D: Applicant Final Subdivision Plat Materials

City of Santa Fe, New Mexico

memo

DATE: October 24, 2013 for the Meeting of November 7, 2013

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*

FROM: Tamara Baer, ASLA, Manager, Current Planning Division *TB*

Plaza la Prensa Preliminary Subdivision Plat

Case #2013-103. Lot 6A, Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat. James W. Siebert and Associates, Inc., agents for Carmel LLC, Final LLC, SF South LLC, and State Properties of NM LLC, request Preliminary Subdivision Plat approval for 3 lots on 6.54± acres located at 37 Plaza la Prensa. The property is zoned BIP (Business Industrial Park) and is located within the City's Phase 2 Annexation Area. (Tamara Baer, Case Manager)

RECOMMENDATION

The Land Use Department recommends **Approval** with Conditions as outlined in this report.

I. EXECUTIVE SUMMARY

The subject property is part of the larger 48± acre Southwest Business Park, originally developed in the late 1990s. The Business Park consists of some 18 lots, 7 of which are built out. The primary users include the New Mexican printing and distribution facility, Public Employees Retirement Association (PERA) offices, the Santa Fe Natural Tobacco Company, and the three State office buildings on the subject property. All roads, and other infrastructure, including sewer, water and stormwater facilities within the Park are private, and are maintained by the Southwest Business Park Association.

The subject property has been developed over several years by the State of New Mexico. There are three buildings on the site. One houses the State Investment Council and the other two contain offices for the Human Services Department. In keeping with a policy adopted by the State of New Mexico, the purpose of the subdivision is to allow sale of individual lots to the State so that their buildings are owned rather than leased. The applicant has stated that the three leases are due to expire at different times, which would give "the State the opportunity to purchase the buildings at different times consistent with the State funding cycles and availability of State monies allocated for the purchase of buildings."

The property was developed under a series of approvals granted by the EZC and EZA, as well as administratively by Santa Fe County. In 2000, the EZC approved a 10-lot residential subdivision that wrapped around the subject property to the north (Mutt Nelson) and west (Senda Corvo) sides. Three of the residential lots were zoned C-2 as part of the 2009 Subdivision, Platting, Planning and Zoning Ordinance (SPPAZO) to reflect the existing Kingdom Hall, Jehovah's Witness Church at 4 Mutt Nelson Road. Five residential lots have been reconfigured and reduced in size and currently wrap around the subject property. These lots are under the same ownership as the subject property on Lot 6A.

In 2008, Santa Fe County administratively approved a Final Development Plan, which added 122 parking spaces and a 50-foot landscape buffer on the north side. This and previous actions by the EZC resulted in discrepancies in lot configuration and zoning, which have recently been corrected by the City in order to allow the subdivision application to proceed. Lot lines have been adjusted to reflect actual build out and the entirety of Lot 6A is now zoned BIP.

II. ISSUES and CONDITIONS OF APPROVAL

The main issue raised at the Early Neighborhood Notification meeting held on March 15, 2013, and attended by approximately 8 members of the public, was landscape development. Neighbors in the Mutt Nelson area were aware of the build out on the property, which had taken place over several years beginning in 2004 and substantially completed by 2007. Their main concern was that landscape buffers, approved with the original plans, had not been installed.

A. Landscape

A Landscape Plan was approved with the original development, but was never fully implemented. Subsequent approved changes to the site plan made full compliance with the original design not possible. Since discussion of the current subdivision began, the applicant hired the Santa Fe Landscape Architecture firm Surroundings to analyze built conditions and propose a new landscape plan, meeting both the original design and current standards as much as possible. This plan, included with this submittal, has been reviewed and approved by the Land Use Department. See Memorandum by Noah Berke, A-1, attached. The primary issue remaining, is timing of the installation. The applicant has the following options for compliance: 1) they can install the landscape now and as currently approved; 2) they can provide a financial guarantee for installation in the Spring of 2014; or 3) they can provide an executed contract for that installation, to include a 10% contingency as is typically required.

B. Water

The property is currently served by the Santa Fe County Water Utility. As part of the Annexation Agreement between the City and County, the water system will be transferred to the City. At that time, the users will become customers of the City. The applicant has provided 'As-Builts' to the City's Water Division as requested. Transfer of the water system will occur as part of the Annexation and is unrelated to the matter of the subdivision.

C. Wastewater

The property is currently served by a private gravity-flow wastewater system that carries flow to an off-site lift station and then by force main to a manhole located at the corner of Mutt Nelson and the I-25 frontage road, where it connects to the City's wastewater system. This infrastructure is owned and maintained by the owners' association. UEC and hook-up fees were paid to the City by the original developer of the property. Subdivision of the property will have no bearing on the operation of the wastewater system or its relation to the City's system.

D. Fire

The Fire Marshal has stated that he will accept the existing build-out as it is for the purposes of access, but did request fire flow calculations in order to determine that there is sufficient fire flow to meet fire suppression needs. This information has been provided and is attached to this report as Exhibit D-3. It includes the location of four fire hydrants on the site.

E. Traffic

The Traffic Division has no comments on the proposed subdivision. The roads within the Southwest Business Park are private and will remain private. It is not anticipated that the City will take over the roads in connection with the Phase 2 Annexation.

F. Other

Overdevelopment of the office buildings on Lot 6A resulted in the reduction of lot sizes of the immediately adjacent residential lots. This happened in part because of common ownership of 6A and the residential lots, which remain in the same ownership at this time. The Land Use Department recommends as a condition of approval of the subdivision that the owners agree that a condition be placed on the plat requiring residential construction on Lots 2, 3, 4, 5 and 6 be site built and that this condition remain with those lots in perpetuity, regardless of any future change in ownership.

This condition is proposed as a concession to adjacent residential lot owners, who were originally assured of landscape buffers from the non-residential uses. This landscape was never installed. Rather, the non-residential uses expanded beyond their originally approved boundaries, and in so doing, diminished the residential properties in size and in value.

III. CONCLUSION AND CONDITIONS OF APPROVAL

The proposed subdivision is supported by all reviewers with two conditions of approval recommended by the Land Use Department.

- 1) Landscape improvements shall be installed no later than Spring 2014. Options for accomplishing this end are as noted in paragraph II. A above; and
- 2) The owners shall agree to a condition on the plat that residential construction on Lots 2, 3, 4, 5 and 6 shall be site-built.

IV. ATTACHMENTS

EXHIBIT A: Development Review Team Memoranda

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

EXHIBIT B: Maps

1. Vicinity Map and Zoning
2. 2011 Aerial View

EXHIBIT C: ENN Notes

EXHIBIT D: Applicant Materials

1. Letter of Application
2. Letter to Fire Marshal
3. Applicant's Subdivision Report

EXHIBIT A

DEVELOPMENT REVIEW TEAM MEMORANDA

City of Santa Fe, New Mexico

memo

DATE: October 25, 2013
TO: Tamara Baer, Planner Manager
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Request for Additional Submittals for Case #2013-103, Lot 6A, Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

Below are comments for the Plaza la Prensa Southwest Business Park Preliminary Subdivision request. These comments are based on documentation submitted September 30, 2013:

- **Provide a Financial Guarantee to secure the landscaping improvements. Provide a cost estimate by licensed engineer or architect that has a cost breakdown for all proposed landscape including installation. This document should be stamped, signed, and dated by the engineer or architect.**
- **Provide timeframe for when landscape improvements will be completed.**
- **It will be required that permit for landscape improvements is obtained and that final inspection is given for landscape.**
- **Show how trail or "walking path" along west edge of property will connect to trails on adjoining properties. Specifically, how will it connect on southwest edge of property.**

City of Santa Fe
memo

DATE: October 16, 2013

TO: Tamara Baer, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, ^{AS} Water Division Engineer

SUBJECT: Case #, 2013-103. Lot 6A, Plaza la Prensa, Southwest Business Park
Preliminary Subdivision Plat.

The property is served by the County Water Utility. The information exchange with the County is not complete therefore an analysis of the existing system cannot be performed at this time. Fire protection requirements are addressed by the Fire Department.

City of Santa Fe, New Mexico

memo


DATE: October 7, 2013
TO: Tamara Baer, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-103 Lot 6A, Plaza la Prensa Southwest Business Park Preliminary plat

The subject properties are accessible to the City sanitary sewer system through a private on-site sewer system that pumps to a nearby City public manhole in Mutt Nelson Road:

The Wastewater Division has no additional comments for the applicant to address at this time

City of Santa Fe, New Mexico

memo

DATE: October 16, 2013
TO: Case Manager: Tamara Baer
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: Case #2013-103 Lot 6A, Plaza la Prensa

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. This department needs fire flow calculations for the existing buildings and if there is sufficient water supply to meet these calculations.

Prior to any new construction or remodel these conditions would apply

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall meet fire department access which would require more than one fire apparatus access road as per IFC 2009 Edition section D104.2

“Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.”

3. Shall meet requirements for second access roadway as per IFC 2009 section D104.3.

“Where two access roads are required they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served”.

4. Shall meet water supply requirements as per IFC 2009 Edition.

BAER, TAMARA

To: MARCO, RANDALL V.
Subject: RE: Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

From: MARCO, RANDALL V.
Sent: Tuesday, October 15, 2013 3:10 PM
To: BAER, TAMARA
Subject: RE: Plaza la Prensa, Southwest Business Park Preliminary Subdivision Plat

Tamara,
Service for these building for commercial refuse is still to be determined due to the annexation.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

BAER, TAMARA

From: KASSENS, SANDRA M.
Sent: Tuesday, October 15, 2013 3:17 PM
To: BAER, TAMARA
Cc: ROMERO, JOHN J
Subject: Lot 6A, Plaza la Prensa Preliminary Subdivision Plat

Tamara,
The Traffic Engineering Division has no comments on the Preliminary Subdivision Plat of Lot 6A, Plaza la Prensa, case # 2013-103.

*Sandra Kassens
Traffic Engineering Division
Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504*

*Phone: 505-955-6697
Fax: 505-955-6439*

City of Santa Fe, New Mexico

memo

DATE: October 15, 2013

TO: Tamara Baer
Case Manager

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

RE: Case # 2013-103
Lot 6A, Plaza la Prensa, Southwest Business Park
Preliminary Subdivision Plat

I have no review comments on this case.

EXHIBIT B

MAPS

SITE

OUTLET MALL

SOUTHWEST BUSINESS PARK

2 BARTON

2 BARTON
RD B

FLORENCE RD

17 MUTT
NELSON RD

MUTT NELSON RD

39 PLAZA
LA PRENSA

41 PLAZA
LA PRENSA

37 PLAZA
LA PRENSA

1 NEW
MEXICAN
PLAZA

SENDA CORVO

18 SENDA
CORVO

22 SENDA
CORVO

19 PLAZA
LA PRENSA

PLAZA LA PRENSA

NEW MEXICAN PLAZA

125 W FRONTAGE RD

EXHIBIT B-2

EXHIBIT C

ENN NOTES



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

<i>Project Name</i>	Southwest Business Park
<i>Project Location</i>	37, 39 and 41 Plaza La Prensa, near the I-25 West Frontage Rd.
<i>Project Description</i>	3 Lot Subdivision of Lot 6A within the Southwest Business Park
<i>Applicant / Owner</i>	Carmel LLC, Final LLC, SF South LLC, and State Properties of New Mexico LLC
<i>Agent</i>	Victoria Dalton for James W. Siebert and Associates, Inc.
<i>Pre-App Meeting Date</i>	March 15, 2013
<i>ENN Meeting Date</i>	May 15, 2013
<i>ENN Meeting Location</i>	South Side Library
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Tamara Baer
<i>Other Staff</i>	
<i>Attendance</i>	Eight members of the public

Notes/Comments:

Tamara Baer, Current Planning Division Manager, explained the status of the property under consideration, updated the neighbors in attendance on the City's annexation process and phasing, and presented the Subdivision review procedures.

The property lies within the next phase of City-initiated annexation, which should be complete by the end of 2013.

The property is approximately 6 ½ acres and is fully built out. There are three office buildings on the single lot. They are currently leased to three different State agencies.

Victoria Dalton, representing Siebert and Associates, explained that the proposal was to divide a single commercial lot, currently under one ownership, into three smaller lots so that each could potentially be separately owned.

Neighbors in attendance had concerns that the proposed project intended to eliminate the residential lots that had been created as a buffer to other residential lots on Mutt Nelson and Senda Corvo. They were relieved to hear that those lots were to remain residential. There was discussion of water and sewer accessibility. CityThe property is served by a private sewer system. It was noted with some concern that the residential lots, which are all currently undeveloped, were too small to meet State of New Mexico Environment Department standards for $\frac{3}{4}$ acre minimum lot size for septic systems. It was noted that that there are numerous private wells and septic systems in the immediate vicinity.

There was discussion of the original landscape plan that was never implemented. City staff assured the residents that installation of the required landscape, plus any additional landscape requirements of City Code, would be a requirement of the subdivision approval.

The meeting adjourned at approximately 6:15 pm.

EXHIBIT D

APPLICANT MATERIALS



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

September 30, 2013

Tamara Baer
Current Planning Division
Division Manager
P.O. Box 909
Santa Fe, NM 87504

Re: Preliminary Subdivision Plat within the Southwest Business Park

Dear Ms. Baer,

On behalf of Carmel LLC, Final LLC, SF South LLC., and State Properties of NM LLC, I am submitting a preliminary three lot subdivision plat for review by the Planning Commission. The subdivision is to create three commercial lots on a tract of land which currently contains three separate commercial buildings that are currently leased to the State of New Mexico.

The property is located at 37 Plaza La Prensa, within the Southwest Business Park, located south of Mutt Nelson and is within Phase 2 of the Presumptive City limits scheduled for annexation early 2014.

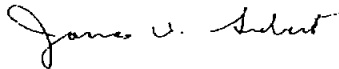
Tamara Baer
Subdivision request
September 30, 2013
Page 2 of 2

Included with this application are the following items:

- Application fee in the amount of \$430.00
- Completed application
- Six copies of six sheet plan set in a 24 x 36 format
- Six copies of the subdivision report

Please schedule this request to be heard by the Planning Commission on their meeting of November 7, 2013.

Sincerely,



James W. Siebert

Xc: David Sparks
Jan Ahern



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

MEMORANDUM

Date: October 16, 2013

To: Rey Gonzales, Fire Marshal

From: Jim Siebert

Re: Southwest Business Park

This memorandum provides information that you may not have on the three buildings in the Southwest Business Park that are part of Case # 2013-103, a three lot subdivision. The property and three buildings are served by the County Water system including the hydrants that have been installed within the Park. A plan is enclosed showing the location of the four fire hydrants and loop water line that serve the Southwest Business Park. This water system which is currently owned and maintained by the County will be turned over to the City. It is my understanding that Antonio Trujillo has just received the plans for this water system and other County water systems to be delivered to the City and he has not had the opportunity to review the plans.

The other issue that you are not aware of is that Building B, consisting of 34, 304 square feet is sprinklered and the Santa Fe County Fire Department approved the sprinkler system. The fire line into Building B is shown on the engineering plans that I am sending in a PDF format. Given the information provided above it is my understanding that the Uniform Fire Code 2009 does not require a secondary access. I assume that Antonio Trujillo can run a fire flow evaluation once he has the opportunity to review the County water plans.

Xc: David Sparks
Tamara Baer

**LOT 6A
SUBDIVISION
REPORT
WITHIN THE
SOUTHWEST
BUSINESS
PARK**

**PREPARED FOR FINAL
LLC., SF SOUTH LLC.,
STATE PROPERTIES LLC.,
& CARMEL LLC**

**PREPARED BY
JAMES W. SIEBERT & ASSOC., INC**

SEPTEMBER 30, 2013

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OWNERSHIP AND LEGAL LOT OF RECORD

This 6.535 acre property is owned by, Carmel LLC., SF South LLC., and Final LLC. The warranty deed for the property is provided as Appendix A to this report. The legal lot of record is based on a Lot Line Adjustment Plat recorded in Book 762, Page 31 of the Office of the Santa Fe County Clerk. A reduction of this plat is found in Appendix B.

HISTORICAL CONTEXT, ZONING AND JURISDICTIONAL STATUS

The subject tract of land is located within the Southwest Business Park which was developed in the late 1990's. This development request sits at the northeastern end of the Park adjacent to the New Mexican offices and production facilities. The entire Park is located within the Presumptive City Limits and is therefore under the City of Santa Fe regulatory control.

The property was permitted under extraterritorial jurisdiction and is currently located within the Presumptive City Limits but has not been annexed by the City. It is anticipated that at the beginning of 2014 the City should have completed the annexation of most of the urban area which will then make this property subject to City gross receipts tax and eligible for City services.

The City application of zoning was applied to the property in 2008 in conformance with the Settlement Agreement between the City and County. The lot is currently zoned BIP, Business and Industrial Park.

PROJECT LOCATION AND CURRENT USE OF THE PROPERTY

This subdivision is one of several tracts of land within the Southwest Business Park located on the I-25 west frontage road. Figure 1 describes the location of this property, which currently is located in Santa Fe County. All infrastructure has been constructed within the Southwest Business Park including interior roads and improvements to the frontage road for access to the Park. Three buildings have been constructed within the proposed subdivision. These buildings are currently being leased and occupied by the following state agencies.

- Human Services Department
- State Investments Council
- Human Services Behavioral Health

LOT 6A SUBDIVISION SWBP

1

SEPTEMBER 30, 2013

ACCESS AND TRAFFIC CIRCULATION

There is a private road that provides access to the three buildings on this property and New Mexican offices and production facilities. The name of this roadway is Plaza La Prensa. Unless another arrangement is worked out with the City, this road will continue to be maintained by the Southwest Business Park Association after the property is annexed.

Improvements have been completed to the I-25 west frontage road including a left turn lane and a southbound deceleration lane. No further improvements to the I-25 west frontage road are needed in order to accommodate the full development of the Business Park.

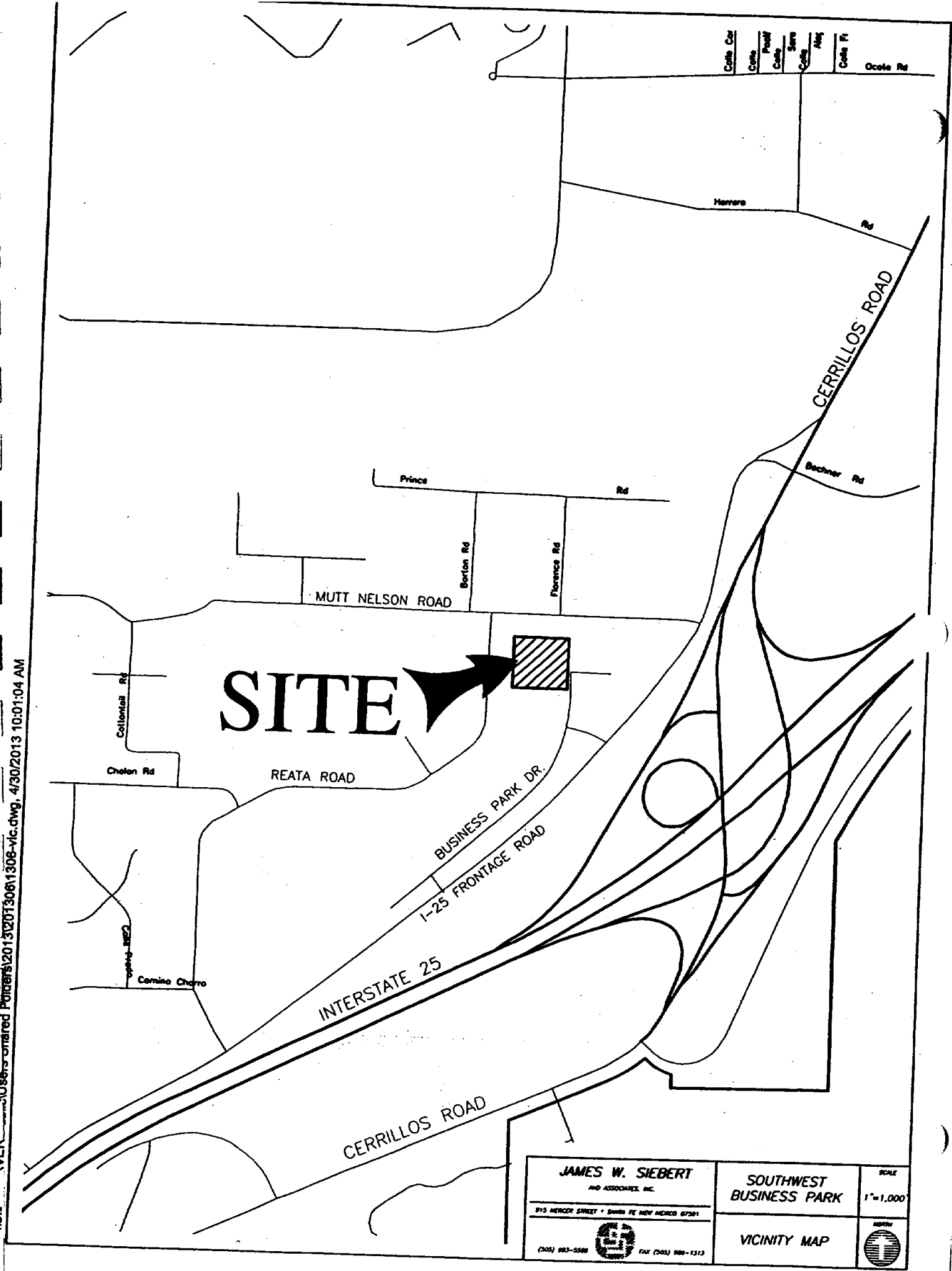
WATER AND SEWER SERVICE



The Southwest Business Park is currently served by County water. As part of the annexation of this land into the City the water system will be transferred from the County to the City. The responsibility for maintenance and billing for the water system will be transferred to the City after the City initiated annexation is completed. City gravity flow sewer begins at the intersection of Mutt Nelson Road and the I-25 west frontage road. Upon completion of the annexation this sewer line that extends from the above intersection to a City sewer main on the west side of the Arroyo de los Chamisos will become the property of Santa Fe. The City will be responsible for maintaining this sewer line.

The buildings within this development are served by a private sewer system that is a gravity flow sewer system carrying effluent to a lift station that is off-site from the subject tract. The lift station carries effluent by force main to the manhole that is located at the corner of Mutt Nelson Road and the I-25 west frontage road intersection. The gravity sewer within the boundaries of this tract, the lift station and the force main will continue to be operated and maintained by the Association. The original developer has previously paid the UEC and hookup fees to the City.

MAINTENANCE OF COMMON FACILITIES

The roads are private within the Southwest Business Park maintained by the Southwest Business Park Association. The sewer system and drainage structures are also private and are maintained by the Southwest Business Park Association. The Association is responsible for maintaining the central storm water pond located within the Park serves as the collection of storm water from this tract of land, the PERA building and the New Mexican facilities.



JAMES W. SIEBERT AND ASSOCIATES, INC. 815 MERCER STREET • SUITE 100 NEW HAVEN CT 07001 (203) 963-5588  FAX (203) 968-7313	SOUTHWEST BUSINESS PARK	SCALE 1"=1,000'
VICINITY MAP		

WATER AND SEWER

This tract is served with water by the Santa Fe County Utilities Department. Upon annexation by the City the water system will be turned over to the City of Santa Fe at which point the tenants on this lot will become customers of the Santa Fe City Water Division. The property is served by a private sewer system. Wastewater is collected within this lot and is carried to a private lift station located outside the boundary of this tract. The lift station pumps the effluent up to a manhole located at the Mutt Nelson Road and I-25 frontage road intersection. This manhole is part of the City sewer system. The interior sewer system will remain private even after the City annexes the land within the phase 2 of the scheduled annexation.

LANDSCAPE

A landscape plan was submitted to the Extraterritorial boards. Some of the landscape that was shown on the approved landscape plan was not installed. A revised landscape plan is submitted with this application in order to bring the landscape design more into compliance with City regulations. That is the reason that landscape plans are included along with the plat for this subdivision.

PARKING

The parking layout complies with security controls that are imposed on governmental buildings. There is a public parking area where only the public is permitted. Entrances to each of the buildings are controlled at the points that the public is permitted to enter the buildings from the parking lot. Employee parking takes place on the site behind secure gates. A parking evaluation plan is provided as part of the drawings submitted with the application. This plan reflects the current parking layout and to some minor degree differs from the approved final development plan. An evaluation of the parking provided and parking required is shown on the parking evaluation plan.

Lots 6A-1 and 6A-2 have been aggregated since there is shared parking between the two lots and they are isolated from Lot 6A-3 by the public parking. The parking evaluation which is submitted as part of the plan set indicates that there is a surplus of parking for this development. This is supported by field observation which indicates that many parking spaces remain unoccupied during the day.

A draft reciprocal parking agreement has been prepared which allows for shared parking between the buildings. This reciprocal parking agreement is included in the report as Appendix C.

