COMMUNITY DEVELOPMENT COMMISSION MEETING

Wednesday, September 14, 2016
3:30-5:00 p.m.
500 Market Street, Suite 200
Roundhouse Conference Room

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: August 17, 2016 CDC
5. Information and Discussion: AD ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A SEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINK OVERLAY DISTRICT) (Matt O'Reilly).
6. Items from the Commission
7. Items from the Floor
8. Adjournment

An interpreter for the hearing impaired is available through the City Clerk's office upon five days notice. Please contact 955-6521 for scheduling.
## SUMMARY OF ACTION

COMMUNITY DEVELOPMENT COMMISSION MEETING  
MARKET STREET OFFICES, ROUNDHOUSE CONFERENCE ROOM  
500 MARKET STREET, SUITE 200  
WEDNESDAY, AUGUST 17, 2016, 3:30 PM

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COMMUNITY DEVELOPMENT COMMISSION MEETING
MARKET STREET OFFICES, ROUNDHOUSE CONFERENCE ROOM
500 MARKET STREET, SUITE 200
WEDNESDAY, AUGUST 17, 2016, 3:30 PM

1. CALL TO ORDER

The meeting of the Community Development Commission was called to order by Councilor Rene Villarreal, Chair, at 3:30 pm, on Wednesday, August 17, 2016, at the Market Street Offices, Roundhouse Conference Room, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT
Councilor Rene Villarreal, Chair
Rusty Tambuscio, Vice Chair
Paul Goblet
Ken Hughes
Carla Lopez
Silas Peterson

MEMBERS ABSENT
John Padilla, Excused

OTHERS PRESENT
Margaret Ambrosino, Senior Housing Planner
Alexandra Ladd, Special Project Manager
Elizabeth Martin for JoAnn Valdez, Stenographer

3. APPROVAL OF AGENDA

Ms. Ambrosino said Item 6 should also say that it is for the 2015/16 program year.

MOTION A motion was made by Commissioner Hughes, seconded by Commissioner Goblet, to approve the agenda as amended.

VOTE The motion passed unanimously by voice vote.
4. APPROVAL OF MINUTES
MAY 18, 2016

Commissioner Goblet said on page 2, the 6th paragraph, it should say the City received the first round of comments from MFA; on page 4, 3rd paragraph there are several typos; on page 8, 2nd paragraph, second sentence, it should say the staff is relatively restrained.

Ms. Ambrosino said on page 2, Alexandra is misspelled; on page 3, it should say below 100% AMI; on page 4 there are typos; on page 4 at the bottom of the page, it should say it exceeds the City’s requirement of the Santa Fe Homes Program; also it should read the parcels owned by the School for the Deaf; on page 5, 2/3 of the way down, Ms. Yoder, it should read, her agency, Lifelink, is also the lead agency; in the paragraph above it should say decent and safe housing; on page 6, the last word should be infested with bed bugs. Additional smaller corrections will be sent to Ms. Valdez.

MOTION A motion was made by Commissioner Hughes, seconded by Commissioner Peterson, to approve the minutes as amended.

VOTE The motion passed unanimously by voice vote.

5. INFORMATION ON 2016-2017 CDBG CONTRACT AMENDMENTS

Ms. Ambrosino said there is a memo in your packet and it is informational only. Staff discussed that some of the minutes were lacking in the actions taken previously. We wanted to have this in the record for clarity. In the memo it should say for the meeting of April 2016, not May. Contract amendments are in progress.

Commissioner Goblet asked we have $41,000 left then.

Ms. Ambrosino said yes. We have $41,816 that could be allocated.

Commissioner Goblet asked how has this been handled in the past. Do we let it sit.

Ms. Ladd explained that it does not have to go back to HUD.

Ms. Ambrosino said we do have to report to HUD how we allocate the money.

6. REVIEW AND APPROVAL OF THE CDBG THIRD YEAR CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT
Ms. Ambrosino explained that this is a new process required for our community involvement process. She tried to update the narrative and content where applicable. The numbers change and maybe descriptions of projects but most of the language is standard. The addendum reports are intended to inform and support the program goals narrated upon and described in the body of the document. She understands that this was on the agenda for the Finance Committee on Monday, however, it was pulled off of consent due to some confusing items. HUD told her the only report that must be included is the financial summary. In the future we probably will not have to suffer through as many of these reports. She went through the document and made some corrections that she will review with the Commission. She enters the accomplishments that the program recipients report to them.

Ms. Ambrosino reviewed the report including the accomplishments and corrections that she had made in the revised copy.

Commissioner Goblet asked about the number shown in the report as the number of native Hawaiians. He suggested that the number should be checked.

Chair Villarreal said she thinks it was selected by mistake by folks who may have meant to mark Native American.

Commissioner Goblet said in the narrative on that page it says this represents over 2,000 people in 93 households. We better check that number as well.

Commissioner Peterson said it is self identify as to race.

Ms. Ambrosino said she will check the numbers.

Commissioner Tambuscio said you can check the census to see what numbers were used there.

Chair Villarreal said we will now open the discussion to questions and clarifications.

Commissioner Goblet stated that on page 5 and 6, there are a number or organizations who are shown as not having spent their funds. Is that a question of timing.

Ms. Ambrosino answered that the Homewise Home Improvement program did not spend the money due to the program income they earned. It is explained in the narrative. Youth Works has now spent the money so the balance is zero.

Commissioner Goblet said so it is a timing issue.

Ms. Ambrosino said yes, thank you for pointing that out.
Ms. Ladd asked should Youth Shelters be a balance of zero also.

Ms. Ambrosino answered, yes.

Chair Villarreal asked on that point do we roll it over and they add it to the next amount or subtract the left over.

Ms. Ambrosino answered we do not subtract. It stays in our fund to reallocate.

Ms. Ladd explained that they never know what their program income will look like. They have to expend that money before they get into the entitlement money. It is hard to predict.

Ms. Ambrosino said that is a HUD regulation.

Chair Villarreal asked page 24 of the CAPER, at the top of page, aren't there more impediments from issues such as our Land Use Policy. They play into barriers to public housing. She did not know if that might be appropriate to put it in this document.

Ms. Ambrosino said this is reflective of an analysis of impediments done in 2011. We are currently revising that study and it will be out for public comment soon. Those issues will be included in that new study.

Chair Villarreal asked so the next cycle for the Consolidated Plan, will be more meat to that. She gets questions about why we don’t have affordable housing and why there are such limited options. She has never seen a document that indicates why policies from the past do not help us today. She wishes we had something to explain to the public when they ask and for us to understand it. As we look forward she would like to look at that.

Commissioner Peterson said there is a distinction in public conversations where they use affordability in the general sense. He is a renter and is solidly in the middle class. Housing is not affordable for him. The technical definition of affordability is a range of median income. Will this years study be published this fall.

Ms. Ambrosino said regarding the analysis of impediments, we have to do that and the assessment of fair housing. It will align with our next Consolidated Plan cycle. It is supposed to capture issues and be a tool for local policy makers to address these difficult questions. The term affordability is a popular term but there are different tiers that HUD has identified and the area being looked at is a factor. We think below the 80% are the most in need.

Chair Villarreal said that is a clear distinction we need to make. That affordability is looking at the 80%. If we focus on that it may be easier to understand. There is another level however, and that is the middle class level.
Commissioner Peterson said it is a supply issue. There is no availability. We can't attract people below a six figure salary because they cannot find housing. It is a different problem but related. He is curious to see when report comes out if the gap is worse for technically affordable homes.

Ms. Ladd said the housing needs analysis for the strategic plan looks at the issue of access. Looking at rental housing, the biggest gap is for very low income renters. The other gap is for people over 120%, the middle class. There is a ripple effect and it is a supply issue.

Commissioner Hughes said the proposed change for St. Michaels, called a midtown zoning, will be down St. Michaels to Cerrillos and could expand to Siler. That area could be ripe for rental housing.

Chair Villarreal asked are we going to hear about that here.

Ms. Ambrosino said staff will be present for the discussions.

Chair Villarreal said she think the Commission should see the plan. It should come here for review.

Commissioner Lopez said for discussion purposes only.

Commissioner Hughes said this along with Las Solaris brings hope.

Commissioner Goblet stated that he would like to formally ask staff about the Early Neighborhood Notifications. People go nuts about housing in the Railyard. He knows he can't go to these representing this entity but he can represent himself. Why are we talking to ourselves if we don't come out in these meetings and say it is really an early neighborhood no. He is more than willing to go. We are wasting our time here if we can't get anything passed. We have a 3,000 unit shortfall.

Commissioner Tambuscio said staff can't send us out to these meetings, but you can go as a citizen of Santa Fe. The meetings are publicized. Check to see what is on the agenda and attend.

Commissioner Goblet asked why couldn't staff notify us.

Chair Villarreal said it is easy to find out about Committee meetings, but with ENN, unless you are in that area, you are not notified.

Commissioner Lopez said we used to be notified of those.

Chair Villarreal said we will get a resource for ENN notifications.
Commissioner Goblet said he is more than willing to go.

Commissioner Hughes said we need to have a discussion item for the Midtown Overlay Zoning Ordinance.

Ms. Ambrosino said staff can give you advance notice, to the extent that we have that information, of items that would be interesting to you. Let her know if anyone needs help to find information. We will commit to give as much advance notice as possible to the Commission.

Chair Villarreal said it is called the Midtown LINK. She is going to request that staff see that plan. There is an internal document that has been going around that staff should see. They are going to have an open house to go over the plan on August 24th at Tecolote Café at 6pm. Please attend if you can.

Chair Villarreal said she wants to add to the document a better way to explain the appendices matrix. It is hard to understand.

Ms. Ambrosino said these reports are not actually required. In the future they will not be in the packet.

Chair Villarreal said Councilor Harris has some questions. Would you please speak with him about that.

Ms. Ladd asked where is the PR26. That is the one we want to draw people to.

Ms. Ambrosino said it is in there.

**MOTION** A motion was made by Commissioner Hughes, seconded by Commissioner Lopez, to approve the report.

**VOTE** The motion passed unanimously by voice vote.

Commissioner Hughes said good work staff.

7. **ITEMS FROM THE COMMISSION**

Commissioner Lopez asked how is the Las Solaris project moving along.

Ms. Ladd said they did not get funded. They will try next year.

Chair Villarreal asked do they compete with other projects for that.
Ms. Ladd said yes they do.

Commissioner Hughes said he would like to invite people to come to a tour at the Imperial Building in Albuquerque. It will house the first downtown grocery store that has been built in Albuquerque in decades. There are 74 units for retail and they are all taken. It is located at 215 Silver SW. The tour will be on September 1st, at 9:00 am. It is a city block long, with 4 levels, 3 residential, 1 retail. You have to admire developers like this.

8. ITEMS FROM THE FLOOR

None

9. ADJOURNMENT

MOTION    A motion was made by Commissioner Lopez, seconded by Commissioner Goblet, to adjourn the meeting.

VOTE      The motion was passed unanimously by voice vote.

The meeting adjourned at 4:45 pm.

__________________________________________
Councilor Rene Villarreal, Chair

__________________________________________
Elizabeth Martin, Stenographer
DATE: August 31, 2016

TO: Planning Commission
    Business & Quality of Life Committee
    Public Works, C.I.P., & Land Use Committee
    Public Utilities Committee
    Governing Body

FROM: Matthew O’Reilly, P.E.
Asset Development Director

RE: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987,
CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE “MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT” (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS,
TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

BACKGROUND
In April 1999, the city’s governing body adopted Santa Fe’s General Plan. Along with Cerrillos Road and Airport Road, the General Plan classified the portion of St. Michael’s Drive between Cerrillos Road and St. Francis Drive as a “Redevelopment Corridor”. The plan states that this classification of the St. Michael’s Drive corridor is “designed to provide opportunities for redevelopment by providing

1 City of Santa Fe General Plan, April 1999, Figure 3-1.
incentives for use intensification” and anticipated that St. Michael’s Drive would be “targeted for mixed-use development”.²

In 2009, the City of Santa Fe’s Housing & Community Development Department sponsored a “Sketch Design” project entitled “St. Michael’s Drive ... Visions of the Future”. Six urban design/architecture professionals proposed ideas about how St. Michael’s Drive and the land around it might be redesigned to provide “a vibrant district of activity”. The submissions were displayed to the public at open houses on May 8 and 9, 2009 at the former Cinema Café on St. Michael’s Drive.

In March 2011, the governing body unanimously adopted the first of three Resolutions related to the St. Michael’s Drive area. Through Resolution 2011-18, the governing body recognized the St. Michael’s Drive as “a major commercial corridor that extends through the geographic center of the City”, and the “need for form-based overlay standards and other implementation steps for the St. Michael’s Drive corridor”. The Resolution also recognized,

“the potential for greater economic benefit and community living that can be achieved through a mix of uses, enhanced multi-modal options, pedestrian/bicycle friendly corridors, establishing neighborhood gathering places and by beautification of the roadways, themselves.”

Among other things, staff was directed to produce so-called form-based overlay standards to:

- develop a creative and cultural corridor along St. Michael’s Drive;
- public enhancements of the St. Michael’s Drive corridor including street and safety improvements for pedestrians, bicycles, buses and automobiles that encourage walk ability and a bike friendly environment;
- streetscape improvements including enhanced landscaping and lighting to create an attractive and inviting neighborhood;
- propose development standards focusing on form-based approaches, targeted at attracting new businesses, and local artists and entrepreneurs in creating a more vibrant community;
- a mix of housing including a range of densities and mixed uses.

In 2011, the Santa Fe Association of Realtors received a “Smart Growth” grant from their national organization to conduct a housing investigation of the St. Michael’s corridor area. The resulting “Housing Advocacy Document” was completed in December 2011 and estimated the potential for an additional 1,000 multi-family dwelling units along the corridor under certain conditions. Recommendations included: cultivating the SFUAD, the hospital and the school system as housing generators; simplifying the approvals process for as-of-right proposals; elimination of impact fees to encourage new development; and the adoption of design standards.

In December 2011, the Long Range Planning Division produced a draft set of form-based design

standards intended to inform and to be included in a future overlay district for the St. Michael’s Drive area. This draft was approved by the city’s Long Range Planning Subcommittee.\(^3\)

In February 2012, the governing body unanimously adopted another Resolution regarding St. Michaels’ drive. Resolution 2012-22 again recognized the “unique opportunities and potential represented in the [St. Michael’s Drive] corridor including Santa Fe’s significant cultural and innovative assets.” At that time staff was additionally directed to “initiate discussions with the New Mexico Department of Transportation Secretary to discuss a road exchange agreement for transfer of ownership of St. Michael's Drive from NMDOT to the City of Santa Fe in order to fully implement design standards and long range planning efforts.”\(^4\)

In September 2012, a grass roots community effort supporting the redevelopment of the St. Michael’s Drive area culminated in a three-day community event known as the “RE:MIKE Demonstration” event and produced a RE:MIKE report that recommended certain key action items for the area.

Also in 2012, the University of New Mexico’s School of Architecture & Planning studied the St. Michael’s Drive area as part of its Community & Regional Planning Advanced Studio. The UNM student work produced a study document that was presented to the city, to landowners/business owners, and to the Santa Fe University of Art & Design in November and December of 2012.

In January 2013, the governing body unanimously adopted the Airport Road Overlay District. The Airport Road overlay covers an area of 560 acres and includes form-based design standards and fee incentives to encourage certain types of targeted uses in the Airport Road area.

In February 2014, the governing body unanimously adopted its most recent Resolution regarding the corridor. Resolution 2014-12 specifically referenced the RE:MIKE effort, and further directed staff to bring forward a plan to:

> “mobilize one or more catalytic projects to jump start revitalization in the area that may include development of housing, commercial, retail and/or green space, and a slate of incentives... which may include city investments, fee waivers and/or allocation of other city resources as a special designation for zoning for economic development purposes.” [Emphasis added].

Resolution 2014-12 also directed staff to procure a traffic study to be used for “attraction and justification of federal and state funding for road and transportation improvements.”

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\(^3\) The draft design standards produced by the Long Range Planning Division have been incorporated into the Midtown LINC Over District as described later in this memorandum.

\(^4\) The 1989 “Road Exchange and Maintenance Agreement” between the city and NMDOT is still in effect; the agreement was amended once in 1998 to put Airport Road into city ownership. Staff efforts to initiate discussions with NMDOT in 2012 did not result in a new agreement. The city’s Asset Development Office renewed discussions with NMDOT in 2014 and discussions are continuing at this time.
In September 2014, Mayor Gonzales was invited to participate in a national session of the Mayor’s Institute on City Design in Charlestown, SC. At that event each of ten Mayors from around the country presented a particular urban design/redevelopment project for consideration. Mayor Gonzales presented the St. Michael’s Drive corridor area as his presentation.

In February 2015, in response to Resolution 2014-12, the Long Range Planning Division procured a limited traffic assessment of St. Michael’s Drive from Cerrillos Road to St. Francis Drive to determine whether the existing seven-lane roadway (6 travel lanes + 1 turn lane) could be reduced to a five-lane roadway (4 travel lanes + 1 turn lane). The traffic assessment analyzed both the existing, baseline traffic and the forecasted traffic with a lane reduction. The analysis showed that changes could be implemented at the busiest traffic signals to help moderate the effects of the lane reduction and, that with such changes, most locations along the corridor would operate suitably, though additional measures might be necessary at Llano Street to improve traffic operations. In this area, between Llano Street and Cerrillos Road, St. Michael’s Drive may need to remain three travel lanes wide.

The traffic analysis also showed that “major changes in traffic along St. Michaels Drive would not be expected to result in significant cut-through traffic going onto adjacent streets”. The regional traffic model employed in the assessment “showed traffic rerouting that occurred elsewhere in the model but did not show corresponding increases in traffic on adjacent corridors.” The assessment recommended a more detailed study once design specifics became available.

In 2015, the city manager assigned the Asset Development Office (ADO) the task of distilling the available studies, documents, staff work and input that had been received and created to that date into an implementable ordinance: 1) in a recognizable format that would fit within the city’s Land Development Code and, 2) that would have the best likelihood over time of inducing the private property owners in the St. Michael’s Drive area to redevelop their properties to create additional housing and complimentary non-residential uses.\(^5\)

**DISTRICT BOUNDARY**

The Midtown LINC District consists of approximately 372.8 acres, amounting to approximately 1.1% of the 33,601 acres of land within the city limits (see Figure 1). The overlay area contains 161 individual properties, amounting to approximately 0.45% of the 35,580 parcels of land within the city.\(^6\)

The overlay area includes only commercial, industrial and institutional properties (with the exception of two properties noted below). The overlay district boundary intentionally avoids, and does not contain, any existing residential neighborhoods. The overlay district contains only two existing

\(^5\) As the disposition of the St. Michael’s Drive roadway is a key design and pedestrian amenity element of the overall area, the ADO was also tasked to reopen discussions with NMDOT about the conditions under which the city could take ownership, and eventual improvement, of St. Michael’s Drive.

\(^6\) The city contains about 35,580 lots but the number of taxable properties is approximately 41,460 due to condominium ownership and common element parcels.
FIGURE 1: Midtown LINC Overlay District
372.8 AC (1.1% of City); 161 LOTS (0.45% of City)
residential uses, a single-family home abutting St. Michael's Drive located at 2010 Piñon Street and the Tres Santos Apartments a 136-unit apartment complex located at 1899 Pacheco Street. Other overlay district data is shown in the tables below:

Table 1: Existing Underlying Zoning Types

<table>
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<th>Zoning</th>
<th>Square Feet</th>
<th>Acres</th>
<th>% of District</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2</td>
<td>5,609,632</td>
<td>128.78</td>
<td>34.5%</td>
</tr>
<tr>
<td>SC2</td>
<td>1,988,497</td>
<td>45.65</td>
<td>12.2%</td>
</tr>
<tr>
<td>C1</td>
<td>446,281</td>
<td>10.25</td>
<td>2.8%</td>
</tr>
<tr>
<td>I1</td>
<td>1,274,279</td>
<td>29.25</td>
<td>7.9%</td>
</tr>
<tr>
<td>R-5 (SFUAD &amp; vicinity)</td>
<td>6,920,699</td>
<td>158.88</td>
<td>42.6%</td>
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<td><strong>TOTAL</strong></td>
<td><strong>16,239,388</strong></td>
<td><strong>372.81</strong></td>
<td><strong>100.0%</strong></td>
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</tbody>
</table>

Table 2: Overlay District Makeup

<table>
<thead>
<tr>
<th>Type</th>
<th>Square Feet</th>
<th>Acres</th>
<th>% of District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land in Lots</td>
<td>14,731,992</td>
<td>338.2</td>
<td>90.7%</td>
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<tr>
<td>Land at SFUAD</td>
<td>2,796,552</td>
<td>64.2</td>
<td>17.2%</td>
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<tr>
<td>Street Rights-of-Way</td>
<td>1,507,176</td>
<td>34.6</td>
<td>9.3%</td>
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<tr>
<td>Buildings (Footprint)</td>
<td>2,663,473</td>
<td>61.1</td>
<td>16.4%</td>
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<tr>
<td>Parking Lot/Undeveloped</td>
<td>12,065,865</td>
<td>277.0</td>
<td>74.3%</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>16,239,388</strong></td>
<td><strong>372.81</strong></td>
<td><strong>100.0%</strong></td>
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Table 3: Existing Uses per Land Dev. Code Classification

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<thead>
<tr>
<th>Use Category</th>
<th>Number</th>
<th>% of Total</th>
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</thead>
<tbody>
<tr>
<td>Retail Sales &amp; Service</td>
<td>59</td>
<td>30.5%</td>
</tr>
<tr>
<td>Office, Business &amp; Professional</td>
<td>37</td>
<td>19.2%</td>
</tr>
<tr>
<td>Food &amp; Beverage</td>
<td>23</td>
<td>11.9%</td>
</tr>
<tr>
<td>Financial Services</td>
<td>18</td>
<td>9.3%</td>
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<tr>
<td>Service Establishments</td>
<td>17</td>
<td>8.8%</td>
</tr>
<tr>
<td>Educational</td>
<td>9</td>
<td>4.7%</td>
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<tr>
<td>Vehicles &amp; Equipment (incl. Gas Stations)</td>
<td>8</td>
<td>4.2%</td>
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<tr>
<td>Medical</td>
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<td>4.2%</td>
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<tr>
<td>Recreation &amp; Entertainment</td>
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<td>Animal Sales &amp; Service</td>
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<td>Residential</td>
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<tr>
<td>Arts Activities</td>
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<tr>
<td>Storage</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>193</td>
<td>100.0%</td>
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</tbody>
</table>

To create a buffer between the overlay district area and nearby existing neighborhoods the overlay boundary also intentionally omits certain existing commercial properties lying between existing neighborhoods outside the overlay district and properties within the overlay district.\(^7\)

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7 The design standards that are included in the Midtown LINC contain additional provisions to provide buffers to nearby residential developments.
OTHER OVERLAY DISTRICTS

St. Michael’s Drive is currently the only major commercial corridor in the city without an overlay district. At 372.8 acres in size, the Midtown LINC would be the one of the two smallest overlay-type district in the city, second only to the C4 Overlay along St. Francis Dr. Figure 2 below shows the relationship between the proposed Midtown LINC and other existing city overlay districts.

![Figure 2: City Overlay Districts](image_url)
BILL
The Midtown LINC Bill contains eleven sections. Section 1 of the Bill consists of entirely new material that creates the Midtown Local Innovation Corridor Overlay District (Midtown LINC) as new text within Chapter 14 (Land Development Code) and establishes the purpose and intent of the ordinance and the standards for the district. Sections 2 through 11 of the Bill amend other chapters of the Municipal Code as cross references and compliments to the provisions of Section 1.

Section 1
As stated above, Section 1 of the Bill is new material that creates a new Subsection 14-5.5(D) containing the provisions of the Midtown LINC overlay district. Similar to the recently-adopted Airport Road overlay district and the format of other existing overlay districts, the Midtown LINC overlay district provisions are arranged by subsections in the following format:

(1) Purpose and Intent
(2) Boundaries
(3) Applicability
(4) Permitted Uses; Qualifying Projects
(5) General Standards
(6) Building Envelope Standards and Measurements
(7) Site Design, Circulation and Parking
(8) Architecture
(9) Landscaping Standards
(10) Signage
(11) Site Furnishings
(12) Outdoor Lighting
(13) Additional Requirements for Qualifying Projects
(14) Fee Incentives for Qualifying Projects

As noted previously, subsections (4) through (12) contain the majority of recommended design standards developed by the Long Range Planning Division in 2011. The design standards have also been informed by the standards that were subsequently adopted in the Airport Road overlay, and further adjusted to reflect further thoughts on buildability and to create more public space in front of new buildings.

The full Bill is attached to this memorandum; however, the following are selected provisions from the Section 1 subsections that are of particular note:

Purpose and Intent
Paragraph (b) acknowledges the intention that existing uses will be allowed to continue as redevelopment occurs; paragraph (c) intends that while providing for innovative redevelopment within the district, buffering between uses within the district and existing residential development
outside the district is important. Paragraph (d) establishes that pedestrian, bicycle, landscaping, and other street-related public space amenities are integral to the district.

**Applicability**
This subsection provides that all new development must comply with the provisions of the overlay district. This subsection recognizes that at times it may not be feasible for alterations to existing structures to fully comply with the new requirements of the district. An example might be a building owner who needed to add a small addition to an existing building for a code-required restroom and who would be unable to place the addition close to the street as required by the ordinance if the existing building was located at the rear of the property. Similarly, the cost of relocating costly items such as existing electrical transformers or water system backflow preventers might greatly exceed the cost of an interior remodel – making the remodel itself infeasible and therefore contrary to the redevelopment goals of the district. This subsection allows the land use director to determine the extent of required compliance in these situations.

**Permitted Uses; Qualifying Projects**
Similar to other overlay districts, permitted uses and structures are the same as those permitted in the underlying zoning districts of the overlay. However, in alignment with the purpose and intent of the Midtown LINC, certain additional uses (multi-family residential) and certain prohibited uses (sexually-oriented businesses, scrap yards, etc.) are established in the district. These additional and prohibited uses are outlined in Table 14-5.5-2 of the Bill.

Unique to this subsection, is the concept of “qualifying projects”. Qualifying projects are new developments that are either “qualifying residential projects” or “qualifying nonresidential projects”. Qualifying projects qualify for the various redevelopment incentives available in the overlay district. “Qualifying residential projects” are composed of either new multi-family dwellings or of new multi-family dwellings and a mix of complimentary, targeted nonresidential uses. “Qualifying nonresidential projects” are new buildings or alterations to existing buildings for targeted eligible uses.

The residential and nonresidential uses that are made eligible for incentives are those uses that have been identified through the public input and studies performed to date. In particular, the responses given in the numerous surveys submitted during RE:MIKE events have informed what uses should be incentivized, in addition certain use categories were chosen from the city’s current Land Development code that were deemed to be most complimentary and advantageous in close proximity to multi-family developments. Figures 3 and 4 summarize some of the results of the RE:MIKE surveys.

Table 15-5.5-3 of the proposed ordinance outlines the specific uses that are eligible for incentives as part of residential projects or as stand-alone nonresidential projects.
FIGURE 3

WHAT IS THE MOST SIGNIFICANT CHANGE YOU’D LIKE TO SEE ON ST. MICHAEL’S DRIVE IN THE NEXT TEN YEARS?

- Increased Pedestrian Safety and Bicycle Friendliness
- Improved Integrated Public Transportation
- Smartgrid / Next-Gen Mobility and Transportation
- Mixed-use development with live-work and mixed-use residential
- Zoning changes to encourage nightlife, venues and businesses

Source: RE:MIKE

FIGURE 4

WHAT WOULD MAKE ST. MICHAEL’S A STREET YOU WOULD WANT TO LIVE ON OR NEAR?

- Culture and Entertainment
- A Job Nearby
- Affordable Live/Work Space
- Access to Public Transportation
- Slower Traffic and Safer Crossings
- More Restaurants, Coffeeshops and Nightlife
- Increased Greenery
- Friends and Family

“I LIVE NEARBY AND THINK ST. MIKE’S HAS POTENTIAL TO BE A COMMUNITY SPACE AND THIS EVENT IS ONE EXAMPLE OF THAT POTENTIAL.”

RE:MIKE Urban Prototyping Festival participant

Source: RE:MIKE
This subsection also establishes that development projects that are not “qualifying projects” are allowable but are not eligible for incentives.

**General Standards**
Of note in this subsection is clarification that the provisions of the Midtown LINC overlay shall apply in the event of conflicts between Midtown LINC requirements and those of underlying zoning districts.

**Building Envelope Standards and Measurements**
This subsection contains a number of specific requirements related to encouraging new development within the overlay area. Three of these requirements are particularly important:

1. In order to allow for increased density and the feasibility of qualifying residential projects, the maximum building height for these projects is set at fifty (50) feet. This height will allow the development of 4-story buildings, in particular “3-over-1’s”, meaning three stories of residential over one ground-level story of commercial. The ordinance requires that any 4th story be set back at least fifteen (15) feet from any street-frontage façade.

The height requirements also provide that so-called elevator “over-runs” and renewable energy generating equipment such as solar photovoltaic panels and wind turbines shall not be calculated as part of the height of a building.

Table 4 shows the allowable Midtown LINC height in comparison to the maximum allowable building heights in the overlay district’s four underlying zoning districts.

<table>
<thead>
<tr>
<th>Underlying Zoning</th>
<th>Max. Ht.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I1</td>
<td>65’</td>
</tr>
<tr>
<td>C2</td>
<td>45’</td>
</tr>
<tr>
<td>SC2</td>
<td>45’</td>
</tr>
<tr>
<td>C1</td>
<td>36’</td>
</tr>
<tr>
<td>R-5 (Nonresidential structures)</td>
<td>35’</td>
</tr>
<tr>
<td>R-5 (Residential structures)</td>
<td>24’</td>
</tr>
</tbody>
</table>

**Midtown Overlay**                          **Max. Ht.**
Qualifying Residential Project               50’

In order to more fully buffer existing residential development located outside of the district from new development inside the district, the ordinance requires a lower building height of thirty-eight (38) for new development in the district that is located within one hundred fifty (150) feet of existing residential development outside the district. In addition, the ordinance mirrors existing code language that requires a rear yard buffer of twenty-five (25) feet where a lot within the district abuts an existing residential development outside the district.
2. To further encourage housing density and the option of smaller dwelling unit sizes, a maximum residential density is not applied to qualifying residential projects. The city’s current maximum density is 29 units per acre.\(^8\) 3-over-1 developments or 4-story all-residential developments, particularly those that employ a unit mix containing higher percentages of increasingly-popular small unit sizes, are likely to require built densities of 40 to 50+ dwelling units per acre.

3. Building setbacks at the street are set to a maximum of five (5) feet to create a desired building-oriented streetscape that includes an enlivened, widened sidewalk public space. To provide a measure of architectural flexibility, up to 30% of a building’s street-frontage façade may be exceed this setback to accommodate aspects of a building’s architectural design, and for entryways and integral courtyards.

**Site Design, Circulation and Parking**

The subsection contains a number of design standards related to the design of development sites. The following are some of proposed standards of note:

- New buildings must be oriented so that their primary façades face St. Michael’s Drive (or Cerrillos Road or other streets as applicable).
- Sidewalks along St. Michael’s Drive (and included sections of Cerrillos Road) are required to be a minimum of fifteen (15) feet wide.\(^9\)
- Perimeter screening of parking lots is required but multiple openings adjacent to street frontages are required to maximize pedestrian permeability between the street sidewalks and parking areas.
- New vehicular access points to properties and loading docks on buildings must be from the side or rear of lots to reduce disturbance to pedestrian activities on the main sidewalks on St. Michael’s Drive.
- New electrical transformers and trash enclosures must be located at the side or rear of buildings and must be screened from the view of public roadways and sidewalks.
- Water system backflow preventers (so-called “Hot Boxes”) must be located inside of buildings.

**Architecture**

The subsection contains a number of design standards related to the architecture of new buildings that are in addition to the existing requirements found in the Architectural Design Review section of the Land Development code. The following are some of the additional standards of note:

- The longest façade of all new buildings on lots abutting St. Michael’s Drive (or Cerrillos Road) must be aligned parallel to the street frontage of St. Michael’s Drive (or Cerrillos Road as applicable).

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\(^8\) Rarely achieved in Santa Fe due to height restrictions and parking requirements, a density of 33 dwelling units per acre is currently the absolute maximum residential density in Santa Fe and is achievable only through the use of an affordable housing density bonus.

\(^9\) The ordinance allows existing sidewalks that are less than 15 feet wide to be widened to meet this requirement.
• Doors intended for vehicular access to buildings on lots abutting St. Michael’s Drive (or Cerrillos Road) shall not face St. Michael’s Drive (or Cerrillos Road as applicable).
• The primary entrance to any new buildings abutting St. Michael’s Drive (or Cerrillos Road) shall be visible from St. Michael’s Drive (or Cerrillos Road as applicable).
• Rooftop equipment is required to be screened so that the equipment is not visible from adjacent public rights-of-way. Renewable energy generating equipment is not required to be screened but must be integrated into a building’s architectural design to the extent possible.

Landscaping Standards
The subsection contains design standards related to landscaping. These standards are in addition to the existing landscaping requirements found elsewhere in the Land Development code. The following are some of the additional standards of note:

• On-site storm water detention facilities are required to placed underground unless constructed as part of an active water harvesting system in which case the active water harvesting system is required to be integrated into the architectural design of a building to the extent possible.
• A minimum five (5) foot wide landscaped area is required around the base of building walls.
• 4” caliper street trees are required at a maximum spacing of thirty (30) feet on center. The land use director may allow the clustering of street trees as a part of a development’s overall landscape design.
• The area between the street curb and the sidewalk must be landscaped.
• To further address buffering for existing residential development located outside the overlay district, a fifteen (15) foot landscaped buffer strip is required where development projects are adjacent to existing residential development located outside of the overlay district.

Signage
In addition to the existing sign requirements of the Land Development code, the following additional signage provisions of note are required in the Midtown LINC.

• Pole-mounted signs are prohibited.
• Wall- or building-mounted signs may not extend above a building’s roofline or parapet; roof-mounted signs are prohibited.
• The restriction on the maximum number of colors and lettering styles on a sign does not apply within the overlay district.
• The requirement that the area of illumination of a sign be included in the calculation of a sign’s area does not apply within the overlay district.
• To enhance business identification for pedestrians, signs may extend up to five (5) feet perpendicular to building walls.

Site Furnishings
The overlay district requires a minimum amount of site furniture based on building size.
• A minimum of one bench per ten thousand (10,000) gross square feet of building is required. Benches are to be located adjacent to the street frontage of a development, adjacent to the primary building entrance, or within other public or private amenities provided by the development.
• At least one bench must be shaded by a tree.
• Where multiple benches are required, a trash receptacle must be provided adjacent to one of the benches.
• All site furnishings, including bicycle racks, benches, trash receptacles, and exterior light fixtures must be of coordinated design styles and colors.

Outdoor Lighting
The following additional outdoor lighting restrictions apply in the Midtown LINC, in addition to outdoor lighting requirements found elsewhere in the Land Development code.

• The lamps of building-mounted outdoor light fixtures shall not be placed more than twelve (12) feet above the exterior grade at the perimeter of a building.
• Pole-mounted lights, such as lights used to illuminate parking areas, are limited to twenty (20) feet in height.

Additional Requirements for Qualifying Projects
In addition to the design standards described above, qualifying projects must also comply with the following requirements.

• Qualifying projects must utilize a so-called “detailed alternative development water budget” (also known as an “Option B” water budget).
• Qualifying projects must also utilize the following water-saving fixtures and systems throughout all new construction:
  1. Waterless urinals;
  2. Dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);
  3. EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);
  4. ENERGY STAR® compliant clothes washers;
  5. Active water harvesting systems.
• Qualifying projects receiving the incentives provided through the ordinance are also required to record a restrictive covenant applying to the development property that requires that the development will continue to meet the use requirements as a qualifying project for a minimum period of five years after completion of construction.

Fee Incentives for Qualifying Projects
This subsection describes the various fees that are either removed (or reduced as noted) to
incentivize the construction of qualifying projects with the overlay district.  

- Construction permit fees and plan review fees;
- Development review fees;
- Development Water Budget fees (reduced);
- Impact fees;
- Wastewater UECs (Utility Expansion Charges);
- Water UECs.

The fiscal impact report accompanying this memorandum provides an analysis of the fiscal impact to city finances resulting from the elimination of these fees compared to the increased revenues associated with incentivized new development.

Section 2
As stated above, Sections 2 through 11 of the Bill do not introduce entirely new text, but rather contain amendments to existing code sections as cross references to provisions in Section 1 or as additional elements designed to incentivize redevelopment.

Section 2 amends Subsection 14-3.8(B) to expand the land use director’s current purview to perform administrative review of certain development plans to also include the administrative review of development plans associated with qualifying projects with the Midtown LINC.

Section 3
This section amends Table 14-6.1-1 (Table of Permitted Uses) to remove the requirement that a qualifying project obtain a Special Use Permit when located within 200 feet of residentially-zoned property. This amendment is necessary to remove conflicts that would arise as new residential developments are created inside the district. This requirement would continue to apply to developments that are not qualifying projects.

Section 4
Section 4 of the Bill removes a potential conflict found in Subsection 14-6.2(A)(7) that currently restricts the types of residential uses allowed in C-2 and SC districts. The change will allow smaller numbers residential units to be built over existing commercial development.

Section 5
Section 5 makes two important adjustments to parking requirements for qualifying projects. First, Subsection 14-8.6(B)(4)(c) is amended to allow that parking may be allowed on a “joint basis” for qualifying projects within the Midtown LINC district. This amendment is necessary because some

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10 The affordable housing requirements of the city’s HOMES program are not amended in any way by the Bill. All projects constructed within the Midtown LINC will be required to fully comply with all applicable HOMES program requirements.
areas within the district contain residentially-zoned land that is not currently part of an institutional use. Without this amendment shared or “joint” uses parking would be prohibited on these properties.

Second, this subsection adds a paragraph (f) that allows that the amount of parking for a qualifying project be determined by a parking demand study and not by the tabulated numerical parking requirements currently found in the code. Additionally, the total amount of parking that is determined by the parking demand study is allowed to be further reduced by using the shared parking provisions of the code and by the amount of on-street parking spaces that may exist adjacent to a qualifying project.

Section 6
This section of the Bill makes adjustments to the architectural point standard system of the current code. Currently, commercial buildings, including multi-family residential buildings, are reviewed on point scale based on their underlying zoning and are required to reach a certain point total in order to be issued a construction permit. Table 14-8.7-2 of the existing code contains various categories of building elements and associated available points for various architectural options such as surface material and treatment, roof and building form, door and window treatments, etcetera. Currently, certain elements, although not prohibited, are dis-incentivized by assignment of lower points.

In order to provide a measure of architectural flexibility, innovation and interest, the current point allocations available for certain architectural treatments are increased for all new development within the Midtown LINC. Specifically, Section 6 of the Bill increases available points for the following architectural features:

**Predominant exterior surface treatment**
- Brick, natural stone, and integrally-colored unit masonry
- Concrete and non-integrally colored unit masonry
- Metal siding, glass curtain wall systems, glass block, wood siding, and simulated materials

**Color of predominant exterior surface material**
- Pastel colors of non-earhtone hues, whites, grays, and grayish greens
- High-intensity colors

**Doors and windows**
- Treatments where more than 50% of doors, window and glazed surfaces (which are not located under portals) are not recessed a minimum of 2 inches or are not cased in trim, have divided lites, or have exposed lintels.
- Wall surface areas (not located under portals) that have more than 50% openings (doors, windows, glazing and other penetrations).
- Use of colored glazing.
Section 7
This section of the Bill cross references to the fee incentive section of the Bill related to how water is provided for new development. Currently, Section 14-8.13 requires that new development provide water either through the city’s water rights transfer program (25-12 SFCC 1987) or through the city’s water conservation credits program (25-11 SFCC 1987). Under the current code, when the water budgets for proposed developments exceed certain levels, the code requires that water be provided only by the transfer of water rights.\textsuperscript{11} This section allows qualifying projects that exceed these levels to provide water by either method. In addition, when providing water through the water conservation credit program, qualifying projects will pay for water at a rate of $12,000 per acre-foot (approximately the city’s cost) instead of at the normal rate of $16,600 per acre-foot.

Section 8
This section of the Bill cross references to the fee incentive section of the Bill related to impact fees. This section amends Subsection 14-8.14(D) to add construction permits for qualifying projects within the Midtown LINC to the list of permits exempted from the payment of impact fees.

Section 9
Section 9 amends Chapter 7 of the Municipal Code in anticipation of the redevelopment of existing buildings within the Midtown LINC. Subsection 7-1.10 is amended to clarify that construction permit applicants can request that the provisions of the city-adopted International Existing Building Code (IEBC) be applied to their construction permit. The IEBC contains alternate methods of achieving code compliance when existing building are renovated.

Section 10
This section of the Bill cross references to the fee incentive section of the Bill related to Wastewater Utility Expansion Charges (UECs). This section amends Article 22-6.6, Exhibit A, Section 7 4-8.14(D) to add qualifying projects within the Midtown LINC to the list of projects for which wastewater UECs are waived.

Section 11
This section of the Bill cross references to the fee incentive section of the Bill related to Water Utility Expansion Charges (UECs). This section amends Article 25-4.2, Exhibit B, Rate Schedule 8 to provide that qualifying projects within the Midtown LINC are exempted from the payment of the water UEC.

RECOMMENDATIONS
The attached Bill creates a comprehensive, implementable ordinance as directed by various resolutions of the governing body. Staff recommends approval of the Bill.

\textsuperscript{11} The current thresholds above which water rights must be transferred are 5 acre-feet for commercial developments, 7.5 acre-feet for mixed-use developments, and 10 acre-feet for residential developments.
CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-

INTRODUCED BY:

Mayor Javier M. Gonzales
Councilor Peter Ives

AN ORDINANCE
RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987,
CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE “MIDTOWN LOCAL
INNOVATION CORRIDOR OVERLAY DISTRICT” (MIDTOWN LINC OVERLAY
DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND
INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING
THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS
WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1
SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC
DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-
2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E)
DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING
TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING
SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING
CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING
SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION
CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

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

Section 1. A new Subsection 14-5.5(D) SFCC 1987 is ordained to read:

(D) [NEW MATERIAL] Midtown Local Innovation Corridor (Midtown LINC) Overlay District

(1) Purpose and Intent

The purpose and intent of the Midtown Local Innovation Corridor (LINC) Overlay District is to:

(a) Strengthen and animate the built environment and the business and population links within the demographic and geographic center of the city between the existing employment centers of the Santa Fe University of Art and Design and surrounding uses to the west and the Christus St. Vincent Regional Medical Center and related medical uses to the east;

(b) Incentivize multi-family residential development, complimentary non-residential uses, and an enlivened, street-oriented pedestrian environment by freeing development capacity of existing under-developed land and buildings for these targeted uses, while allowing existing uses to continue as redevelopment occurs;

(c) Allow for innovative development and redevelopment of the district
while providing buffering between the district and existing residential development outside of the district by the application of amended land development regulations and fees and by establishing conditions precedent for future infrastructure enhancements and the application of other redevelopment and financing tools;

(d) Promote a more healthy, safe, and enjoyable environment within the city’s midtown area through the enhancement of pedestrian and bicycle accessibility and safety, landscaping and other street-related amenities and the eventual reduction of traffic speeds and provision of on-street parking, bicycle lanes, and improved crosswalks; and

(e) Provide flexibility in sign design and location so as to maintain effective communication, business identification and wayfinding for existing buildings whose visibility may be reduced by new development.

(2) **Boundaries**

The Midtown LINC Overlay District includes land in the vicinity of the St. Michael’s Drive *right-of-way* from the eastern edge of the Cerrillos Road *right-of-way* to the western edge of the St. Francis Drive *right-of-way*, and additional land in the vicinity of the campus of the Santa Fe University of Art and Design as shown on the Midtown LINC Overlay District Map.

(3) **Applicability**

(a) The provisions of this Subsection 14-5.5(D) apply to all land within the boundaries of the Midtown LINC Overlay District.

(b) New *development* shall comply with the provisions of this Subsection.
(c) Alterations to existing structures shall comply with the provisions of this Subsection to the extent practical or feasible as determined by the land use director.

(4) Permitted Uses; Qualifying Projects

(a) Permitted and Prohibited Uses

Permitted uses and structures within the Midtown LINC Overlay District are the same as those permitted in underlying zoning districts except as provided in Table 14-5.5-2 and as permitted for qualifying projects as defined in this Subsection.

Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses

<table>
<thead>
<tr>
<th>ADDITIONAL USES</th>
<th>PROHIBITED USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>CATEGORY</td>
<td>Specific Use</td>
</tr>
<tr>
<td>RESIDENTIAL</td>
<td>Dwellings, Multiple-family</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

NOTES:
1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts. See Table 14-6.1-1 for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for additional uses permitted if associated with a qualifying project.
2. Parking lots and garages are permitted as accessory uses when associated with a qualifying project.
3. Individual storage areas enclosed within a building and that are part of a qualifying residential project are permitted.
4. Research, experimental and testing laboratories are permitted.

(b) Qualifying Projects

As used in this Subsection 14-5.5(D):

(i) Qualifying project means a new development within the
Midtown LINC Overlay District that complies with the requirements of this Subsection 14-5.5(D) and that is either a qualifying residential project or a qualifying non-residential project as defined in this Subsection.

(ii) Qualifying residential project means a new development that: (a) is composed solely of new multiple-family dwellings, or (b) results in a development that is a mix of primarily new multiple-family dwellings and any lesser amount and combination of the eligible non-residential uses listed in Table 14-5.5-3 as measured by gross floor area.

(iii) Qualifying non-residential project means a new development that is composed of a new building or buildings, or of alterations to an existing building or buildings, for the eligible uses identified in Table 14-5.5-3.

(iv) Development projects not meeting the definitions of this Subsection 14-5.5(D)(4)(b) are permitted as provided in Subsection 14-5.5(D) but are not qualifying projects.

(v) The land use director may adopt submittal requirements and review policies in accordance with Subsection 14-2.11(B) as necessary to verify that qualifying projects meet the requirements of this Subsection 14-5.5(D).

Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for Qualifying Projects

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
### Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for Qualifying Projects

<table>
<thead>
<tr>
<th>USE CATEGORIES (See Note 1)</th>
<th>For Inclusion in Qualifying Residential Projects</th>
<th>As Qualifying Non-Residential Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Schools, Daycare for Infants &amp; Children (All)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Educational (All; including Libraries)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community Centers &amp; Institutions (All)</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
| Parks and Open Space (All) 
(2)                                                           | X                                                | X                                     |
| Arts Activities (All)                                                                       | X                                                | X                                     |
| Assembly                                                                                    | X                                                |                                        |
| Food and Beverage (All) 
(3)                                                              | X                                                | X                                     |
| Medical (All)                                                                               | X                                                | X                                     |
| Public Transportation                                                                      |                                                 |                                        |
| Recreation and Entertainment (All)                                                          | X                                                | X                                     |
| Retail Sales and Services (All)                                                             | X                                                | X (8)                                 |
| Service Establishments (All)                                                                | X                                                | X                                     |
| Storage 
(4)                                                                                 | X                                                |                                        |
| Vehicles and Equipment 
(5)                                                                | X                                                |                                        |
| Industrial 
(6)                                                                               | X                                                | X                                     |
| Manufacturing and Production 
(7)                                                            | X                                                | X                                     |

**NOTES:**
1. Eligible uses listed in this table are permitted uses when part of a qualifying project. See Table 14-6.1-1 for a complete listing of use categories and permitted uses in underlying zoning districts.
2. Except cemeteries, mausoleums & columbariums.
3. Except restaurants with drive-through/drive-up service.
4. Only individual storage areas completely enclosed within a building and that are intended to serve the associated qualifying residential project.
5. Only parking lots and garages that are intended to serve the associated qualifying project.
6. Research, experimental and testing laboratories only.
7. Light assembly and manufacturing (including "maker" spaces) only.
8. Neighborhood grocery stores and laundromats only.

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(5) **General Standards**

(a) Unless otherwise specified in this Subsection 14-5.5(D), permitted uses and development standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.

(b) The land use director may permit alternate means of compliance.
with the provisions of this Subsection as provided in Subsection 14-2.11(C).

(c) In the event of conflicts between the requirements of this Subsection 14-5.5(D) and the requirements of underlying zoning districts, platted building setbacks or existing easements, the requirements of this Subsection shall apply.

(6) Building Envelope Standards and Measurements

Table 14-5.5-4: Midtown LINC Overlay District - Table of Dimensional Standards

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>Max. Gross Density (Dwelling units/Acre)</th>
<th>Min. Lot Size</th>
<th>Max. Height of Structures (Feet)(^{(1)})</th>
<th>Yard Requirements (Feet)</th>
<th>Max. Lot Coverage (%)</th>
<th>Min. Required Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifying Residential Projects (As defined in Subsection 14-5.5(D))</td>
<td>N/A</td>
<td>Same as C-2 District</td>
<td>50(^{(2)})</td>
<td>Minimum Street: 6(^{(3)}) Side: 5 Rear: 10(^{(4)}) Maximum Street: 5(^{(5)})</td>
<td>None</td>
<td>Same as C-2 District (See §14-7.5(D))</td>
</tr>
<tr>
<td>All Other Development</td>
<td>Same as C-2 District</td>
<td>Same as C-2 District</td>
<td>Per Underlying District Standards</td>
<td>Per Underlying District Standards except as noted below Maximum Street: 5(^{(3,5)})</td>
<td>Per Underlying District Standards</td>
<td>Per Underlying District Standards</td>
</tr>
</tbody>
</table>

NOTES:
1. Elevator “over-runs” and renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on buildings shall not be included in the calculated height of a building.
2. Maximum height of structures 50 feet, except where a structure associated with a qualifying residential project will be located within one hundred fifty (150) feet of an existing residential development located outside of the Midtown LINC Overlay District, in which case the maximum height of a structure associated with a qualifying residential project shall be 38 feet.
3. Except that 4th stories along street-frontage façades shall be set back a minimum of 15 feet from the story below.
4. Rear yard 10 feet, except at the rear of a lot abutting an existing residential development, in which case there shall be a required rear yard of not less than 25 feet.
5. Maximum Street yard 5 feet, except that: (a) up to 30% of a street-frontage façade may be set back greater than 5 feet for entryways and integral courtyards, or to accommodate other aspects of a building’s design, and (b) street-frontage façades may be set back greater than 5 feet in locations where existing utility easements prevent compliance with this requirement.
(7) **Site Design, Circulation and Parking**

(a) New buildings or additions to existing buildings shall be oriented so that their primary façades face St. Michael’s Drive, Cerrillos Road, or other street frontages as applicable.

(b) Perimeter screening of parking areas shall be in accordance with Subsection 14-8.4(I)(2) except that screening walls, hedges or berms shall not exceed four feet at maturity and shall be provided with multiple openings adjacent to street frontages to maximize of pedestrian permeability between street sidewalks and parking areas.

(c) Sidewalks along the street frontages of St. Michael’s Drive and Cerrillos Road shall be provided in accordance with Section 14-9.2(E), Sidewalks, and shall be a minimum of fifteen (15) feet wide. Where existing sidewalks are widened to meet this requirement, the widening shall occur on the building side of the existing sidewalk.

(d) Vehicular access shall be from the side or rear of the lot to the extent possible.

(e) Vehicular access between and among adjacent lots shall be provided where possible.

(f) New buildings shall have accessible pedestrian connections to St. Michael’s Drive or Cerrillos Road as applicable. Building entrances shall have the same general elevation as the street frontage sidewalks adjacent to the entrance. Site grading shall not result in the need for steps or ramps from the street frontage sidewalk to the building. Visual and physical barriers to building entrances shall be minimized.
(g) Sidewalks and other pedestrian pathways connecting buildings to the street and to parking areas shall be a minimum of six (6) feet wide and shall be clearly defined.

(g) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from St. Michael’s Drive or Cerrillos Road as applicable. The screening shall be integrated with the building architecture, materials and construction.

(h) Electrical transformers and trash enclosures shall be located at the side or rear of buildings and shall be screened from view of public roadways and sidewalks by walled enclosures or landscape screening. Wall-mounted utility boxes shall be painted the same color as the nearest building on site.

(i) Water system backflow preventers shall be located inside buildings. Where it is not feasible to locate a water system backflow preventer inside a building, the backflow preventer shall be located at the side or rear of buildings and shall be screened from view of adjacent public roadways and sidewalks by walled enclosures or landscape screening.

(8) Architecture

In addition to the requirements of Section 14-8.7, Architectural Design Review, the following provisions shall apply.

(a) Lot configuration and available street frontage permitting, the longest façade of all new buildings on lots abutting St. Michael’s Drive or Cerrillos Road shall be aligned parallel with the street.
frontage of St. Michael’s Drive or Cerrillos Road as applicable.

(b) The primary entrance to any new building on a lot abutting St. Michael’s Drive or Cerrillos Road shall be visible from St. Michael’s Drive or Cerrillos Road as applicable.

(c) Building walls along street frontages shall not extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.

(d) Doors intended for vehicular access to buildings on lots abutting St. Michael’s Drive or Cerrillos Road shall not face St. Michael’s Drive or Cerrillos Road as applicable.

(e) Except as noted in this Subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent public rights-of-way. Screening shall be integrated with the associated building’s architecture, materials and construction. Screening of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on buildings is not required; however such equipment shall be incorporated into the architectural design of a building to the extent possible.

(9) Landscaping Standards

In addition to the requirements found in Section 14-8.4, Landscape and Site Design, the following provisions shall apply.

(a) On-site storm water detention or retention facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an active water harvesting system, in which case the active water harvesting system shall be incorporated
into the architectural design of a building to the extent possible.

(b) Qualifying residential projects shall provide a minimum five (5) foot wide landscaped area around the base of exterior building walls.

(c) Street trees shall be planted at a maximum spacing of thirty (30) feet on-center along the street frontages of development sites on St. Michael’s Drive or Cerrillos Road as applicable. Existing street trees within the above areas may be counted toward this requirement. Street trees shall have a minimum four (4) inch caliper at time of planting and shall have a minimum mature height of twenty-five (25) feet. The required spacing of street trees may be adjusted to allow for the clustering of trees as part of a development’s landscape design as determined by the land use director. The location and minimum mature height of street trees may be adjusted where conflicts exist with overhead or underground utility lines, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.

(d) A minimum of thirty (30) percent of required plant material shall be evergreen.

(e) Areas of the parkway that are located along the street frontages of development sites, and that are not developed with sidewalks as required by Subsection 14-5.5(D)(7)(c), shall be landscaped as part of the required landscaping of a development.

(f) Qualifying non-residential projects and other non-residential development adjacent to existing residential development located outside of the Midtown LINC Overlay District shall provide a continuous landscaped buffer strip of not less than fifteen (15) feet
where abutting the existing residential development. Plant material in the landscaped buffer strip shall conform to the requirements for open space provided in Subsection 14-8.4(H).

(10) **Signage**

In addition to the requirements found in Section 14-8.10, Signs, the following provisions shall apply.

(a) Pole-mounted *signs* are prohibited.

(b) Monument *signs* shall not exceed four feet in height.

(c) *Signs* shall be setback a minimum of fifteen (15) feet from any public *right of way* unless wall- or building-mounted.

(d) *Wall- or building-mounted signs* shall not extend above the roofline or parapet.

(e) Roof-mounted *signs* are prohibited.

(f) The provisions of Subsection 14-8.10(B)(4), Maximum Number of Colors and Lettering Styles, do not apply within the Midtown LINC Overlay District.

(g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply to *signs* mounted on the *building walls* of qualifying projects within the Midtown LINC Overlay District.

(h) *Wall signs* associated with a qualifying project within the Midtown LINC Overlay District and whose *sign* faces are mounted perpendicular to a *building wall* may extend up to five (5) feet from the *wall*, including *signs* that project over a front property line, providing that such a *sign* shall not impede or endanger pedestrian or vehicular traffic.
(11) Site Furnishings

(a) A minimum of one bench per ten thousand (10,000) gross square feet of building is required on the site and shall be located adjacent to the street frontage of the development, or to the primary building entrance, or within a public or private amenity provided by the development.

(b) At least one bench per development shall be shaded by a tree or a shade structure.

(c) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.

(d) All site furnishings on a development site, including bicycle racks required by Subsection 14-8.6(E), benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

(12) Outdoor Lighting

In addition to compliance with Section 14-8.9, Outdoor Lighting, the following provisions apply.

(a) Pole-mounted lights shall not exceed twenty (20) feet in height.

(b) Lamps of building-mounted light fixtures shall not be placed more than twelve (12) feet above the exterior grade at the perimeter of a building unless the outdoor lighting is part of the illumination of a wall-mounted sign in accordance with Subsection 14-5.5(D)(10)(g).

(13) Additional Requirements for Qualifying Projects

In addition to the requirements of this Subsection 14-5.5(D), qualifying projects shall comply with the following requirements:

(a) Qualifying projects shall utilize a detailed alternative development
water budget (“Option B” water budget) in accordance with Subsection 14-8.13(B)(2)(b) and applicable adopted administrative procedures.

(b) Qualifying projects shall utilize the following water-saving fixtures, appliances, and systems where applicable, throughout all new construction:

(i) waterless urinals;

(ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);

(iii) EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);

(iv) ENERGY STAR® compliant clothes washers;

(v) active water harvesting systems.

(c) The land use director shall not issue a construction permit for a qualifying project until a restrictive covenant is recorded by the owner of the development at the office of the county clerk that requires that the development will contain no uses that do not meet the requirements for a qualifying project for a period of at least five years from the completion of the project’s construction. The covenant shall be in a form approved by the land use director and the city attorney and shall be notarized prior to recordation. The covenant shall be considered part of a development plan approved pursuant to Subsection 14-3.8(B)(9). The land use director shall maintain copies of recorded covenants pursuant to the provisions of this Subsection.
(14) **Fee Incentives for **Qualifying Projects

The following fee incentives apply to *qualifying projects* within the Midtown LINC Overlay District:

(a) Construction Permit Fees; Plan Review Fees

*Qualifying projects* are exempt from the payment of construction permit fees and plan review fees as set by Resolution of the governing body, as may be amended from time to time.

(b) Development Review Fees

*Qualifying projects* are exempt from the payment of development review fees as set by Resolution of the governing body, as may be amended from time to time.

(c) Development Water Budget Fees

*Qualifying projects* shall obtain water to meet approved development water budgets through the water rights transfer program or through the water conservation credit program or through a combination of both, and at the reduced rate specified in Subsection 14-8.13(E).

(d) Impact Fees

*Qualifying projects* are exempt from the payment of impact fees in accordance with Subsection 14-8.14(D).

(e) Wastewater Utility Expansion Charge (UEC)

The wastewater utility expansion charge (UEC) is waived for *qualifying projects* in accordance with Article 22-6.6, Exhibit A, Section 7.

(f) Water Utility Expansion Charge (UEC)
Qualifying projects are exempt from the payment of the water utility expansion charge (UEC) in accordance with Article 25-4.2, Exhibit B, Rate Schedule 8.

Section 2. Subsection 14-3.8(B) SFCC 1987 (being Ord. #2013-16, §11) is amended to read:

(B) Applicability

(1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).

(2) A development plan is required in conjunction with rezoning applications in certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5 (Overlay Zoning Districts).

(3) Approval of a development plan by the planning commission is required prior to new development that meets any of the following criteria:

(a) gross floor area of thirty thousand square feet or more and is located within any zoning district of the city;

(b) gross floor area of ten thousand square feet or more in a residential district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, including public rights of way, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH districts;

(c) flea market with fifteen or more vendors; or

(d) outdoor commercial recreational uses in any zone where the total area devoted to recreation and related pedestrian circulation and
amenities, excluding parking and vehicular circulation areas, exceeds
fifteen thousand (15,000) square feet in any zone; provided that this
 provision does not apply to temporary carnivals, circuses and similar
short-term entertainment uses required to obtain a permit from the
city.

(4) The development plans described in Subsections (B)(2) and (3) shall be
reviewed by the planning commission.

(5) This section applies where the cumulative square footage of multiple permits
meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of
those subsections when the permits are for coordinated development of a
project comprising multiple buildings or outdoor uses, including phased
projects and projects involving development of adjoining commonly owned
parcels.

(6) This section does not apply to the construction of single-family dwellings,
each of which has a gross floor area of ten thousand (10,000) square feet or
less, including accessory buildings, on lots created prior to the effective date
of Ordinance No. 1999-13 or on lots within a subdivision that was subject to
early neighborhood notification procedures. This section does apply to
construction of any single-family dwelling that has a gross floor area greater
than ten thousand (10,000) square feet, including accessory buildings.

(7) No additional development plan review is required if the new or changed use
or development described in Subsections (B)(2) and (3) was part of a
development plan approved as part of a rezoning or other action before the
governing body or the planning commission, and for which an early
neighborhood notification meeting occurred as set forth in Section 14-3.1(F).
(8) Approval of a development plan by the land use director is required for multiple-family development comprising three or more dwelling units with a gross floor area less than ten thousand (10,000) square feet.

(9) This section does not apply to the construction of qualifying projects within the Midtown LINC Overlay District with the exception that approval of a development plan by the land use director is required prior to, or concurrent with, the issuance of a construction permit for a qualifying project.

Section 3. Table 14-6.1-1 SFCC 1987 (being Ord. #2013-16, §29) is amended to amend the following footnote in the Table of Permitted Uses:

* Special use permit required if located within 200 feet of residentially-zoned property unless

a qualifying project located within the Midtown LINC Overlay District; otherwise permitted.

Section 4. Article 14-6.2(A)(7) SFCC 1987 (being Ord. #2016-20) is amended to read:

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be either:

(a) accessory dwelling units for occupancy only by owners, employees or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; or

(c) part of a use for which a development plan or special use permit is required[1]; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

Section 5. Article 14-8.6(B)(4) SFCC 1987 (being Ord. #2011-37, as amended) is
amended to read:

(4) Combined Uses; Shared Parking

(a) Combined uses on the same premises shall provide the combined total number of spaces required for each use separately, unless a shared parking plan is approved.

(b) Uses on premises comprising more than one legal lot of record may provide shared parking in accordance with an approved shared parking plan.

(c) Parking required for uses located on adjoining lots in RAC, C, BCD, BIP, MU, SC or I districts, or for institutional uses located on adjoining lots in residential districts, or for a qualifying project within the Midtown LINC Overlay District, may be provided on a joint basis. Within the joint parking areas, the spaces required for each of the participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved. (Ord. No. 2013-16 § 50)

(d) Cumulative parking space requirements for mixed-use occupancies or adjoining mixed uses may be reduced if the applicant demonstrates that the peak requirements of the several occupancies occur at different times, such as mid-day for office uses and evening for residential uses, as supported by a parking demand study.

(e) Reduction in the total number of spaces required by the addition of all uses in the BCD or as specified in Subsection 14-8.6(A) may be approved by a land use board pursuant to a special use permit or development plan if the reduction is supported by a parking demand
study.

(f) Reduction in the total number of spaces required by this Section 14-8.6 for qualifying projects within the Midtown LINC Overlay District shall be approved by the land use director pursuant to Subsection 14-3.8(B)(9) if the reduction is supported by a parking demand study prepared by the qualifying project applicant. In addition to the shared parking provisions of this Subsection, the total number of spaces required as determined by a shared parking plan or parking demand study may be reduced by the number of on-street parking spaces present in the Midtown LINC Overlay District adjacent to a qualifying project.

Section 6. Table 14-8.7-2 SFCC 1987 (being Ord. #2011-37 § 10) is amended to read:

Table 14-8.7-2: Architectural Design Standards and Point Allocations

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
### TABLE 14-8.7-2: Architectural Design Standards and Point Allocations
(See Note 1)

<table>
<thead>
<tr>
<th>Architectural Design Standards</th>
<th>Points$^1$</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WALLS</strong></td>
<td></td>
</tr>
<tr>
<td>Predominant Exterior Surface Material</td>
<td></td>
</tr>
<tr>
<td>Stucco, adobe</td>
<td>30</td>
</tr>
<tr>
<td>Brick, natural stone, and integrally colored unit masonry</td>
<td>25; 30*</td>
</tr>
<tr>
<td>Concrete and non-integrally colored unit masonry</td>
<td>20; 30*</td>
</tr>
<tr>
<td>Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials</td>
<td>10; 30*</td>
</tr>
<tr>
<td>Mirrored glass curtainwall systems</td>
<td>-10</td>
</tr>
<tr>
<td><strong>Color of Predominant Exterior Surface Material</strong></td>
<td></td>
</tr>
<tr>
<td>Earthtones, creams, and pastels of earhtone hues including but not necessarily limited to rose, peach, and terra cotta colors</td>
<td>30</td>
</tr>
<tr>
<td>Pastel colors of non-earhtone hues, whites, grays, and grayish greens</td>
<td>15; 30*</td>
</tr>
<tr>
<td>High-intensity colors</td>
<td>-10; 10*</td>
</tr>
<tr>
<td><strong>Exterior Surface Treatment</strong></td>
<td></td>
</tr>
<tr>
<td>(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations</td>
<td>10</td>
</tr>
<tr>
<td>(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above</td>
<td>-10</td>
</tr>
</tbody>
</table>

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
<table>
<thead>
<tr>
<th>ROOFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form</td>
</tr>
<tr>
<td>(A) Flat roof surfaces entirely concealed from public view by parapets</td>
</tr>
<tr>
<td>(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run</td>
</tr>
<tr>
<td>(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run</td>
</tr>
<tr>
<td>(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Predominant Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) All surfaces are concealed from public view</td>
</tr>
<tr>
<td>(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view</td>
</tr>
<tr>
<td>(C) Flat tiles of clay, concrete or slate</td>
</tr>
<tr>
<td>(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles</td>
</tr>
<tr>
<td>(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Predominant Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) All surfaces are concealed from public view</td>
</tr>
<tr>
<td>(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead</td>
</tr>
<tr>
<td>(C) Low-intensity colors other than those stated above</td>
</tr>
<tr>
<td>(D) White</td>
</tr>
<tr>
<td>(E) Bright, non-fading, high-intensity colors and any use of multiple colors</td>
</tr>
</tbody>
</table>

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
### BUILDING FORM

<table>
<thead>
<tr>
<th>Massing</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade</td>
<td>30</td>
</tr>
<tr>
<td>(B)</td>
<td>One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade</td>
<td>30</td>
</tr>
<tr>
<td>(C)</td>
<td>Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above</td>
<td>0</td>
</tr>
</tbody>
</table>

### DOORS AND WINDOWS

<table>
<thead>
<tr>
<th>Treatment</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels</td>
<td>20</td>
</tr>
<tr>
<td>(B)</td>
<td>More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above</td>
<td>0; 20*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations</td>
<td>20</td>
</tr>
<tr>
<td>(B)</td>
<td>Wall surfaces do not meet the requirements as set forth in paragraph (A) above</td>
<td>0; 20*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners</td>
<td>20</td>
</tr>
<tr>
<td>(B)</td>
<td>All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners</td>
<td>20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Glazing</th>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>All glazing is clear or tinted neutral gray</td>
<td>10</td>
</tr>
<tr>
<td>(B)</td>
<td>Any use of colored glazing</td>
<td>0; 10*</td>
</tr>
<tr>
<td>(C)</td>
<td>Any use of mirrored glazing</td>
<td>-10</td>
</tr>
</tbody>
</table>
Section 7. Article 14-8.13(E) SFCC 1987 (being Ord. #2011-37, §11) is amended to read:

(E) Dedication of Water to Development

(1) A building permit application shall not be approved until the applicant has dedicated water to meet the approved development water budget for the development project plus a 9.8% contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.

(2) Based on the approved water budget for a development project, the applicant shall obtain water through either the water rights transfer program (Section 25-12 SFCC 1987) or the water conservation credits program (Section 25-11 SFCC 1987) to meet the development water budget according to the following criteria:

(a) Applications for residential uses which have a development water
budget equal to or greater than ten acre-feet per year shall obtain
water through the water rights transfer program;

(b) Applications for residential uses which have a development water
budget less than ten acre-feet per year, designated as small
development projects, shall obtain water through the water rights
transfer program or the water conservation credit program or through
a combination of both;

(c) Applications for non-residential uses which have a development
water budget equal to or greater than five acre-feet per year shall
obtain water through the water rights transfer program;

(d) Applications for non-residential uses which have a development
water budget less than five acre-feet per year, designated as small
development projects, shall obtain water though the water rights
transfer program or the water conservation credit program or through
a combination of both;

(e) Applications with both residential and non-residential uses each in
substantial amounts which have a development water budget equal to
or greater than seven and one half acre-feet per year shall obtain
water through the water rights transfer program; [and]

(f) Applications with both residential and non-residential uses each in
substantial amounts which have a development water budget less
than seven and one half acre-feet per year shall either obtain water
through the water rights transfer program or the water conservation
credit program or through a combination of both[.]; and

(g) Applications for qualifying projects within the Midtown LINC
Overlay District as defined in Subsection 14-5.5(D)(4)(b) shall obtain water though the water rights transfer program or the water conservation credit program or through a combination of both. Water for qualifying projects obtained through the water conservation credit program shall be paid for at the rate of $12,000 per acre-foot.

Section 8. Article 14-8.14(D) SFCC 1987 (being Ord. #2011-37, §11 as amended) is amended to read:

(D) Exemptions, Waivers and Reimbursements

(1) Certain types of permits for new construction shall be exempt from the terms of this Section 14-8.14. An exemption shall be claimed at the time of construction permit application. The land use director shall determine the validity of a claim for exemption pursuant to the criteria set forth in this Subsection 14-8.14(D). The following are exempt from the provisions of this Section 14-8.14: (Ord. No. 2014-28 § 7)

(a) alterations of, or additions to, existing residential uses where no additional dwelling units are created;

(b) replacement of a destroyed, partially destroyed or moved residential building or structure with a new building or structure of the same use and the same size and with the same number of dwelling units;

(c) replacement of destroyed, partially destroyed or moved non-residential building or structure with a new building or structure of the same gross floor area and use;

(d) construction permits for new residential units that are part of a master plan, development plan or subdivision plat where land is dedicated to the city to provide park land, as provided in Section 14-
8.15 (Dedication and Development of Land for Parks, Open Space, Trails and Recreation Facilities), are exempt from park impact fees; [and]

(e) parking garages or parking lots[; and]

(f) construction permits for qualifying projects within the Midtown LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b).

Section 9. Subsection 7-1.10 (being Ord. # No. 2008-1, §12) is amended to read:

7-1.10 [Reserved.] Application of the International Existing Building Code

The applicable provisions of the International Existing Building Code, as adopted in Subsection 7-1.1(A)(9), shall be applied to a construction permit upon the request of the applicant.

Section 10. Article 22-6.6, Exhibit A, Section 7 (being Ord. #1997-3, as amended) is amended to read:

7. Wastewater Utility Expansion Charge (UEC).

7.1. Except as set forth in Section 7.3, the wastewater utility expansion charge (UEC) applies to customers within the corporate limits of the city of Santa Fe, New Mexico and to customers in those areas outside the corporate limits to which wastewater service has been authorized by action of the governing body of the city of Santa Fe as follows:

7.1.1. New customers connecting to the city's wastewater system; and

7.1.2. Existing customers if there is an increase in the number of dwelling units or an increase in the size of the nonresidential water meter; however, the charge shall reflect only the increase in the number of dwelling units or the increase in the size of the meter.

7.2. The UEC shall be waived for the following:

A. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1 SFCC 1987;

B. Housing opportunity program home or housing opportunity program rental
unit subject to a valid housing opportunity program agreement; [or]

C. A low priced dwelling unit as defined in Section 26-2 SFCC 1987;

D. A qualifying project within the Midtown LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987.

7.2.1. Application for waivers of the UEC shall be made at the time of application for a building permit. Applications shall be reviewed by the office of affordable housing.

7.3. The UEC shall be as follows:

7.3.1. Single-Family Detached Dwelling Unit or Accessory Dwelling Unit

<table>
<thead>
<tr>
<th>Heated Living Area</th>
<th>Charge per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 1,500 Sq. Ft.</td>
<td>$499</td>
</tr>
<tr>
<td>1,501 - 2,000 Sq. Ft.</td>
<td>$735</td>
</tr>
<tr>
<td>2,001 - 2,500 Sq. Ft.</td>
<td>$911</td>
</tr>
<tr>
<td>2,501 - 3,000 Sq. Ft.</td>
<td>$1,052</td>
</tr>
<tr>
<td>3,001 - 3,500 Sq. Ft.</td>
<td>$1,169</td>
</tr>
<tr>
<td>3,501 - 4,000 Sq. Ft.</td>
<td>$1,269</td>
</tr>
<tr>
<td>4,001 - 4,500 Sq. Ft.</td>
<td>$1,357</td>
</tr>
<tr>
<td>4,501 or more Sq. Ft.</td>
<td>$1,435</td>
</tr>
</tbody>
</table>

7.3.2. Multi-Family Dwelling Unit $561 per unit

Includes apartment, condominium, single family attached and residential studio units

7.3.3. Mobile Home Park Pad $902 per unit

7.3.4. Nonresidential (meter size) Charge per meter

<table>
<thead>
<tr>
<th>Meter size</th>
<th>Charge per meter</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; x 3/4&quot;</td>
<td>$876</td>
</tr>
<tr>
<td>1&quot;</td>
<td>$2,190</td>
</tr>
<tr>
<td>1-1/2&quot;</td>
<td>$4,380</td>
</tr>
<tr>
<td>Size</td>
<td>Charge</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>2&quot;</td>
<td>$7,008</td>
</tr>
<tr>
<td>3&quot;</td>
<td>$14,016</td>
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<tr>
<td>4&quot;</td>
<td>$21,900</td>
</tr>
<tr>
<td>6&quot;</td>
<td>$43,800</td>
</tr>
<tr>
<td>8&quot;</td>
<td>$70,080</td>
</tr>
<tr>
<td>10&quot;</td>
<td>$127,020</td>
</tr>
</tbody>
</table>

7.3.5. Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the charge.

7.3.6. In the event that the development does not have a water meter, or the wastewater division director or developer believes the size of the water meter does not accurately reflect wastewater generation, the developer may submit or the director may require the submission of a study, prepared by a professional engineer, to determine the charge listed in the above table for the water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen demand that will be generated by the proposed development.

7.4. The UEC shall be due prior to issuance of a building permit if the property is located in the city limits and prior to obtaining a permit to connect to the sewer if the property is located outside the city limits.

7.5. Payments of wastewater utility expansion charges shall be deposited in an account separate from other funds of the city.

Section 11. Article 25-4.2, Exhibit B, Rate Schedule 8 (being Ord. #1995-19, §1 as amended) is amended to read:

CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT

WATER SERVICES DIVISION

RATE SCHEDULE 8

UTILITY EXPANSION CHARGE
**APPLICABILITY:** This Utility Expansion Charge is applicable to all new customers for connection with the City's system. Installation of a second meter and establishment of a new account for existing demand on a legal residential lot of record shall not be considered a new customer subject to application of the Utility Expansion Charge. Service will be furnished in accordance with the City's Rules and Regulations covering water service, available at the City's offices and on file with the office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions thereof are a part of this Schedule as if fully written herein.

**SERVICE AREA:** Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

**UTILITY EXPANSION CHARGE (UEC):** The rate for the UEC shall be the sum of A and B.

A. **CHARGE:**

1. The Charge for a 5/8" meter service is $2,013.00.

2. The Charge for a 5/8" meter service for the following is $800.00.
   - a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1 SFCC 1987;
   - b. Housing opportunity program home or housing opportunity program rental unit subject to a valid housing opportunity program agreement; or

3. The Charge for each meter service size shall be determined by multiplying the Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.

4. The other meter service sizes are as follows:

<table>
<thead>
<tr>
<th>Meter Service</th>
<th>EQM Factor</th>
<th>UEC</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4&quot;</td>
<td>1.5</td>
<td>$ 3,019.00</td>
</tr>
<tr>
<td>1&quot;</td>
<td>2.5</td>
<td>5,032.00</td>
</tr>
<tr>
<td>Size</td>
<td>Rate</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>5.0</td>
<td>10,065.00</td>
</tr>
<tr>
<td>2&quot;</td>
<td>8.0</td>
<td>16,104.00</td>
</tr>
<tr>
<td>3&quot;</td>
<td>15.6</td>
<td>31,402.00</td>
</tr>
<tr>
<td>4&quot;</td>
<td>25.0</td>
<td>50,325.00</td>
</tr>
<tr>
<td>6&quot;</td>
<td>50.0</td>
<td>100,650.00</td>
</tr>
<tr>
<td>8&quot;</td>
<td>80.0</td>
<td>161,040.00</td>
</tr>
</tbody>
</table>

B. **SPECIAL TAX AND ASSESSMENT CLAUSE:** Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

C. **VARIANCE:** In the event a developer makes an advance payment for project costs, which payment covers all costs pertaining to the project in question which are included in the UEC calculation, he/she shall upon application to the governing body of the city of Santa Fe be entitled to a variance excusing him/her from payment of the UEC. A *qualifying project* within the Midtown LINC Overlay District, as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987, is exempt from payment of the UEC.

**TERMS OF PAYMENT:** The UEC is due when notice is provided to the Customer prior to installation of the service line.

**SERVICE APPLICATION:** The UEC shall apply to new services, not including the installation of a second meter and establishment of a new account for existing demand on a legal residential lot of record, located anywhere within the water service area approved by the City.
APPROVED AS TO FORM:

[Signature]

KELLEY A. BRENNAN, CITY ATTORNEY
City of Santa Fe
Fiscal Impact Report (FIR)

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

Section A. General Information

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

Short Title(s): AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE “MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT” (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES: relating to the building and housing code, chapter 7 SFCC 1987, amending subsection 7-1.10 application of the international existing building code; relating to the sewer code, chapter 22 SFCC 1987, amending subsection, 22-6.6 exhibit a section 7 wastewater utility expansion charge; relating to the water code, chapter 25 SFCC 1987, 25-4.2 exhibit b rate schedule 8 utility expansion charge; and making such other changes that are necessary to carry out the purpose of this ordinance.

Sponsor(s): Mayor Gonzales; Councillor Ives

Reviewing Department(s): Asset Development Office; Land Use Department; Public Utilities Department; City Attorney’s Office

Persons Completing FIR: Matthew O'Reilly Date: 8/31/16 Phone: x6213

Reviewed by City Attorney: (Signature) Date: 9/1/16

Reviewed by Finance Director: (Signature) Date: 3-2-2011

Section B. Summary

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

The Bill creates a new overlay district in the vicinity of St. Michael’s Drive between Cerrillos Road and St. Francis Drive. The Bill provides incentives for redevelopment of the area and design standards for new development.
Section C. Fiscal Impact

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

a. The item must be on the agenda at the Finance Committee and City Council as a “Request for Approval of a City of Santa Fe Budget Increase” with a definitive funding source (could be same item and same time as bill/resolution)

b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)

c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

   a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
   b. Indicate: “A” if current budget and level of staffing will absorb the costs
      “N” if new, additional, or increased budget or staffing will be required
   c. Indicate: “R” – if recurring annual costs
      “NR” if one-time, non-recurring costs, such as start-up, contract or equipment costs
   d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
   e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative).

   Check here if no fiscal impact

<table>
<thead>
<tr>
<th>Expenditure Classification</th>
<th>FY 2016/17 “A” Costs Absorbed or “N” New Budget Required</th>
<th>“R” Costs Recurring or “NR” Non-recurring</th>
<th>FY 2017/18 “A” Costs Absorbed or “N” New Budget Required</th>
<th>“R” Costs Recurring or “NR” Non-recurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel*</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>Fringe**</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>Land/Building</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>Professional Services</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>All Other Operating Costs</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
<tr>
<td>Total:</td>
<td>$____</td>
<td>__________</td>
<td>$_____</td>
<td>__________</td>
<td>__________</td>
</tr>
</tbody>
</table>

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.
2. Revenue Sources:
a. To indicate new revenues and/or
b. Required for costs for which new expenditure budget is proposed above in item 1.

<table>
<thead>
<tr>
<th>Type of Revenue</th>
<th>FY 2016/17 “R” Costs Recurring or “NR” Non-recurring</th>
<th>FY 2017/18 “R” Costs – Recurring or “NR” Non-recurring</th>
<th>Fund Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waived, Exempted Fees</td>
<td>($285,524)</td>
<td>NR</td>
<td>($285,524)</td>
</tr>
<tr>
<td>Increased GRT &amp; Property Taxes</td>
<td>$304,490</td>
<td>Both*</td>
<td>$304,490</td>
</tr>
<tr>
<td>Total:</td>
<td>$18,966</td>
<td></td>
<td>$18,966</td>
</tr>
</tbody>
</table>

* Property taxes are recurring

3. Expenditure/Revenue Narrative:

The Midtown LINC area is expected to redevelop slowly over a period of twenty years or longer. Therefore near-term net fiscal impact to city government of the proposed fee incentives are difficult to calculate. While the qualitative impacts of redevelopment are positive, especially the increase of needed multi-family housing and street-related amenities and quality of life enhancements that are the main impetus for the adoption of the overlay, the redevelopment time period stretches fiscal impacts to city government over a relatively long time period and makes the quantitative effects of reduced fees versus increased gross receipts tax revenue and property tax revenue less relevant and predictable in any given year.

Also difficult to predict is what type of redevelopment will happen first and when. As is anticipated in the ordinance itself, redevelopment will be triggered by each property owner’s individual plans or expectations for their properties. The ordinance is designed to provide options and incentives for property owners at the time they chose to make a change with their properties.

In order to provide some estimation of reduced fees in comparison to increased tax revenues, two theoretical sample projects were analyzed. The first project is a sample 60-unit multi-family apartment project. The second project is a nonresidential redevelopment of a 5,000 square-foot retail space into a restaurant use. Both projects would be “qualifying projects” under the provisions of the overlay ordinance. The analyses of these projects appear on the attached supplemental pages.

Sample Project 1 yielded a total fee incentive of approximately $417,000 and yielded an increased total tax revenue of approximately $425,000. For simplicity, both the increased gross receipts tax and the lost revenue from fee incentives are assumed to occur for during the construction period, although it is likely that the secondary economic effects of the construction activities would be spread out over a longer period. Property tax increases associated with new development would be recurring annually.

Sample Project 2 yielded a total fee incentive of approximately $38,500 and an increased gross receipt tax of approximately $46,000. To be conservative, no estimate was made of addition increased revenue from restaurant sales.
To estimate the net fiscal impact to city government from sample projects such as these, it was conservatively estimated that (4) Sample 2-type projects (restaurants or other qualifying nonresidential uses) would be developed over the next 2 years and that (1) Sample 1-type project would be developed in the same time period. Using these assumptions the net revenue to the city would be:

<table>
<thead>
<tr>
<th>Estimated Projects</th>
<th>Number</th>
<th>Reduced Fees</th>
<th>Increased Rev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample 1-type</td>
<td>1</td>
<td>($416,820)</td>
<td>$424,961</td>
</tr>
<tr>
<td>Sample 2-type</td>
<td>4</td>
<td>($154,228)</td>
<td>$184,020</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>($571,048)</td>
<td>$608,981</td>
</tr>
</tbody>
</table>

These calculations are of course estimates and based on predictions of market behavior. However what is not included are the additional increased property taxes generated as redeveloped properties are reassessed over time.

The above figures appear on pages 2 and 3 in tabular form and for simplicity are applied equally over FY 2016/17 and FY 2017/18.

Section D. General Narrative

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

The Bill amends Chapters 7, 14, 22 and 25 of the Municipal Code. The Bill establishes an overlay district similar to, and of the same general format, as other adopted overlay districts in the city.

2. Consequences of Not Enacting This Bill/Resolution:

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

If this Bill is not enacted the redevelopment of the overlay district area will not be incentivized or directed in the manner anticipated by numerous studies of the area.

3. Technical Issues:

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

None as of this writing.

4. Community Impact:

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

The accompanying staff report provides extensive details of these items.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08
SAMPLE PROJECT 1: 60-UNIT MULTI-FAMILY APARTMENT PROJECT

ESTIMATED PROJECT COSTS

Multi-Family Apartments

<table>
<thead>
<tr>
<th>Dwelling Units:</th>
<th>60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost/Unit:</td>
<td>$ 110,000</td>
</tr>
<tr>
<td>Adj. Soft Costs:</td>
<td>20%</td>
</tr>
<tr>
<td>Hard Costs:</td>
<td>$ 6,600,000</td>
</tr>
<tr>
<td>Soft Costs:</td>
<td>$ 1,320,000</td>
</tr>
<tr>
<td>Other (Site/Off-site):</td>
<td>$ 200,000</td>
</tr>
<tr>
<td>Total (Project):</td>
<td>$ 8,120,000</td>
</tr>
</tbody>
</table>

FEE INCENTIVES (Multi-Family)

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Normal Fee</th>
<th>Reduced Fee</th>
<th>Waived Amt. Per Unit</th>
<th>TOTAL Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td>$2,457 per Apt. DU</td>
<td>- per Apt. DU</td>
<td>$2,457</td>
<td>$147,420</td>
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<tr>
<td>Building Permit</td>
<td>$30,533 Const. Value</td>
<td>- Const. Value</td>
<td>$30,533</td>
<td>$30,533</td>
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<tr>
<td>Building Plan Rev.</td>
<td>$15,267 50% Bldg Permit</td>
<td>- 50% Bldg Permit</td>
<td>$15,267</td>
<td>$15,267</td>
</tr>
<tr>
<td>Secondary Permits</td>
<td>$5,000 Estimated</td>
<td>- Estimated</td>
<td>$5,000</td>
<td>$5,000</td>
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<tr>
<td>Wastewater UEC</td>
<td>$561 per Apt. DU</td>
<td>- per Apt. DU</td>
<td>$561</td>
<td>$33,660</td>
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<tr>
<td>Water UEC</td>
<td>$2,103 per Apt. DU</td>
<td>- per Apt. DU</td>
<td>$2,103</td>
<td>$126,180</td>
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<td>WABO</td>
<td>$2,656 0.16 Ac-Ft/Unit</td>
<td>1,920 at 12K/Ac-Ft</td>
<td>$736</td>
<td>$44,160</td>
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<tr>
<td>Dev. Review (LUD)</td>
<td>$14,600 Const. Value</td>
<td>- Const. Value</td>
<td>$14,600</td>
<td>$14,600</td>
</tr>
<tr>
<td>TOTAL Fee Incentives</td>
<td></td>
<td></td>
<td></td>
<td>$416,820</td>
</tr>
</tbody>
</table>

ESTIMATED REVENUE

NM GRT

| Construction Valuation   | $6,800,000 |
| City-share NMGRT Percentage | 3.5735%    |
| Net NMGRT to City        | $240,550   |
| NMGRT (Secondary Effects) | $176,564 73.4% |
| Total Net New NMGRT to City | $417,114 (A) |

NM Property Tax (1 Year)

| Property Valuation: | $8,160,000 120% |
| Mill Rate:          | $0.031737 per $1,000 |
| Taxable Amt.:       | $2,717,280 0.333 |
| Property Tax:       | $86,238 |
| Total Net New NM Prop. Tax to City | $7,848 (B) 9.1% |
| TOTAL Net New Tax Revenue to City: | $424,961 (A + B) |

NOTE: Estimates of new GRT are based on construction valuation only and do not include secondary effects of economic output through indirect and induced activities related to the construction. The Sacramento Regional Research Institute (SRRI), utilizing the IMPLAN input-output model has calculated that an additional $781,054 per $1.0 million of construction valuation (78.1%) can be expected from new single-family & multi-family construction. Adjusting for NM pricing by applying 2015 CPI-U (NM-Western Urban) vs CA (San Francisco area) (243/258.5) x 78.1% yields an NM-adjusted rate for secondary economic effects of 73.4%.
SAMPLE PROJECT 2: 5,000 SF RETAIL TO RESTAURANT REMODEL PROJECT

ESTIMATED PROJECT COSTS

Retail Space to Restaurant Remodel

<table>
<thead>
<tr>
<th>Square Footage:</th>
<th>5,000</th>
<th>Cost/Unit:</th>
<th>$140</th>
<th>Adj. Soft Costs:</th>
<th>15%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hard Costs:</td>
<td>$700,000</td>
<td>Other (Site/Off-site):</td>
<td>$50,000</td>
<td>(Units % Hard Cost)</td>
<td></td>
</tr>
<tr>
<td>Soft Costs:</td>
<td>$105,000</td>
<td>Other (Site/Off-site):</td>
<td>$50,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total (Project):</td>
<td>$855,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FEE INCENTIVES (Restaurant Remodel)

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Normal Fee</th>
<th>Reduced Fee</th>
<th>Waived Amt.</th>
<th>TOTAL Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td>$4,388 per 1,000 SF</td>
<td>$4,388 per 1,000 SF</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Building Permit</td>
<td>$4,638 Const. Value</td>
<td>$ - Const. Value</td>
<td>$4,638</td>
<td>$4,638</td>
</tr>
<tr>
<td>Building Plan Rev.</td>
<td>$3,479 75% Bldg Permit</td>
<td>$ - 75% Bldg Permit</td>
<td>$3,479</td>
<td>$3,479</td>
</tr>
<tr>
<td>Secondary Permits</td>
<td>$750 Estimated</td>
<td>$ - Estimated</td>
<td>$750</td>
<td>$750</td>
</tr>
<tr>
<td>Wastewater UEC</td>
<td>$4,818 Est. 2&quot; Meter*</td>
<td>$ - Est. 2&quot; Meter*</td>
<td>$4,818</td>
<td>$4,818</td>
</tr>
<tr>
<td>Water UEC</td>
<td>$11,072 Est. 2&quot; Meter*</td>
<td>$ - Est. 2&quot; Meter*</td>
<td>$11,072</td>
<td>$11,072</td>
</tr>
<tr>
<td>WABO</td>
<td>$48,804 0.02 Ac-Ft/Seat**</td>
<td>$35,004 at 12K/Ac-Ft</td>
<td>$13,800</td>
<td>$13,800</td>
</tr>
<tr>
<td>Dev. Review (LUD)</td>
<td>N/A Const. Value</td>
<td>N/A Const. Value</td>
<td>$ -</td>
<td>$ -</td>
</tr>
</tbody>
</table>

TOTAL Fee Incentives: $38,557

* Fees assume upgrade from 1" to 2" meter. ** Assuming 150 seats.

ESTIMATED REVENUE

NM GRT

<table>
<thead>
<tr>
<th></th>
<th>Normal Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Valuation</td>
<td>$750,000</td>
</tr>
<tr>
<td>City-share NMGRT Percentage</td>
<td>3.5375%</td>
</tr>
</tbody>
</table>

Net NMGRT to City | $26,531 | 73.4% |

NMGRT (Secondary Effects) | $19,474 |

Total Net New NMGRT to City | $46,005 |

NOTE: Estimates of new GRT are based on construction valuation only and do not include secondary effects of economic output through indirect and induced activities related to the construction. See Supplemental page 1 for more explanation on accounting for secondary economic effects of construction.