



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JULY 10, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 7/5/13 TIME 4:00p

SERVED BY _____

RECEIVED BY [Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – June 26, 2013
9. PRESENTATIONS
 - a) Employee of the Month for July 2013 – Ron Jaramillo, Convention Center Specialist Lead Worker. (5 minutes)
 - b) Regional Coalition of LANL Communities. (DeAnza Sapien, Executive Director) (5 minutes) **(Postponed at June 26, 2013 City Council Meeting)**
10. CONSENT CALENDAR
 - a) Request for Approval of Professional Services Agreement – Public Utilities Rate Evaluation & Financial Services (RFP #13/32/P); MWH Americas, Inc. (Maya Martinez)
 - b) Request for Approval of Direct Purchase of Services Vendor Agreement for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Thomas Vigil)
 - 1) Request for Approval of Budget Increase – Grant Fund.
 - c) Request for Approval of FY 2013/14 Nutrition Service Incentive Program Agreement for Senior Services Division; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Thomas Vigil)
 - 1) Request for Approval of Budget Increase – Grant Fund.



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- d) Request for Approval of Amendment No. 2 to Professional Services Agreement – Hepatitis-B Vaccinations, Titer Test and Booster Vaccinations Services for the City of Santa Fe Employees in Classifications Covered Under the City's Bloodborne Pathogen Policy; New Mexico MedWorks. (Debbie Rouse)
- e) Request for Approval of Amendment No. 3 to Professional Services Agreement – Substance Abuse Testing Services for City of Santa Fe Employees; New Mexico MedWorks. (Debbie Rouse)
- f) Request for Approval of Amendment No. 3 to Professional Services Agreement – Monthly Online Employee Driver's License Check Reports Services for City of Santa Fe Employees; Samba Holding, Inc. (Debbie Rouse)
- g) Request for Approval of Amendment No. 1 to Lease Agreement - Canyon Road Parking Lot; Roman Salazar, Duly Appointed and Acting Trustee of Salazar Survivor's Trust. (PJ Griego)
- h) Request for Approval of Professional Services Agreements – FY 2013/2014 HUD's Shelter Plus Care Grants Rental Assistance Program. (Alexandra Ladd)
 - 1) Santa Fe Community Housing Trust – (Grant #NM0029L6B011205)
 - 2) The Life Link/La Luz – (Grant #NM0026L6B011205)
 - 3) The Life Link/La Luz (A-B) – (Grant #NM0034L6B011205)
 - 4) The Life Link/La Luz (C) – (Grant #NM0076L6B011201)
 - a) Request for Approval of Budget Increase – Grant Fund.
- i) Request for Approval of Amendment No. 1 to Professional Services Agreement – Armored Vehicle Transportation Services to City of Santa Fe; Loomis Armored US, LLC. (Teresita Garcia)
- j) Request for Approval of Amendment No. 1 to Lease Agreement – Correct Clerical Errors in Agreement and Allow for Sale and Consumption of Beer and Wine Within Leased Premises Adjoining 111 Washington Avenue; Eleanor Castro and Arquimedes Castro dba the Burrito Company. (Edward Vigil)



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- k) CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss and Councilor Bushee)
A Resolution Authorizing the Establishment of a Gun Safety Public Service Announcement (PSA) Campaign to Promote Gun Safety Awareness by Placing PSAs on Santa Fe Trails Buses and Benches. (Chief Ray Rael)
- l) Request for Approval of Amendment No. 2 to Lease Agreement – Allow for Sale and Consumption of Beer and Wine Within Leased Premises Adjoining 31 Burro Alley; Bokum Burro Alley LLC and San Q LLC, dba San Q Japanese Restaurant. (Edward Vigil)
- 11. Request for Approval of Appointment of Municipal Court Pro Tem Judges Pursuant to §2-3.4(C) SFCC 1987; Michael E. Vigil and Virginia Vigil. (Municipal Judge Ann Yalman)
- 12. Fountainhead Rock/Cerletti Park
 - a) CONSIDERATION OF RESOLUTION NO. 2013-____. (Mayor Coss and Councilor Wurzburger)
A Resolution Directing Staff to Enter Into a Non-Exclusive Temporary License Agreement for 240 Square Foot Area Located in the Area of Fountainhead Rock Near the Water Street Parking Lot; and Directing Staff to Seek Approval for Converting the City-Owned Land Around the Water Street Parking Lot to a City Park and Naming the New Park "Cerletti Park". (Ed Vigil) **(Postponed at June 26, 2013 City Council Meeting)**
 - b) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Directing Staff to Begin the Process for Dedicating the City-Owned Land Around the Water Street Parking Lot as a City Park and Naming the New Park "Cerletti Park". (Ben Gurule) **(Postponed at June 26, 2013 City Council Meeting)**
- 13. MATTERS FROM THE CITY MANAGER
- 14. MATTERS FROM THE CITY ATTORNEY
Executive Session
In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico.



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15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Board of Adjustment
 - Immigration Committee
 - Transit Advisory Board
- H. PUBLIC HEARINGS:
 - 1) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Rivera, Councilor Calvert, Councilor Bushee, Councilor Ives, Councilor Dimas, Councilor Trujillo, Councilor Dominguez and Councilor Wurzbarger)
A Resolution Proclaiming Severe or Extreme Drought Conditions in the City of Santa Fe and Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Fire Marshal Reynaldo Gonzales)
 - 2) Request from Francisco S. Alvarado for the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at Taqueria Adelitas, 3565 Cerrillos Road. (Yolanda Y. Vigil)



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- 3) Request from Morning Star/Lucero, LLC for a Transfer of Location of Dispenser License #28011 from Evolution, 6132 4th Street NW, Albuquerque to Burro Alley Café, 207 W. San Francisco Street. (Yolanda Y. Vigil)
- 4) Request from M2 Productions for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Beer and Wine at El Museo Cultural de Santa Fe, 555 Camino de la Familia. This Location is Within 300 Feet of Tierra Encantada Charter School @ Alvard, 551 Alarid Street. The Request is for The Santa Fe Show: Objects of Art to be Held on August 9, 2013 from 6:00 p.m. to 9:00 p.m. (Yolanda Y. Vigil)
- 5) Request from Plaza Burritos, LLC for the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at the Burrito Company, 111 Washington Avenue. (Yolanda Y. Vigil)
(Postponed at June 26, 2013 City Council Meeting)
- 6) CONSIDERATION OF RESOLUTION NO. 2013-____.
Case #2013-25. Rancho Siringo Residences General Plan Amendment. Duty and Germanas Architects, Agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 3.44± Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Medium Density Residential (7 to 12 Dwelling Units Per Acre). The Property is Located at the Southwest Corner of Siringo Road and Yucca Street. (Heather Lamboy)
- 7) CONSIDERATION OF BILL NO. 2013-28: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2013-26. Rancho Siringo Residences Rezoning to R-9. Duty and Germanas Architects, Agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, Requests Rezoning of 3.44± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-9 (Residential, 9 Dwelling Units Per Acre). The Properties are Located at the Southwest Corner of Siringo Road and Yucca Street. (Heather Lamboy)

I. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
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CITY COUNCIL CHAMBERS

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

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

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

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 SANTA FE CITY COUNCIL MEETING
 July 10, 2013

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
July 10, 2013**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, July 10, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

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

Members Excused

Councilor Patti J. Bushee

Others Attending

Brian K. Snyder, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, requested to remove Item #12(A) on the afternoon agenda, because it didn't receive approval at any Committee. He said #12(B) was approved by both the Finance and Public Works Committees.

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

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, July 8, 2013, regarding Item 10(g) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, July 8, 2013, regarding Item 10(g) is incorporated herewith to these minutes as Exhibit "2."

- a) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PUBLIC UTILITIES RATE EVALUATION & FINANCIAL SERVICES (RFP #13/32/P); MWH AMERICAS, INC. (MAYA MARTINEZ)**
- b) **REQUEST FOR APPROVAL OF DIRECT PURCHASE OF SERVICES VENDOR AGREEMENT FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (THOMAS VIGIL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- c) **REQUEST FOR APPROVAL OF FY 2013/14 NUTRITION SERVICE INCENTIVE PROGRAM AGREEMENT FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (THOMAS VIGIL)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – HEPATITIS-B VACCINATIONS, TITER TEST AND BOOSTER VACCINATION SERVICES FOR THE CITY OF SANTA FE EMPLOYEES IN CLASSIFICATIONS COVERED UNDER THE CITY'S BLOODBORNE PATHOGEN POLICY; NEW MEXICO MEDWORKS. (DEBBIE ROUSE)**
- e) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – SUBSTANCE ABUSE TESTING SERVICES FOR CITY OF SANTA FE EMPLOYEES; NEW MEXICO MEDWORKS. (DEBBIE ROUSE)**

- f) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – MONTHLY ON LINE EMPLOYEE DRIVER’S LICENSE CHECK REPORTS SERVICES FOR CITY OF SANTA FE EMPLOYEES; SAMBA HOLDING, INC. (DEBBIE ROUSE)**
- g) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – CANYON ROAD PARKING LOT; ROMAN SALAZAR, DULY APPOINTED AND ACTING TRUSTEE OF SALAZAR SURVIVOR’S TRUST. (P.J. GRIEGO)**
- h) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – FY 2013/2014 HUD’S SHELTER PLUS CARE GRANTS RENTAL ASSISTANCE PROGRAM. (ALEXANDRA LADD)**
 - 1) **SANTA FE COMMUNITY HOUSING TRUST – (GRANT #NM0029L6B011205)**
 - 2) **THE LIFE LINK/LA LUZ – (GRANT #NM0026L6B011205)**
 - 3) **THE LIFE LINK/LA LUZ (A-B) – (GRANT #NM0034L6B011205)**
 - 4) **THE LIFE LINK/LA LUZ (C) – (GRANT #NM0076L6B011201)**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ARMORED VEHICLE TRANSPORTATION SERVICES TO CITY OF SANTA FE; LOOMIS ARMORED US, LLC. (TERESITA GARCIA)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT – CORRECT CLERICAL ERRORS IN AGREEMENT AND ALLOW FOR SALE AND CONSUMPTION OF BEER AND WINE WITHIN LEASED PREMISES ADJOINING 111 WASHINGTON AVENUE; ELEANOR CASTRO AND ARQUIMEDES CASTRO D/B/A THE BURRITO COMPANY. (EDWARD VIGIL)**
- k) *[Removed for discussion by Councilor Ives]*
- l) *[Removed for discussion by Councilor Ives]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING –JUNE 26, 2013

MOTION: Councilor Wurzburger moved, seconded by Councilor Ives, to approve the minutes of the Regular City Council meeting of May 8, 2013, as presented.

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

9. PRESENTATIONS

a) **EMPLOYEE OF THE MONTH FOR JULY 2013 – RON JARAMILLO, CONVENTION CENTER SPECIALIST LEAD WORKER**

Mayor Coss read the letter of nomination into the record, presented Ron Trujillo with a plaque and a check for \$100 from the Employee Benefits Committee.

Mr. Jaramillo said it is a pleasure to work for the City, and that it is really a team effort. He thanked everyone for this honor. He said there is a big Art show this weekend at the Convention Center, and invited everyone to attend.

b) **REGIONAL COALITION OF LANL COMMUNITIES (DeANZA SAPIEN, EXECUTIVE DIRECTOR) (Postponed at June 26, 2013 City Council Meeting)**

A copy of *The Regional Coalition of LANL Communities* annual presentation to the City of Santa Fe, Wednesday, July 10, 2013, is incorporated herewith to these minutes as Exhibit "3."

Yasine Armstrong, Deputy Director, said Ms. Sapien, Executive Director was unable to attend because of a family emergency. Ms. Armstrong presented information from Exhibit "3." Please see Exhibit "3" for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Dominguez thanked Ms. Armstrong for the report, commenting he hasn't seen the Coalition come before this Council with information, and thanked those on the Governing Body who serve on the Coalition. He asked of the 1,845 LANL employees living in Santa Fe County, what is that, in terms of the percentage of the total employees at LANL, and Ms. Armstrong said she doesn't know, but she can get that information.
- Councilor Dominguez asked if there is a goal to increase those numbers.
- Mayor Coss said he thinks the number of LANL employees is somewhere around 10,000, and he believes the majority of those employees live in Rio Arriba, which has changed over the past 30 years from when all LANL employees lived in Los Alamos.
- Councilor Ives echoed his thanks to the Coalition and for the good work it is doing and for the service by members of this Governing body. He said Ms. Armstrong spoke about the lands LANL contributed to the Santa Fe Children's Project through United Way, and asked if that is distinct from work being done by the LANL foundation.

Ms. Armstrong said yes, that is separate.

- Commissioner Ives asked if the milestones she reviewed were the major milestones of the Coalition.

Ms. Armstrong said these are major milestones the Regional Coalition has achieved since within the last year, since they have been at the helm of the organization.

- Mayor Coss said there is a Consent Order with LANL, DOE and the New Mexico Environment Department, and the estimate from DOE and the Environment Department was that it would cost about \$250 million annually to meet the Consent Decree, and they have only met that once and that was with the Recovery Act funding. He said when they had the money, they did a fantastic job in clean-up and there were a lot of local jobs. He said that funding dropped from \$250 million down to about \$180,000, but our work this year has increased that up to \$220 million. He said he would like to thank Senators Udall and Heinrich and Congressman Lujan for getting behind this effort to fund the cleanup.

Mayor Coss continued, saying the City's entire budget is \$200 million, and it is astounding to hear a cleanup budget that is \$250 million. He said our problems are small compared to Hanford and other sites around the country, but it also shows the importance of local governments and local elected officials studying and working on these issues. He said we gave our Congressional Delegation the political impetus to say that we really do want the funding or the State will have to sue the DOE and that won't be a good thing.

Mayor Coss continued, saying there is another \$40 million coming into New Mexico for cleanup, and one of the tasks we'll be looking at is how many local jobs we will get in the cleanup program. He said there is this issue and the economic development issue, and there are other environmental issues like the seismic issues that the federal government has pointed out. It is good to have environmental groups look at it and the federal government, but those of us in these communities that have been living with this for 60 years, it is important for us to work on this. He thanked Ms. Armstrong for her presentation.

CONSENT CALENDAR DISCUSSION

10(k) CONSIDERATION OF RESOLUTION NO. 2013-70 (MAYOR COSS AND COUNCILOR BUSHEE AND COUNCILOR IVES AND COUNCILOR WURZBURGER). A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A GUN SAFETY PUBLIC SERVICE ANNOUNCEMENT (PSA) CAMPAIGN TO PROMOTE GUN SAFETY AWARENESS BY PLACING PSAs PM SANTA FE TRAILS BUSES AND BENCHES. (CHIEF RAY RAEL)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, July 8, 2013, regarding Item 10(k) is incorporated herewith to these minutes as Exhibit "4."

Commissioner Ives said he pulled this item because he had asked at Finance to be added as a cosponsor, but that hasn't happened, and wants to formally join as a cosponsor.

MOTION Councilor Ives moved, seconded by Councilor Wurzbarger, to approve Resolution No. 2013-70, as presented.

DISCUSSION: Chief Rael said he has nothing to add and this is just common sense.

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

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

Against: None.

Explaining her vote: Councilor Wurzbarger said, "Yes, and I would like to be added as a cosponsor as well."

12 (l) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEASE AGREEMENT – ALLOW FOR SALE AND CONSUMPTION OF BEER AND WINE WITHIN LEASED PREMISES ADJOINING 31 BURRO ALLEY; BOKUM BURRO ALLEY, LLC, AND SAN Q LLC, D/B/A SAN Q JAPANESE RESTAURANT. (EDWARD VIGIL)

A copy of an Action Sheet from the Finance Committee meeting of Monday, July 1, 2013, regarding Item 10(l) is incorporated herewith to these minutes as Exhibit "5."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, July 8, 2013, regarding Item 10(l) is incorporated herewith to these minutes as Exhibit "6."

Councilor Ives said when this was before the Finance Committee, he had asked and the Committee approved a condition which would have required the applicant to bring in on a daily basis the construct for the outside patio area, which he has been advised is not in keeping with what we do at other similarly situated entities.

MOTION: Councilor Ives moved, seconded by Councilor Wurzbarger, to approve this request, without the condition called for by Councilor Ives at the Finance Committee, and with the amendment on page 5 in the Council packet.

CLARIFICATION OF THE MOTION: Yolanda Vigil, City Clerk, clarified that the motion included the amendment on page 5 in the Council packet, and Councilor Ives and Councilor Wurzbarger said yes.

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

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

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF APPOINTMENT OF MUNICIPAL COURT PRO TEM JUDGES PURSUANT TO §2-3.4 SFCC, Michael E. Vigil and Virginia Vigil. (Municipal Judge Ann Yalman)

Judge Ann Yalman said when she was before the Council the last time, she had indicated that she would need two more people, because she needs to have sufficient people to choose from to cover when she has to be absent. She said she is particularly proud to be requesting that these two people be appointed.

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

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

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

Against: None.

12. FOUNTAINHEAD ROCK/CERLETTI PARK:

- 1) **CONSIDERATION OF RESOLUTION NO. 2013- ____ (MAYOR COSS AND COUNCILOR WURZBURGER). A RESOLUTION DIRECTING STAFF TO ENTER INTO A NON-EXCLUSIVE TEMPORARY LICENSE AGREEMENT FOR 240 SQUARE FOOT AREA LOCATED IN THE AREA OF FOUNTAINHEAD ROCK NEAR THE WATER STREET PARKING LOT; AND DIRECTING STAFF TO SEEK APPROVAL FOR CONVERTING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT TO A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK." (PJ GRIEGO). (Postponed at June 26, 2013 City Council meeting)**

This item was removed from consideration by the sponsor.

- 2) **CONSIDERATION OF RESOLUTION NO. 2013-71 (COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR DEDICATING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT AS A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK." (BEN GURULE) (Postponed at June 26, 2013 City Council meeting)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, July 8, 2013, regarding Items 12a(1) and 12b(2) is incorporated herewith to these minutes as Exhibit "7."

Judith Amer, Assistant City Attorney, said, to clarify, Item 12a(1) didn't pass in either the Public Works or Finance Committees, but 12b(2) did pass both Committees.

Councilor Wurzbarger said, based on that reading, she would like to withdraw Resolution 12a(1) from consideration.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-71, with the amendment from staff [Exhibit "7"], and the amendments from Public Works as well.

DISCUSSION: Mayor Coss said he spoke with Mr. Cerletti, and she thinks this is a great idea.

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

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

Against: None.

13. MATTERS FROM THE CITY MANAGER

Mr. Snyder said Celeste Valentine has emailed the members of the Governing Body about scheduling a graffiti meeting to get input on how to move forward. He said she is trying to set up a meeting to get that input to incorporate into the plan, noting the consultant will be in town on July 24, 2013. He asked the Governing Body to let Celeste know when they are available to provide input.

Councilor Dominguez asked if there is any information Mr. Snyder can provide to the Governing Body prior to the meeting, commenting he has no information about the consultant, what he has done, or what he is proposing to do, other than eliminating graffiti, and Mr. Snyder said he will provide that information to him.

14. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7) NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, QWEST CORPORATION V. CITY OF SANTA FE, CASE NO. 10-CV-00617 IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Geno Zamora, City Attorney, introduced Zach Shandler, the newest Assistant City Attorney. He said Mr. Shandler is a graduate of the UNM law school and Santa Fe High School, commenting it is good to have another Santa Fe native on board. He said Mr. Shandler is a 13 year attorney, and comes to the City from the AG's Civil Division, where he was the Deputy Director of that Division. He said Mr. Shandler has extensive experience with boards and commissions, and he brings experience specifically in elections and ethics and inspection of Public Records Act cases. He said he will be assuming Jamison Barkley's old case load, as well as daily new assignments.

Mayor Coss welcomed Mr. Shandler to the City.

Mr. Shandler said it is an honor to work for the City.

Councilor Ives recused himself from participation in the executive session.

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, that the Council go into Executive Session for discussion of pending litigation in which the City of Santa Fe is a participant, *Qwest Corporation v. City of Santa Fe*, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico, in accordance with §10-15-1(H)(7) NMSA 1978.

VOTE: The motion was approved on the following roll call vote:

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

Against: None.

Recused: Councilor Ives.

The Council went into Executive Session at 5:40 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION. At approximately 6:00 p.m., Councilor Calvert moved, seconded by Councilor Rivera, to come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

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

Mayor Coss moved Items #15 and #16 to the end of the Evening Session

END OF AFTERNOON SESSION AT 6:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

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

Members Excused

Councilor Patti J. Bushee

Others Attending

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

F. PETITIONS FROM THE FLOOR

A copy of a letter to Matthew O'Reilly, Land Use Director, dated February 12, 2013, from Susan Turner, entered for the record by Susan Turner, is incorporated herewith to these minutes as Exhibit "8."

A copy of related City Code sections, submitted for the record by Susan Turner, is incorporated herewith to these minutes as Exhibit "9."

A copy of a letter dated July 3, 2013 to Stuart Jay Tallman, from Matthew O'Reilly, Director, Land Use Department, entered for the record by Susan Turner, is incorporated herewith to these minutes as Exhibit "10."

A copy of a flyer on The Santa Fe Community Farm, entered for the record by Susan Turner, is incorporated herewith to these minutes as Exhibit "11."

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

Susan Turner said her property adjoins the Gaia Gardens. She said, "No one is here tonight to argue the value or the beauty of gardens in our City. The question really is where do we locate them and how do we manage them. Here's some facts about Gaia Gardens. Grading for the project started in 2011. We had significant rains back then. Water came down the 3 acres like a small Colorado River and ran under my house, flooding my foundation twice. Gaia Gardens refused to consider this problem. After the grading came the seasonal laborers. They camped on the property from Spring to Fall in a couple of tents and a camper or two. They worked from 6:30 a.m. into the early evening hours, with the afternoon mostly lost. Total work force, with volunteers, varied from 4 to 18 to 20, depending on if a school class was there to help."

Ms. Turner continued, "And then a farm stand opened in the garden. They advertised the sale of their produce on public walkway. Now we had a commercial business in a residential neighborhood. Movie night, pot lucks, workshops and other classes for the public were running also. I want you to understand that this is a residential R-5 neighborhood. It doesn't allow for agricultural, crop growing or commercial business. Foot and vehicle traffic was on the rise as you can imagine. Next an open structure was slated to appear by the main garden. It was going to be used as a [inaudible] stand, a meeting place and even a café. We asked if they had a business license, Gaia Gardens people said yes, but in fact they have no license. Maybe they knew they exceeded the limitations for a home occupation license already. Thank you."

Ms. Turner said she has a green folder with handouts, containing her complaint, the violations, the Code and a section on our Santa Fe Community Garden [Exhibits "8," "9," "10," and "11."].

Marian Moser said, "I walk the Arroyo Chamiso bike path almost every day, and I live in the neighborhood of Gaia Gardens. 1) We have been researching what other communities and cities are doing in the area of urban farming. We can report that most are allowing community gardens on public lands, not private property, with access to public water. 2) They are having extensive public outreach on all issues with public input. This is at every step in the process. 3) The models are many and diverse, unique to every city, depending upon their size, needs and desires. I would like you to know Santa Fe Community Farms is an excellent example of urban farming in our City. It is located in an agriculturally zoned area off Agua Fria. Please try to go by and see what this incredible farm is doing. I feel that urban farming needs to be located in agriculturally zoned area for all the reasons that Ms. Turner has presented. Thank your attention to this important neighborhood issue."

Peggy Cornman said, "I have lived on the property for 33 years, directly across, right next to Gaia Gardens. There are many things that concern me about all of their ongoings, but the main one is the water. They are using a well on their farm and I'm curious as to how that well was appropriated for the usage, whether it is for irrigation, commercial irrigation, whether it's for domestic use or livestock. And in a third year drought they have doubled the square footage size of the garden, perhaps maybe the State Engineer's office could look into that for us if they had a mind to. The City Ordinance has ordinances or codes that have been enforced for many many years, and for good reason, and I commend the City's actions on these matters. Thank you."

Pria Davies, member of concerned citizens for sustainability. She said, "I have a hypothetical question for you this evening. If Santa Fe Greenhouse had moved onto the property that Gaia Gardens is on, what would you have done. They too, gave free workshops for the public. They were charitable and gave to the community and grew many beautiful green plants. You probably would have told them that they needed to be in a commercially zoned area, or would you have given them a home occupation license while they attempted to get either a special use permit or change the City Code. This neighborhood is residential and an agricultural commercial business does not belong here. Is anyone else concerned about draining the aquifer."

Stefanie Beninato said she has a question for Mayor Coss, and perhaps he can answer it right now. She said she has been talking to the Mayor about the third phase of the improvements at West Santa Fe Avenue and Galisteo Street, and he told he would get back to her, that he was waiting from a response from the staff. She said, "The last time I talked to you was at the beginning of June, now it's almost the middle of July. I'm wondering if your staff has gotten back to you. It's been about 4 months since I began asking you this question, most recently last week. So, has your staff gotten back to you, your honor."

Mayor Coss said, "I think they will be in touch with you Stephanie."

Ms. Beninato said, "Okay, in the next week or so, would you hope?"

Mayor Coss said, "I would hope."

Ms. Beninato said, in terms of Gaia Gardens, she is concerned about the water use there. She said the well is not metered [inaudible], she wonders how much water is being used. She said if the well was metered, she would feel a lot better about it. She said she doesn't think it is not really a community garden in any way, shape or form at \$5 per pound for vegetables. It is not serving the poor people in this community.

G. APPOINTMENTS

Board of Adjustment

Mayor Coss made the following appointment to the Board of Adjustment:

Donna Reynolds – to fill unexpired term ending 09/2013.

MOTION: Councilor Wurzburger moved, seconded by Councilor Ives, to approve this appointment.

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

Immigration Committee

Mayor Coss made the following appointment to the Immigration Committee:

Cecilia T. Tadfor – to fill unexpired term ending 02/2015.

MOTION: Councilor Wurzbürger moved, seconded by Councilor Ives, to approve this appointment.

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

Transit Advisory Board

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

Susan A. Masler – Reappointment – term ending 03/2015;
Cindy Montoya – Reappointment – term ending 03/2015; and
Garrett Robinson – Reappointment – term ending 03/2015.

MOTION: Councilor Calvert moved, seconded by Councilor Rivera, to approve these appointments.

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

H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF RESOLUTION NO. 2013-____ (COUNCILOR RIVERA, COUNCILOR CALVERT, COUNCILOR BUSHEE, COUNCILOR IVES, COUNCILOR DIMAS, COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ AND COUNCILOR WURZBURGER). A RESOLUTION PROCLAIMING SEVERE OR EXTREME DROUGHT CONDITIONS IN THE CITY OF SANTA FE AND RESTRICTING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF SANTA FE AND PROHIBITING OTHER FIRE HAZARD ACTIVITIES. (FIRE MARSHAL REYNALDO GONZALES)**

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to adopt this Resolution.

DISCUSSION: Councilor Rivera said with the recent rains he would like the Fire Department's opinion as to whether or not we need to continue with these restrictions. Fire Marshal Gonzales said, "At this time, we are okay lifting the restrictions and going back to our regular fire permits, and this is in conjunction with Forestry who also is lifting theirs, and we are classified now at a high risk, rather than very high or extreme, so I think with our current restrictions, we would be able to maintain safety for the public."

WITHDRAWAL OF MOTION: Councilor Calvert and Councilor Dimas withdrew their motion and second, respectively.

Councilor Rivera said he would like to ask that this Resolution continue to come up on a monthly basis, so we have the opportunity to look at to see if there have been changes with the conditions and then make a determination at that point.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to postpone this item to the second City Council meeting in August.

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

2) REQUEST FROM FRANCISCO S. ALVARADO FOR THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT TAQUERIA ADELITAS, 3565 CERRILLOS ROAD. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school and there are staff reports in the Council packets regarding litter, noise and traffic, and staff does not anticipate a substantial change in litter or noise or any unacceptable traffic impacts due to the approval of this request. Staff is recommending this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve the request for the issuance of a Restaurant Liquor License (Beer and Wine on-premise consumption only), to be located at Taqueria Adelitas, 3565 Cerrillos Road.

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

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

Against: None.

3) REQUEST FROM MORNING STAR/LUCERO, LLC, FOR A TRANSFER OF LOCATION OF DISPENSER LICENSE #2801 FROM EVOLUTION, 6132 4TH STREET, NW, ALBUQUERQUE TO BURRO ALLEY CAFÉ, 207 W. SAN FRANCISCO STREET. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the business is not within 300 feet of a church or school. She said Burro Alley Cafe's application includes outdoor seating areas. Majed Hamdouni, owner, currently has a lease agreement with the City for the outdoor seating area in Burro Alley, because it is City public right of way. The area is approximately 700± square feet. The lease allows patrons of the Burro Alley Café to congregate and consume food and beverages carried from the restaurant to the leased premises, including the sale and consumption of alcoholic beverages within leased premises with an accompanying meal. She said as a condition of approval, staff is requesting that the applicant be required to enclose the proposed outdoor licensed premise located in Burro Alley.

Councilor Dominguez said he isn't opposed to this request. He noted this is a license which is being moved from Albuquerque. He said he is fairly sure there is a State statute that says that provides that says liquor licenses are apportioned by population, in other words there are a certain number of licenses per so many residents in an area. He said he is wondering if this is a trend and we will start more and more liquor licenses coming from places like Albuquerque into Santa Fe.

Geno Zamora, City Attorney, said "With regard to that analysis, I can't provide you a direct answer at this point. However, State Alcohol and Gaming governs reviews, the transfers of these licenses, from county to county, and is aware of this transfer. Therefore, it would be my assumption, and I will do additional looking into this for the future on these issues. It is my assumption that they've already reviewed and approved this, and final approval is coming before us."

Councilor Dominguez said just because they've approved it, doesn't mean that they are necessarily following their own rules. He said if he can get that information it would be helpful. He asked if

legislation is needed to start including that in the packet or in the report from the City Clerk. He thinks it's important that we start to look at that, especially in light of what he hears that are happening at the State and getting rid of the quota system.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Calvert, to approve the request for a transfer of location of Dispenser License #28011 from Evolution, 6132 4th Street NW, Albuquerque, to Burro Alley Café, 207 W. San Francisco Street, with the condition of approval as recommended by staff.

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

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

Against: None.

- 4) **REQUEST FROM M2 PRODUCTIONS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF BEER AND WINE AT EL MUSEO CULTURAL DE SANTA FE, 555 CAMINO DE LA FAMILIA. THIS LOCATION IS WITHIN 300 FEET OF TIERRA ENCANTADA CHARGER SCHOOL @ ALVORD, 551 ALARID STREET. THE REQUEST IS FOR THE SANTA FE SHOW: OBJECTS OF ART TO BE HELD ON AUGUST 9, 2013 FROM 6:00 P.M. TO 9:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting there is a letter in the packet from Carl Gruenier, Santa Fe Public Schools, stating that the Schools have no position on this request.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at El Museo Cultural, for the Santa Fe Show: Objects of Art, on August 9, 2013, from 6:00 p.m. to 9:00 p.m.

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

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

Against: None.

- 5) **PLAZA BURRITOS, LLC, HAS REQUESTED THE ISSUANCE OF A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY), TO BE LOCATED AT THE BURRITO COMPANY, 111 WASHINGTON AVENUE. (YOLANDA Y. VIGIL) (Postponed at June 26, 2013 City Council meeting)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, the application includes an outdoor seating area, noting the owner currently has a lease agreement for the outdoor seating area, noting the Council just approved the amendment to the lease this afternoon which allows the sale of food and beverages, including beer and wine, within the leased premises. In accordance with correspondence from Jennifer Anderson, Director, Alcohol and Gaming, The Burrito Company's current configuration of the outdoor boundary fencing conforms with the State's requirements. Ms. Vigil said staff is requesting that the applicant be required to comply with all City Ordinance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve the request for a Restaurant Liquor License (beer and wine on-premise consumption only, to be located at the Burrito Company, 111 Washington Avenue, with requirements as requested by staff.

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

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

Against: None.

6) CONSIDERATION OF RESOLUTION NO 2013-72. CASE #2013-25. RANCHO SIRINGO RESIDENCES GENERAL PLAN AMENDMENT.

Items H(6) and H(7) were combined for purposes of presentation, discussion and public hearing, but were voted upon separately.

A Memorandum with attachments, prepared June 25, 2013 for the July 10, 2013 City Council Meeting, regarding Case #2013-25 Rancho Siringo Residences General Plan Amendment and Case #2013-26 Rancho Siringo Residences Rezoning to R-9, is incorporated herewith to these minutes as Exhibit "12."

A power point presentation *Rancho Siringo Residences General Plan Amendment Rezoning to R-9*, submitted for the record by staff, is incorporated herewith to these minutes as Exhibit "13."

A series of 6 color photo simulations of the site, entered for the record by Mike Duty, is incorporated herewith to these minutes as Exhibit "14."

The staff report was presented by Heather Lamboy Please see Exhibits "12" and "13," for specifics of this presentation.

A copy of the statement for the record by Marian Schreiber, entered for the record by Marian Schreiber, is incorporated herewith to these minutes as Exhibit "15."

Public Hearing

Presentation by the Applicant

Mike Duty, Architect, Duty & Germanus, was sworn. Mr. Duty said his presentation will take 10 minutes.

Mr. Duty, "I think Heather's report was fairly concise. I'll go over a couple of things briefly and tell you a little bit more about the development. As Heather indicated, this project, we started looking at it back in January. And we looked at the surrounding density which vary from R-5 to R-21, used to be RM1. And the first proposal we came in for was one-story units, because we felt strongly about this not being too much of an apartment feel. And we had about 45 people at the first ENN meeting. We got a lot of input and the concerns were... most concerns were about traffic, some concerns were about density and associated other issues."

Mr. Duty continued, "As a result of that meeting, we went back and we took a look at what we could do to reduce the density to respond to some of the concerns of the neighborhood and at the same time still have a project that was viable. And we looked at the general plan which was strongly suggested that we should adhere to by the residents. And as Heather pointed out, the general plan called for 7 units

per acre. And so we developed a plan based on the intent of the original zoning at 7 units per acre and that is why the overall density in this design is about 6.5. However, we have to ask for an R-9, because under the Zoning Ordinance, the flood plain can't be counted in a density calculation. And so that's why we're asking for an R-9."

Mr. Duty continued, using enlarged drawings to demonstrate the site, "The development is in two phases, a 14 unit phase 1 and 8 unit phase 2. I'll show you those, I think you're familiar with it, but Phase 1 is to the west and Phase 2 is to the east, with Yucca and Siringo Road in 'this' fashion. One of the primary concerns we wanted to do in this development, is we wanted to avoid, since there is somewhat of a predominance of single family surrounding this, as well as some high density apartments, we wanted to avoid the feeling of apartments, so we stayed with one-story. While this is a rental project, it does not look anything like apartments. What we have are one-story units, all units have garages, they are all two-bedrooms. Some are attached and in Phase 1 there are 3 buildings and in Phase 2 there's 4 buildings that are duplexes. The attempt here was to get something that had architecturally, at least, a feel of a single family attached, or a condominium type development, whatever you want to call it. We have gates for entry because security is a concern, both to this project and to the neighborhood. And there have been serious problems in this neighborhood from some of the high density developments to the west. We want to avoid any of that sort of thing."

Mr. Duty continued, "This project will be managed by the Santa Fe Civic Housing Authority as part of their overall holdings in the City. So you see some pictures there of some little vignettes [Exhibit "14"] of the appearance of the buildings in Phase 1. As I said before, it is a gated entry set back from Siringo Road along Rancho Siringo. And in Phase 2, the entry is set back from Yucca along Ranchos Domingo Drive. We have avoided all of the flood plains. We have gone ahead and pre-designed some of this for development plan, so the plan that you're seeing will meet the requirements and conditions that have been placed on us, and we feel confident that they will be easy to go through the development plan and get it finalized for all technical aspects. This project will be owned and operated, as I said, by the Santa Fe Civic Housing Authority and it will be built by Casa de Buena Ventura, which is a non-profit corporation working under the auspices of the Santa Fe Civic Housing Authority."

Mr. Duty continued, "It is not an affordable project *per se*, but there will affordable units. We will definitely meet the requirements of the ordinance for affordable. The Santa Fe Civic Housing Authority predominantly manages affordable housing throughout the City, but there are some smatterings of market units. And we're trying to develop some market units for the Housing Authority to help the bottom line."

Mr. Duty continued, "The neighborhood was somewhat concerned that it might be affordable, and there was some relaxation when we told them that it was going to be a market project. I think I would like you to know that Ed Romero is here, the director of the Santa Fe Civic Housing Authority, if there are any questions for him. And I think I would conclude my presentation and stand for questions."

Councilor Wurzbarger asked if the builder is local.

Mr. Duty said it is Casa de Buena Ventura is going to be built by Lockwood Construction Company which is a local company, and all of the subcontractors will be local.

Councilor Calvert asked Mr. Duty to point out the location of the natural drainage on the drawing.

Mr. Duty, using the enlarged drawing, said, "This area here is the flood plain. The drainage comes underneath Siringo Road in 'this' location and 'this' is the arroyo that proceeds in a south and westerly direction around the bottom of Phase 2. Phase 1 is unimpacted by the drainage, other than the flood plain, which is represented 'here.' This is the 100 year FEMA Zone A Flood Plain which is the requirement that we stay out of."

Councilor Calvert asked Mr. Duty if he observed any problems with the recent heavy rain that occurred in that area, or did he look at it during that period or afterwards and notice any concerns as the result of that.

Mr. Duty said he did not, commenting that he was rather busy checking the drainage around his office complex. He said he thinks what we saw was 100 year storm and we may not see another in our lifetime. He said in the late 1970s he saw one and remembers people sitting on the roof of their cars at the intersection in front of the Hilton Hotel, so we do get rains of that nature. He didn't go over to the subject site, however he did observe that the 100 year flood plain predicted in our development, did not reach those proportions even though it was a massive rain. It didn't do any damage in "our complex, because of the way we designed with arroyo and drainage, but it was a very heavy rainfall. But I did not go over to look at this."

Councilor Calvert asked if he went to the site afterwards to see if anything unpredicted had occurred.

Mr. Duty said he did drive by there yesterday morning, but he didn't walk it. However, he didn't see anything that occurred to him as being a unique problem that wouldn't be addressable.

Speaking to the Request

Mayor Coss gave everyone 3 minutes to speak.

Marian Schreiber, Rancho Siringo Road, was sworn. Ms. Schreiber said she lives south of the proposed development. Ms. Schreiber read her statement into the record. Please see Exhibit "15" for the text of Ms. Schreiber's statement. Ms. Schreiber urged rejection of the project.

Alvo Fossa said he hasn't much to add to Ms. Schreiber's fine statement, except to say that he too objects to these measures. At the meeting at the LaFarge Library this gentleman [Mr. Duty] reacted to our objections by *ad hominem* attacks, calling our objections NIMBY. He doesn't think it was a reasonable

rather unusual. He asked, "What is he gating off." He asked what appeal it will have for renters if these are units which will have their back yards on Siringo Road, and will they not decrease from market value homes to subsidized appeal. He said, "This will decrease the value of surrounding property and it is not appropriate. It also sets a precedent for increasing from R-1 to R-9, as the lady described, for the rest of the south part of town. And while a traffic study is not necessary for a small project of this nature, the next project, a small project here and there, which do not require traffic studies, they all add up, and you end up with poor planning altogether and you end up with a lot of traffic. There is no large picture of planning for traffic. And so I object, and I hope you will reconsider your approval of this measure."

Jill Foster was sworn. Ms. Foster said she lives about 4 blocks from the proposed Housing Authority Apartments, and she would please beg the Governing Body to deny the zoning change. It will really change the character of our neighborhood. Traffic on Yucca, Llano and Siringo Road already is already horrendous, it's probably busier than Cerrillos Road is during rush hour. She said, "We have a particularly long rush hour because of the schools, library and the college. Please, please vote no."

Patrick Varela was sworn. Mr. Varela said he has lived in the neighborhood since 1974. The arroyo in question in the subdivision had built a high retaining wall. On the other side there no wall, and there is a smooth slope to the property that they want to build on as Tract A. He said he and his other neighbors living on Rancho Siringo Drive are not against building. He said they agree that there should be some building, but the density should be maintained in the neighborhood as well as on Siringo Road. He said there have been other tragedies in the path, noting teenagers were stuck in the arroyo and had to be rescued. He said rocks and boulders get pushed in every years. He is concerned there will be another tragedy because of the higher density and higher population and the arroyo. He reiterated that they are not opposed to growth, and want more affordable housing, and that you will consider keeping the same density R-3 to R-7.

Joshua Gonzales was sworn. Mr. Gonzales said his property is adjacent to both tracts, and as Mr. Varela said, it isn't that they are against development, and the development is good. However, the density of that property needs to be reconsidered. He said, "It's not a big area and for them to put that many units won't look good, and if you guys would reconsider the traffic count, because the traffic is crazy already, and we can't get off Rancho Siringo Drive into Yucca, or on the other side where the other tract is, you hit that at 8:00 a.m. when school kids are coming in, you can't even get onto Siringo. So if you would reconsider those." He said others said things he wanted to say, but "if you could reconsider the rezoning on that and look at also the traffic."

The Public Hearing was closed

Councilor Dominguez said he has questions for both staff and the applicant. He said there is testimony about this being two properties, and in the packet there are two legal descriptions, and defined as both Tract A and Tract B. He asked, "Where in the Code does it regulate or talk about lot consolidation or how we manage I guess two legal lots of record."

Ms. Lamboy said, "The Code permits or allows for one project to be brought forward with several tracts of land. There are two tracts of land and they have their individual legal descriptions as attached in the bills. For the purpose of density the calculation was done, you saw my presentation, 3.44 dwelling units per acres overall. If you take individually, tract by tract, then the numbers would come out to total the same. So it is just for ease of presentation, but it does not change."

Councilor Dominguez asked if there is anything in the Code that speaks to that.

Ms. Lamboy said there is nothing in the Code that prohibits anyone from bringing a project forward that has multiple tracts.

Councilor Dominguez asked if there is anything the Code that speaks about how you calculate density with 2 tracts.

Ms. Lamboy said there is a section of the Code that discusses how density is calculated, and also, if you are in mountainous and difficult terrain, for example you have to reduce density. Also the flood plain is taken out, but the calculation remains the same whether it is one tract or two tracts. She said you take it individually and add those together, or take it over all.

Councilor Dominguez asked Mr. Zamora, with regard to the findings of fact and the discussion of that, in this case the Planning Commission has had with regard to density. It's something that is only identified on page 24 of the packet. He said for the most part, the conversations between the Commissioners were about some of the technical aspects of the project. There are other questions about who owns the property, what is the relationship is between Casas de Buena Ventura, the Housing Authority and the land owner. He said, "Is it really when, in the findings of fact it is indicated or stated that it is compliance with, in this case, density requirements or density statements, is that because there were no objections to it in the discussion at Planning Commission, so you're just assuming that it complies with Code with regard to density. In other words there is no real discussion in the minutes from the Planning Commission that speaks about density, except for one small paragraph. And yet in the Findings it is indicated as being in compliance."

Kelley Brennan, Assistant City Attorney, said the information in the packet on which they rely shows the density and indicates it is in compliance, and thus it is a finding that is material, usually to the general plan and the other things, and so it's usually put in there. They don't... I think they discuss density when variances are requested and that kind of thing that may, even though you can't get a variance for density, it may be affected by..."

Councilor Dominguez said then it is pretty much implied then.

Ms. Brennan said yes. She said, again the Findings take into account the things they discuss, but they also take many things in the packet for granted because they deal with it on such a regular basis, so there would not be a finding to that effect if there were not clear evidence on the record that it complied with density requirements.

Councilor Dominguez said he is confused about the preparation of the packet and the applicant's response to some of the requirements, and asked, "How would you define area. The reason I ask is because on page 6 of the packet, it basically describes the area as having, including institutional use and others, but in the applicant's response, when they define area they say that the area is entirely residential."

Ms. Lamboy said that is a value judgment which shows a different opinion between the applicant and me, as well as the staff. She said this was a team effort, because it includes Tamara's as well as Matt's opinions. The area in this staff's opinion includes abutting properties adjacent to and will be impacted by this development which would include the City facilities, the State facilities, the University of Art & Design, the tracts that will be accessed off the same roadways, Rancho Siringo Road and Rancho Siringo Drive, and Santa Fe High School. She said she took a broader perspective than the applicant did.

Councilor Dominguez asked the applicant to respond, noting it is pages 41-42 of tonight's packet. He said, "What it says is the applicant's response to the amendment and whether or not it changes the allowed uses... changes significantly different from or inconsistent with prevailing use and character in the area. Your response is pretty general, but you say this area is entirely residential of varying density. So how do you define area."

Mr. Duty said it is very important to the people in the neighborhood that this never be considered as anything but residential.

Councilor Dominguez said, "I'm asking what your definition of area is."

Mr. Duty said, "My definition, and the reason I responded that way, is because I consider Siringo Road an urban edge. And across Siringo Road we have non-residential uses as we all now. But this is fitting into the fabric of the neighborhood to the south of Siringo Road, which is a residential fabric. And so that's why I consider this to be a residential area."

Councilor Dominguez asked Mr. Duty how he responds to staff's statement that when they define an area they take into consideration properties that would have an impact on adjacent roads.

Mr. Duty said he is unsure he understands the question. He said he agrees with the staff's statements that across the road there are non-residential uses that help to generate traffic. They generate all kinds of things that aren't residential in character. He said this particular site is part of what he considers to be a residential fabric. And they made that clear to the neighborhood. He said there have been some attempts, according to the neighborhood, to develop this property in a commercial or retail fashion. And we are distinguishing ourselves from those attempts. This is a residential project.

Councilor Dominguez asked Mr. Duty what methodology he used to determine that you were going to consider this entirely residential, and that it is consistent with what is required in rezoning or a general plan amendment.

Mr. Duty said he stated that it was residential, as he said previously, because it is residential and it is surrounded on 3 sides by residential. The development across Siringo is not residential. He said he doesn't feel this development is part of that fabric, and he didn't want to be a part of extending a non-residential fabric into a residential neighborhood, commenting that he believes this should be residentially. He said he believes is an excellent use and approach in that regard.

Councilor Dominguez asked Mr. Duty again, what methodology he used. He said typically what we see is a map showing transition from high to low density, or the other way around, or it is indicated in a plan somewhere that although the general plan says one thing, the best planning concept would be something else. He asked, "How did you come to that conclusion that the density is adequate for the neighborhood."

Mr. Duty said the general plan itself identified this area as R-7, which is a medium density residential, and that is a transition from the non-residential uses across Siringo south into the neighborhoods. He said, "As you go south, you come to Siringo and to us, which we're suggesting we're following the intent of the R-7 Ordinance, even though it technically is an R-9, and as you go further south, you get in the R-5. We really don't have any R-1 around us. I think R-5 is about the lowest density. So this project is a transition from the non-residential use to the north to other residential uses in the south. Of course there are projects closer to us that are much higher in density which we really didn't really predicate our presentation on. As a matter of fact, we're trying to avoid that kind of development, so we did see this as a transition."

Councilor Dominguez said Mr. Duty just made a statement that this an R-7 in the general plan. He asked if it is R-7 or is it R-3 to R-7.

Ms. Lamboy said it is R-3 to R-7, with R-7 being the maximum number of dwelling units permitted per acre in that category..

Tamara Baer said, "To follow up on the Councilor's original question on density, if you look at page 81 of the packet, you will see how density is calculated separately for each of the lots, and in both cases, the lots are in compliance with the R-9 that is being requested. So you take the total acreage and remove

the flood plain acreage, and at 9 dwelling units per acre, Tract A on the left, we've allowed 14.436 units and Tract B to the east or to the right at 9 dwelling units per acre. Subtracting the flood plain acreage would allow 8.244. So we didn't combine them for purposes of density calculation, we just added them to give a total number for the report."

Councilor Dominguez said he wants to know where that is in the Code, so he can look at that himself, because some applicants decide to do a PUD when there's going to be a consolidation of lots. He was curious to find out how the City governs this prospect of consolidating lots.

Ms. Baer said, "The lots will not be consolidated."

Councilor Rivera said he has questions for John Romero. He said he read in the packet that there not enough units here to warrant a traffic study and asked if this is correct.

John Romero, Director, Traffic Engineering Division said that is correct.

Councilor Rivera asked how many units would require a traffic study.

Mr. Romero said the threshold they use is 25 peak hour trips, generating 25 cars entering or exiting the site during the a.m. or p.m. peak hours. He said the reason they create that is, as he explained in his Memo, when you have this small number of cars, when we do a capacity analysis at an intersection, the impact that the traffic study shows before and after development is negligible. It will show an added ½ second of delay, so it really doesn't show a whole lot of information they could do anything with.

Councilor Rivera asked if the fact that there are already traffic issues at this intersection factor into that at all.

Mr. Romero there is nothing they could quantify. He said generally speaking, there are some delays experienced specifically at Yucca and Siringo, but that is the case throughout all of Santa Fe, specifically with infill projects such as this. He said a general decision has to be made as to whether or not to continue infill where we have certain traffic congestion areas, or do we not.

Councilor Rivera said he assumes he looks at one project at a time, so when looking at whether or not to do a traffic study on this project, it doesn't factor into the future of the Higher Learning Center as well as future potential State development across the street from this location.

Mr. Romero said this is somewhat true. He said in the more sprawling type areas like Las Soleras or any of those areas they can do a comprehensive study to see how all those cumulative small developments that are going to occur will impact traffic, the kind of roadway infrastructure we have to build to accommodate that. He said this area is mostly built-out, with the exception of the Santa Fe Learning Center which will hit this area. He said they did do a traffic study and their traffic, relative to the peak hour, is fairly negligible. He said this is because the High Learning Center is a day long type of traffic

generation. The things that really impact peak hour traffic are schools, houses to an extent if there are a lot of houses, certain kinds of commercial such as office. He said there are certain ones which the traffic they generate is spread out throughout the day so much that it really doesn't affect the peak hour traffic times, where we experience our major congestion.

Councilor Rivera asked if they took into consideration what the future State development across the street may do to this.

Mr. Romero said no, and the difficulty with that is that we don't know what that is going to be. It's very hard to assume what they are going to do, if anything, on those State properties.

Councilor Rivera how many vehicles per unit were estimated at these sites.

Mr. Romero said we did it ourselves, and attached housing generates less traffic than detached housing. And the reason for that is just the demographic and when they go to work and when they come back from work, and it seems detached housing tends to house people that work more 8-5 types of jobs. He said as you get more attached and more dense, that doesn't happen, commenting they may be working in the restaurant industry where they aren't going to work during peak hours. He said the estimate for the entire project, which is both lots, and each lot will access its own separate roads, is 16 vehicles for 22 dwelling units, which is less than one per unit.

Councilor Rivera said many of these are 2 bedroom homes, and someone said that it is.

Councilor Rivera said he lives in a neighborhood which had similar vehicle estimates and said, "I can tell you it doesn't work out that way." He said they always have more vehicles than anticipated.

Mr. Romero said they have been told that, and they estimate traffic from residential through major commercial. The residential traffic is one that has been surveyed the most of any of them and has the most survey data. He said they have surveyed specific areas to see how they correlate with that, and "Our rates have been less than what we assume. We've done it for detached housing and for attached housing such as condos and/or apartment complexes, and it's been less. And that's for peak hour traffic, not to be confused with parking requirements. Sometimes people think there's not enough parking so you didn't estimate traffic enough. We're not estimating whether there is or isn't enough parking, but we're estimating how many cars are going to be coming in and out of these units during the a.m. and p.m. rush hours.

Councilor Rivera asked how much overflow parking and vehicles did the applicant estimate per unit.

Mr. Duty said, in the reiterated plan, Phase 1 has a total of 36 parking spaces for 14 units, noting the Code requires something less than 2 per unit, but we exceeded that by a good margin. Normally, with 14 units, we would require 28 spaces, so there are 9 additional spaces. In Phase 2, we have a total of 28 spaces which includes the garages which are to be used for parking, so there are 2-4 extra parking spaces in the smaller development. He said this may be one of the only developments in the City where

you can get rental housing with a garage, with a private courtyard and private back yard. He said this is highly distinguished from the apartment projects we see going up on the outskirts of town. There is a lot of need for rental housing, because of the nature of the economy and because so many of the rentals have been turned into condominiums, so this is filling a very strong. This will be one of the places you can live on an infill site, close to City services with 2 bedrooms and have your own front and back yard.”

Councilor Rivera asked if the overflow parking will be assigned per unit.

Mr. Duty said that hasn't been discussed. He said, generally speaking, assigning parking is not good idea unless it's very, very tight, and that's for commercial development. In residential parking the assigned parking is a little desirable. I anticipate everyone will have one assigned space by virtue of their garage, and probably would not assign the other spaces so it is flexible for people coming and going. He said there is more than adequate parking, much more than any development of this nature.

Councilor Rivera said that is under the assumption that everyone uses their garage for parking.

Mr. Duty said that would be required by management, and parking will not be allowed to be used for anything other than garages. He said that is administered in condo projects, it is enforced at Park Plazas, built in the 1970s and in a lot of developments. You cannot use the garage for anything other than a garage.

Councilor Trujillo asked Ms. Lamboy the current zoning for both pieces of property.

Ms. Lamboy said it is R-1 for both tracts.

Councilor Trujillo said he lives in this neighborhood and travels that road every day, and he sees the traffic that piles up every morning and evening when he takes his kids to school to DeVargas. He said this is his concern. He doesn't understand about the traffic study, considering everything coming to the area – the Higher Learning Center and the possible State property development. His concern is how much more traffic we're putting in the area. He said Siringo Road acts as an arterial route for people coming off Rodeo Road, Camino de las Campanas, Camino Carlos Rey. These are roads people use to get to this side of town as, technically, short cuts. He said he knows there is a need for rental housing, which is nothing new, and the residents of this neighborhood understand that, and they are not against development. It is nice that the neighbors see that need for development to meet that need. He asked the if there is a number lower than the R-9 which they could do and still make this project work. He knows we need affordable housing. He has always been open to infill, but he believes it should be consistent with the neighborhood to keep the neighborhood allure. He said Mr. Duty lived in Bellamah for years, and he understands that.

Mr. Duty said he lived in 3 different residences in this neighborhood 1976 to 2000, so he is very familiar with traffic. He said this is a heavy traffic intersection at peak time. He goes through there all the time during lunch or other times and there is no traffic to speak of. However, at the peak hours and when

school lets out it is a heavily trafficked area. He said this development doesn't contribute to that problem in any significance. He said that is what Mr. Romero has testified to. However, that doesn't take away the concerns residents have city-wide as well in the district.

Mr. Duty continued saying traffic is a city-wide concern, and Mr. Romero can respond to that. He said one thing we do in Santa Fe is we resist expanding these collectors. For example, the worst thing you could do to Old Santa Fe Trail coming into the Kaune's Market area is to widen the road. It would help the traffic a lot, but if it is widened, you get more traffic, because people take the passage of least resistance. He said more collectors developed or other things happen to these traffic patterns, it will stay the same. He reiterated that this development won't contribute to that significantly. He said anything developed on the land would be equal to or more than this in terms of traffic.

Mr. Duty said, "To Councilor Trujillo's question about cost, obviously there is no magic bullet. However, you take the cost of the land and the cost of the development and the costs of the projects, and the costs you bring to the table in terms of the type of unit you're trying to develop, and you divide it by the yield. And you get your cost and rental rate. At this stage, these projects already are at the upper end of the market rental rate, because we are giving them garages and private yards, so they will demand more, but they are still rentals. He said they could cheapen the development and reduce the density a little, but that isn't consistent with what they want to do for the neighborhood. We want the gates, security, garages, and this kind of development in infill in this location, and try to avoid what's happening elsewhere with 2-3 stories and there is no quality of living in that. This is a good quality of life for rental."

Councilor Ives said he is looking at the map on page 70 of the packet. These two parcels are functionally totally separate, with its own entrance, and share a 40 foot of common line on Siringo, and in Tract B that is across the arroyo and functionally attached. He said Ms. Lamboy has said adjoining tracts can be aggregated, and asked the size needed to aggregate them. He noted each of these tracts alone is less than 2 acres, and the only way you get to a plan amendment is by aggregating them, and he's just not cognizant of why they are being aggregated here, given the physical separation of the arroyo and two totally different entrances, and two totally separate properties. He is looking for a greater understanding.

Ms. Lamboy said think of a project acted on by the Council in the past for plan amendment and rezoning involving several properties, for example Tierra Contenta for instance in the 1990's which was an aggregation of a lot of properties which were related to each other, but not shared the same access, on a different street. However the rezoning and general plan amendments were considered and approved. She said this on a smaller scale, but it is functionally one project, with one developer. She said the density calculation works either way, whether one tract or two tracts. She said Section 14-7.2(B), the calculation of allowable units for this. She said we did have a staff conversation about general plan category classification of areas less than two acres. She said if this were less than 2 acres there would be cause for objection, but this operates as one projects.

Councilor Ives said he is speaking of the physical connection of the properties to one another.

Ms. Lamboy said there have been larger projects like Las Soleras which aren't physically connected, but are related, noting the arroyo that traverses Las Soleras, but there have been changes to the zoning and the general plan in that case, as well.

Councilor Calvert said the distinction Councilor Ives is making is that yes, Las Soleras or Tierra Contenta, any of the parcels joined together were than 2 acres. However, that isn't the case here, and that is the crux of the question being asked.

Councilor Wurzbarger she is unsure that is the crux of the question. She said in a hierarchy of issues, it appears to her that density is an issue, and if she understands the presentations of Ms. Lamboy and Mr. Duty, the density would not matter and would be the same if you didn't have to bring these together. She is not sure we need to understand why they were brought together, other than to save the trouble of going through 2 processes. She needs to go back to the hierarchy of questions, and asked if the density would be the same as if they had come in as A one week and B the next week.

Ms. Lamboy said the density would be the same if you considered them separately versus considering them together.

Councilor Dominguez said he respects the line of concern Councilor Wurzbarger has. He said you can look at the density in terms of area and acreage, but when you start to consider the flood plain and everything else, that density and the area you are able to build on may or may not change. He doesn't think staff has made that complete analysis yet, although the applicant may have, but he hasn't heard that. Generally speaking, in terms of acreage a certain density is allowed, but once you start to get the development plan in place and start looking at some of the details, he assumes that some of that buildable area may change and asked, if that is true.

Ms. Lamboy said the buildable area is outlined in the plan she provided on page 81 of the packet and it demonstrates developable area. She said the criterion in Code under calculation of allowable units states that a professional surveyor must survey the flood plain area to determine how much to take out of the overall acreage. She said that was done, and so the analysis was indeed done. This is the reason the applicant is requesting R-9 in this case, because the calculation of density at that point is 9 dwelling units per acre, instead of an overall.

Councilor Dominguez said, "Mayor, I stand corrected. It has been articulated in the plan."

Councilor Ives said it seems a relevant question, because under the general plan amendment analysis, Section 14-3.2(e)(1)(C) at the bottom of packet page 6, it says an amendment is allowable if it does not affect an area of less than 2 acres, and because each of these lots is less than 2 acres, if not aggregated, it seems there is an additional impediment to a plan amendment based on that language, and asked "am I reading that correctly."

Ms. Lamboy said this language doesn't say anything about an individual area of less than 2 acres. It is silent on whether it is 1 or 2 parcels, and she would defer to legal staff.

Councilor Ives asked what would happen if he wanted to take two pieces of property on either side of I-25, and brought it in as a single project, Tract A and Tract B.

Matthew O'Reilly said, although the project has only 2 parcels, what they are requesting to do is what we encourage people do in our Code, which is not to come in and do a spot zoning of one tiny parcel, but to rezone something that is a larger area. He said many times over the years, in Tierra Contenta and possibly the entire Zafarano/San Ysidro project, an individual parcel in the larger project may have been smaller than two acres. However, as an aggregate, the entire area they were requesting to rezone was larger than two acres. This is what the Code intends, and the intent of rezoning. He said this application is to rezone more than two acres, whether contained in one lot, or two or even five separate lots, each of which might be ½ an acre, it does comply with the Code.

Councilor Ives asked Mr. O'Reilly the same question he just asked of Ms. Lamboy.

Mr. O'Reilly said they would be considered part of a single rezoning application of property more than two acres.

Councilor Ives asked what would happen if he has a piece of property in District 1 and a piece in District 3, at opposite ends of the City.

Mr. O'Reilly said, "The properties would not be contiguous and adjacent to each other which is the intent of the rezoning, and the cutoff is two acres. So, no we wouldn't consider something on the East side and somewhere else to be part of the same rezoning application. In that case, each of those parcels would each, individually, have to be more than 2 acres. However, if contiguous and in total more than 2 acres is exactly what the rezoning criteria is intended to address, whether or not they were connected to roads separated them or not."

Councilor Ives said he is trying to figure out the logic here, because he is having a few problems with that. He asked, regarding the FEMA maps, if those maps were for the purpose of the documents on pages 81, 82, and 83, and were those based on what is in the packet at page 70, or how were they developed.

Ms. Lamboy said the subdivision plat that was approved on page 70 was from 1993. She said, "As you know, the FEMA maps are updated regularly, the last update in December 2012, and so this includes data from the most recent FEMA update, so it likely won't match exactly."

Councilor Ives noted the maps on pages 82 and 83 of the packet, and said he presumes "it is the 6-sided star area that is within that 2% chance zone that FEMA defined similarly back in 1993, or at least on that map at page 70."

Ms. Lamboy that is commonly referred to as the 500 year flood plain, and the other hatched area is the 100 year floodway. And the City Engineer actually commented that the 500 year flood plain is not necessary to be considered for development, the 100 year is what our Land Development Code Regulations are tied to.

Councilor Ives said when he looks at the aerial map showing the actual development in the area, which is immediately after the zoning map, and he looks at the R-21 and the R-12 there, and if you compare one to the other, the area that is marked R-21, appears to be about an R-4 or R-5 in actuality, and similarly the R-12 parcel also appears of about that same density. He asked if this a correct read of those.

Ms. Lamboy said the first R-21 area is of a lesser density than 21 dwelling units per acre. Those are single family, detached dwelling units, on an estimated 4,000 to 5,000 sq. ft. lots. So the overall density would be substantially less than 21 dwelling units per acre. On the R-12, those are two-story apartment buildings and so it would more likely be close to that probably 10 dwelling units per acre, and believes there are 4 units per apartment building.

Councilor Ives said the language in the Findings and Conclusions, talks about a graduation of housing densities from Siringo Road and institutional uses north of the road. He said in looking along Siringo Road, especially to the west, again his sense is that those properties probably are all R-3 or even less on the property adjoining Tract A to the west. He asked if that is a correct understanding.

Ms. Lamboy said Councilor Ives is correct.

Councilor Ives said in looking at the prevailing use and character of the area, he has more of a sense of R-4 to R-5, along Siringo Road than he does an R-9. He said the R-3 to R-7 is within the existing general plan. He is trying to understand the thinking that this would be consistent with the prevailing use and character of the area.

Ms. Lamboy said there is a large diversity of uses in the area, and in staffs' analysis, we felt this was an appropriate transition from the more high traffic Siringo Road to the single family residential development developed at a lower density than 21 dwelling units per acre and staff felt it was appropriate in this case.

Councilor Ives asked what is meant by high-trafficked Siringo Road.

Ms. Lamboy said there is a substantial amount of traffic on Siringo Road, no matter how you get around it.

Councilor Ives noted Ms. Lamboy talked about a gated entrance to the two developments.

Ms. Lamboy said, "I did not. The applicant did."

Councilor Ives asked if this is part of the proposal in this instance.

Ms. Lamboy said the applicant proposed that as a security measure. The issue will be developed at the development plan. There are provisions in the general plan that call for prohibiting gated communities and so that is open to further discussion. She said, "This is a rezoning hearing, and a general plan amendment where we are considering density, not site design very much."

Councilor Wurzbarger said there are clearly different opinions as to what "significantly different" means. She said she hates these situations when we get to the end, and we are hearing from one side that there was an accommodation, that we went from "however many units to however many units," and yet she is hearing from the community that your definition is 3 units per acre. She is curious about the process, how we got from that view to this point, and if there is any kind of medium ground where that could still work. She understands the numbers of putting a project together. She asked what happened process-wise. Did she miss something in the ENN. Is it a surprise to the developer, do the neighbors always have the position that there can only be 1-3 units on these two lots.

Ms. Lamboy said a lot of people attended the first ENN, and the numbers have been going down. She said after the first ENN held in February, the applicant went back to the drawing table, and then met with the neighborhood again, and there was a reduction from 30 to 22 dwelling units and other changes were made as well. She said the second ENN meeting was very positive. She said the applicant also had a development plan ENN meeting recently, which she didn't attend, but Tamara Baer did, and there was concern about specific site design details, and the environmental impact such as the things Ms. Schreiber mentioned earlier in the hearing. She said those issues really should be developed and vetted at the development plan level.

Councilor Wurzbarger said, "I would like to remind the Council, and the reason I am confused, is that this Council recently said its number one priority for the City was housing, particularly in an area where we have the universities and are wanting to have more young people, and people working at the hospital, and the number one was market rate rental. I am personally opposed to continuing to providing all of that on the south side of town, or in the County. I am really struggling with this and hope some of my colleagues can provide further information which will make this more clear to me. It appears we have competing objectives which we many times do. However, from a water perspective, transit perspective, quality of life perspective of continuing to move everybody out, out, out, out, gravely concerns her. And yet I am is concerned with what I am hearing about changes in the neighborhood, so I don't know if there is a compromise there that can be reached."

Mayor Coss said, "I think we're ready for a motion."

Councilor Trujillo asked Mr. Duty if there is a compromise, and if we could go R-3.

Ed Romero, Executive Director, Santa Fe Public Housing Authority, was sworn. Mr. Romero said after first ENN, they went back to the drawing board. They have a purchase agreement which says if we can “this” resolved we can do “this. The reason we’re pursuing this particular project is because it is a great infill project. When we did the West Alameda project it was everything’s going to be out on the west side of town. And in fact, members of the Council were worried that when we took down those units we would not “put them back where put them back.” We took down 140 units, and by the time we’re done, we’re going to have 150 units “where they’re at.” He said, “Better neighborhood, talked to the neighborhood, they like it. 30% increase in density in the neighborhood. And I’m not saying that’s a good thing or bad thing for this particular neighborhood and project. But what I would like to point out is that in the development process you have to build stuff that is sustainable. So if you cut off too many units and you still have to have a manager or a maintenance person, or somebody dealing with those units, you compromise the value of living there, the long term sustainability of the project.”

Mr. Romero continued, “So, when we went back to the table we said, okay, we’ll cut out 26% of the project. We thought it got back into a tighter unit. We thought we built nicer units. It changed potentially, the rental... the rents they have to pay. Also, the elephant in the room is we have 4 affordable units in this project. We still have to pay full price to build those affordable units, but we’re going to get \$600 or whatever that affordable rent is. So every time you shrink things, but you keep a number of affordable units, and I’m not saying that’s not a good idea, I’m just saying the pure economics of this thing makes it difficult to shrink a project too small to where you compromise the project. I believe that we are fairly close to where that is. The difference between 3 or 5 units at that site and 22 is pretty significant. So bridging that gap would kill the project, well not kill the project, it would just remove our entity from being a participant in that. Now I haven’t heard anything from the neighborhood other than 3 or 5.”

Mr. Romero continued, “And I’ve got to tell you the truth, the stuff we do is good stuff. It’s the best stuff in the State. We’re the best housing authority in this State, and we would not back down, and we’ve looking at plans. And I’ve sent plans back to the architect several times saying, this is not cool enough. We want something a little nicer, that kind of thing. And they’ve responded with something that we think really works. My fear though, is in the effort of shrinking it to a certain level that is acceptable to the neighborhood is going to compromise its viability, and it is also going to make it very difficult for us to do it. It also means that means we have to go back to the owner of the property and say, okay, yeah, well, now we have to look at this. Because, initially I’m looking at this much land cost in my project, now this much land cost on each individual unit could potentially double or triple. So I would love to compromise with the neighborhood. I think we’ve gone a long way in that regard, but I don’t know how much is enough.”

Mr. Romero continued, “And I fear that every day we have more kids in this town, every day we have more units and people that need to live close to St. Michael’s, close to the high school, and to all that cool stuff that’s happening on that college campus. Putting them down at the end of Airport Road just makes our problems difficult. And I’m not saying that this neighborhood should take all of that responsibility, but you’ve got to start somewhere.”

Councilor Trujillo said he isn't denying that the Housing Authority does a fabulous job. He said his concern has been throughout the city, and not just because this is his district. He said, "I've always tried to be fair any time we have these developments, and keeping what the neighborhood looks like, and being able to work with that. So what I'm saying is R-3 here, R-5, R-5, R-5, R-3, so there are a number of different zonings. The R-21, as Councilor Ives pointed out, it's an R-21. But yet, it looks more like an R-4 or R-5. The R-12, I can understand that, because that is apartments. And I did have concerns about those apartments when the past Council put that in, was that the right thing to do back then. So when I see R-3 all along Siringo Road, I do see an R-5 across, and there is of course the design phase. That's my whole thing, is keeping all neighborhoods, not trying to take anything away from any neighborhood, but keeping them the same in those R's, because I just don't want to see sprawl. I just don't see R-9 happening in that section, just because we have the flood plain. You can say with the River... I've seen that River, and I saw it from the pictures people had showed me. And I said, yeah, it may have been the 100 year flood we good. But who's to say we won't get another 100 year flood next week in these developments. Those are my concerns."

Councilor Trujillo continued, "Also with the traffic, you know that, as somebody who lives here in Santa Fe, you know the traffic patterns that go there, especially during the morning peak hours and the evening peak hours. That's my whole concern is keeping the allure of that neighborhood in contact with development. And Ed, you should feel lucky, because you've come here sometimes and people don't even want it in their neighborhood at all. Okay, here you have neighbors that understand that there should be some infill, just one that is comparable to the neighborhood."

Councilor Dimas said you talk about affordable housing, but he hasn't heard how many square feet these units will be and what they actually will cost.

Mr. Romero said they should be 800- 860 sq. ft., and the cost to build is roughly \$80,000 to \$100,000 per unit, with rental of \$800 to \$1,000 per month, depending on the market. He said, like any apartment complex, there will be special incentives for the first people who move in. And then there will be 4 affordable units at the site in the \$600 to \$650 range for monthly rental.

Councilor Dimas asked, hypothetically, if you would agree to go to R-3, how many units would that cut from this project.

Mr. Romero said it would cut 13 units from the project from the 22 units.

Ms. Lamboy said that is a quick calculation not excluding the flood plain, so it actually could have a greater impact, but based on 3.44 acres, it would be roughly 9 units total, less the flood plain.

Mayor Coss said it would be less than 9 units.

Mr. Romero said if it is 8 units, then we would have to come back and calculate the new requirement for affordable units, which would be 1-2 units. So the market units are paying for the cost of building and maintaining the affordable units. He said this is one of the issues in creating the economies of scale here.

Councilor Dimas said he could support R-3, but R-9 density is too much for that particular neighborhood. He said he lived in that neighborhood at one time and the traffic there is horrendous. He said, "John, it's nothing to do with you, but you didn't do a traffic study there. But I don't know if you've ever done a traffic study there during the peak hours of Santa Fe High, Nava Elementary, DeVargas Middle School, and now we're going to have the new 4-year college that's going in across the street from that area. There are kids walking back and forth across the street from Santa Fe High School. Even with just 22 new units, whatever it is, whatever traffic that adds will add too much traffic in my opinion. So I can't support it at R-9, but if we could compromise, and not even compromise, I would support R-3, if we could do R-3 in that area, but that would be about the only thing that I would support at this point."

Ms. Lamboy said, "To follow up on your inquiry, we subtracted the flood plain and calculated the allowable amount with an R-3 zoning, which would be 6 dwelling units total for both parcels. And because the way the Development Code is, it would mean that no affordable units would be provided. They're exempted."

Mr. Duty said, "There is no abutting property at R-3. If we were to go to R-3, we would be the lowest density in the immediate area. All of the abutting property to this development are R-5, and higher. R-5, R-12, R-21. So, it is true there is R-3 further down the street. I used to live in an R-3 down on Practillano. But in this immediate area, we are not surrounded by R-3. There is no R-3 abutting our property. R-3 would be actually a reduced density."

Councilor Trujillo asked what R-5 would give them.

Mr. Duty said for R-5, if they use the area without the flood plain, the most restrictive way of looking at it, it would give them, on site in Phase A, it would give us 8 units as opposed to 14 units, which is a reduction of 6 units. On Tract B, not counting the flood plain, it would give us 4 units, we would lose 4 units. He said, "If we didn't count the flood plain, and I'm not lobbying for that, because I can read the Code. When the master general plan is put into effect, it's not analyzed on a site by site basis, relative to flood plain. So the general density of Tract B, if we included the flood plain in the calculations.... well it would be, at 5, 7.75 units, so we would only lose one unit, or .25, but we can't round up. On the other side, there is one if we included the flood plain. It wouldn't be as big a difference, but we would have 9.4 units."

Mr. Duty continued, "So, depending on how you want to look at it, I think for the type of thing we're trying to do, and I didn't mention, and perhaps I should have, and I don't know that this anything to do with exactly what we're talking about, but it has to do with the cost. We're going to go LEEDs certified on this

project, and we're going to get as high as we can. As you know, on what we've done for the Housing Authority before has been LEEDs platinum which is unheard of in an apartment project. And on our latest project it's net zero. And, on this project, we're going to get as high a LEEDs rating as we can."

Mr. Duty continued, "Now that's maybe not a big deal, but it's a cost issue and it's a quality of life issue and it's a quality of construction issue, because, the thing to remember is that the Santa Fe Housing Authority hangs onto and manages these projects over a long period of time. Typically, apartment projects get built, somebody hangs onto them and takes the tax deductions for 3-6 years, and they sell them into the secondary market, and then you get your less than sterling developers and managers. That's not the case here. These are very high quality and that's why the density is important. In order to get this kind of quality, the density is necessary."

Mayor Coss said, "Let's get back to the Council here, or we'll have to reopen the hearing. Is there a motion on the general plan or the zoning. I guess, first would be the General Plan. Just an observation, if you stayed at R-7, you wouldn't need to modify the general plan."

Councilor Dominguez said, "I'm not going to make a motion, but I have some comments. So, I guess, first of all I appreciate the Applicant coming forward with this project. I understand the passion that the applicant has and the quality of work that they've done in the past. I think, as Ed has said, they definitely go above and beyond really what is required sometimes in some of their building concepts. And I appreciate the fact that this will be distinguished project, as the applicant has mentioned. But this has been a troublesome piece of property for many, many, many years. This goes way back to even when I was on the Planning Commission. It's just a troublesome piece of property – the location of it, the fact that there are drainage issues, a south side that is growing and continues to grow. And this Governing Body, in the past has denied affordable housing projects before. It's kind of like the argument about, was it fracking. You know, fracking brings lots of [inaudible], but who cares about what it does to the environment. Just because it's affordable housing doesn't necessarily give it a free pass, if you will. I think that the Governing Body in the past has been concerned about not only the quality of life, but those folks who are going to live in the affordable housing, but the quality of life of the surrounding neighborhood as well."

Councilor Dominguez continued, "I also certainly appreciate the comments with regard to the economies of scale. I understand that. I respect that. The reality is that it costs money to do projects in this community, and so again, I respect that, and I appreciate that. I know that Ed, you're a numbers guy, you have those numbers crunched already and I certainly appreciate that as well. But I'm not sure if this project, at this density anyway, is really in the best interest of the neighborhood. That's my main concern, the details, the technical aspects of it, like traffic or like sewer or like the problems with drainage, I think are things that are going to have to be mitigated by any applicant, whether it is this one, or anyone else, some of those things, not all of them."

Councilor Dominguez continued, "And so staff, through its technical review will get to those things, but my main concern is really the density. And I appreciate what Councilor Wurzbarger said earlier, with regard to, well, there is a need for affordable housing in this community. There is a need to diversify that affordable housing in this community. We need to be able to have that workforce that we are going to have one of these days, for all of the jobs that we're going to have one of these days, to be able to live somewhere. Having said that though, it's that balance between that and those impacts, versus what the impacts are going to be on the neighborhood and on the community. And so I appreciate the idea that there would be some sort of compromise as well."

Councilor Dominguez continued, "I don't even believe that the methodology in determining what is appropriate density has been applied here. Staff uses one definition of what an area is, the applicant uses something else. And I disagree with the applicant. I think that those properties that are north of Siringo Road are part of the fabric of the community and that neighborhood, and I think they need to be considered. Good, bad or indifferent, they certainly need to be considered and mentioned in the applicant's application."

Councilor Dominguez continued, "I also wanted to say I appreciate staffs' comments about lot consolidation and the discussion that we've had here tonight. The reality is, is when you look in the Code, there is no definition of lot consolidation. And so I agree with the logic in terms of why the application is brought forward the way it is, with the two separate lots and it being one application. I understand that logic, but there is no definition of lot consolidation in our Code, at least I couldn't find one. So having said all of that, I think that a [inaudible] density and if this is going to be something that's denied, I think it has to be part of the Findings of Fact, that [inaudible] density is not consistent with the fabric of the neighborhood and that it is something that is too impactful."

Councilor Dominguez continued, "So, I just wanted to make that statement Mayor. That's really where my position is. I believe, and I have heard from the community, they're saying they don't believe that there should be no development there. I think they want something that is reasonable and that they can accept, so having said that Mayor, I'll just leave somebody else to make the motion, a motion."

Mayor Coss said, "We're still in search of a motion."

Councilor Wurzbarger said, "May, I, on your point. Let's continue the discussion for a moment. Again, I want to clarify my perception of what I understand the community will accept, and basically it is single family homes, not rental to look like they're homes. And that means, and I'm just saying... I want to be sure we understand what the choices are before us, rather than... I would personally be willing to do, for the rental housing objective, if we could work out something, we'd have to give direction to go back and work it out. And, I'm not the queen of affordable housing, and you know that. I'd be willing to be give up affordable housing units, because what this housing study shows is, not only affordable housing, but that we need rental units.... that people have lost their homes, they don't have places to live. We have less than 1% vacancy. So I don't know if there's anything we could do with that. It's not, and I'm just going to abstain from this."

Councilor Dominguez said, "It's not argumentative. I certainly agree with you, that's something that why I say I appreciate the project in that's aspect. It's been said many times, in many different ways. And it's just even affordable rental units. We don't have enough market rate projects."

Councilor Wurzbarger said, "Would that work, and would that still be acceptable in terms of definition, which I think, if we went to R-5 which is, excuse me, if we look at that, it is R-5."

Councilor Dominguez said, "No I understand. I understand. But in it's totality, I don't know if this is going to make a... how much of an impact is it going to have on that market. And I guess, just a procedural question, Mayor, in terms of notice and whether or not we can negotiate here on the..."

Mayor Coss said it probably is not a good idea.

Councilor Dominguez said, "So maybe some direction to staff."

Mr. Romero asked, "Give us a couple of minutes to come up with a little compromise. I would like to talk with Matt and make sure that what I'm offering might work and maybe we can meet somewhere in the middle on this, closer to our number than to 3, but maybe the neighborhood would like it. Just for the sake of one last shot at this project."

A woman approached the podium and asked to speak.

Mayor Coss said, "The public hearing is closed, but let's swear her in. We've been a little loose here."

Maura Rieland, was sworn. Ms. Rieland said she lives about ½ mile as the crow flies from this proposed project. She said, "I can honestly say that for the last month and a half, there have been two rental properties that have not been rented on Camino Chueco, and so there is rental property available in the area, and I'm not certain what the rent is, but neither of those houses have been rented, so there is rental property available."

Responding to the Mayor, Councilor Wurzbarger said, "We're working on something here and waiting to hear from...."

Mr. Duty said, "Is it in order for me to address you."

Mayor Coss said yes.

Mr. Duty said, "R-7 which would not require an amendment, would be 11 units on site A and 6 units on site B. If we were proposing that density we would not be asking for a general plan amendment and we can build at that density. Mr. Romero feels that we can build at that density."

Mayor Coss said, "What you're offering is to..."

Councilor Wurzbarger said, "Point of clarification on that."

Mr. Duty said, "14 goes to 11 and 8 goes to 6, and that brings us within the confines of R-7."

Mayor Coss said, "Then we wouldn't need to vote on the general plan amendment and you would be satisfied with an R-7 rezoning, instead of an R-9."

Mr. Duty said, "Yes sir."

Mayor Coss said, "So, that's on the table, but we still don't have a motion to approve R-7."

Councilor Wurzbarger said, "We're asking the City Attorney for an opinion. For purposes of discussion, rather than us sitting here out of order, I'll make the motion for approval for R-7."

Mayor Coss said, "I think we're in order to approve something less."

Councilor Wurzbarger said, "I've asked for clarification with respect to the affordable issue from the City Attorney."

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, with respect to Case #2013-26, Rancho Siringo Residences Rezoning to R-9, to approve the request for R-7 zoning.

DISCUSSION: Mayor Coss said, "Geno do you have an opinion on this."

POINT OF CLARIFICATION: Councilor Wurzbarger said, "Point of clarification from Mr. Duty, please, or from Mr. Romero, is the suggestion with the affordable housing units."

Mr. Romero said, "We are an affordable housing entity and we would keep the affordable housing."

CLARIFICATION OF THE MOTION: Councilor Wurzbarger said that is my motion, maintaining the affordable housing units, reducing from the original proposal by, what, 60% and seeing how people react."

Mayor Coss said, "From R-9 to R-7."

Councilor Wurzbarger said, "Right, which does not require a general plan amendment."

Mayor Coss said, "Adoption of Ordinance No. 2013-28, would be approved from R-9 to R-7, right Yolanda."

Ms. Vigil said, "Yes. Councilor would you include all of the conditions of approval."

Councilor Wurzbarger said, "Yes. All conditions."

DISCUSSION: Councilor Calvert said, "I think the original proposal, I understand we have to take into account the flood plain, but the original proposal would have been, in actuality like R-7, but you had to take into account the coordinated Code, so they needed an R-9. However, you still would have had, especially with Tract A, you would have had the flood plain partly as a buffer, between that project and the neighborhood. Also as you see, across the City in many areas, north, south, east west, along the busier streets, usually have a transition zoning. Because, if you didn't, then no neighborhood would ever have anything next to it other than residential. You would never have commercial. You would never have apartment buildings. You would have none of that if there was no transition at some point from what the residential unit is, to what it is along a busier street."

Councilor Calvert continued, "So I think that the zoning that was being proposed offers that transition. R-9 sounds like a lot, but it is because we have to fill in the flood plain. But I think what you're seeing a reaction to here is one bad apartment complex and everybody's reacting to that and saying, that's what we're going to get and maybe we don't want that. And I appreciate that. I guess I would ask that if there's a problem with a particular apartment, we work with the neighborhood to find out what those problems are and try to mitigate or get rid of the problems, especially if related to crime. But I don't think that should be the determining factor in this project going forward, especially when they will have professional management which is what we've asked in a lot of projects. I think this compromise is more than reasonable. I think the original proposal was good, but I think this one is more than reasonable."

CLARIFICATION: Yolanda Vigil, City Clerk, said then the motion would be approving R-7, maintaining the affordable housing units and all conditions of approval as applicable.

RESTATED MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, with respect to Case #2013-26, Rancho Siringo Residences Rezoning to R-9, to approve the request for R-7 zoning, maintaining the affordable housing units, and with all conditions of approval as applicable

VOTE: The motion failed to pass on the following Roll Call vote:

For: Councilor Calvert and Councilor Wurzbarger.

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

Explaining his vote (first): Councilor Ives said, "Yes, for the moment."

Explaining his vote (second): Councilor Ives said, "I will say no, just because I'm still unsatisfied on traffic issue."

Mayor Coss said, "Then we're back to H(6) and H(7) needing a motion. Or, Geno, what happens if there is no motion and we just go on to our next item of business.

Geno Zamora, City Attorney, said, "It would be cleanest, if the purpose is to deny, to deny and end it at this point and not leave it in limbo. Either deny or postpone, but the effect of not acting on it is an implied denial."

Mayor Coss said, "So it would be cleaner if, given the last vote, if we just had a motion to deny."

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to deny Item H(6), Case #2013-25, Resolution 2013-72, the request for the Rancho Siringo Residences General Plan Amendment.

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

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

Against: Councilor Calvert and Councilor Wurzburger.

7) CONSIDERATION OF BILL NO. 2013-28: ADOPTION OF ORDINANCE NO. 2013-28. CASE #2013-26. RANCHO SIRINGO RESIDENCES REZONING TO R-9.

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to deny to deny Item H(7), Case #2013-26, Ordinance No. 2013-28, the request for the Rancho Siringo Residences Rezoning to R-9.

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

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

Against: Councilor Calvert and Councilor Wurzburger.

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of July 10, 2013, is incorporated herewith to these minutes as Exhibit "16."

Councilor Dimas

Councilor Dimas said he has no communications.

Councilor Dimas said David Leyba, retired City Police Major, passed this past weekend. He sends condolences to his family and his sorrow at their loss. He said when he was the Police Commissioner, David Leyba was a Major in the Department. He said he will be missed.

Councilor Calvert

Councilor Calvert introduced a Resolution authorizing and supporting the submittal of the City's project applications to the Santa Fe Metropolitan Planning Organization for funding under the federal fiscal year 2014/2015 Transportation Alternatives program for pedestrian enhancements to Cerro Gordo Road and the Santa Fe River Trail. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

Councilor Rivera

Councilor Rivera thanked Jody, Joe and Maria from the media department for working at the Community College to simulcast the Granite Mountain Hotshot Memorial yesterday. They did a great job.

Councilor Rivera said his were kids involved in a traffic collision on Saturday, the youngest and second oldest. He said he worked on the Fire Department for years, but it's different when it's your own kids. He said he would like to thank the Fire Department and the Police Department for the great job they did taking care of his kids and reassuring the family that they were going to be okay.

Councilor Rivera thanked the Parks "weed eating' Crew. He said they put a weed eater on his back and let him cut weeds on Paseo del Sol West, commenting he was sore for a few days after only 2 hours of work. He said it gave him a new perspective of what this Crew does and an appreciation of what they do. He asked the City Manager to convey his thanks and appreciation to them.

Councilor Ives

Councilor Ives said thanked the Street crews for their work after the rain event on Monday night. He said one neighbor's rain gauge measured 2 inches of rain in 45 minutes. He said there was significant arroyo damage on a number of the roads in Sol y Lomas, and the crews got out quickly and graded the roads and did a great job.

Councilor Dominguez

Councilor Dominguez invited everyone to the Ninth Annual Santa Fe Trail Jam this weekend, 5:30 to 8:30 p.m. This is an event that started with a few guys in what was once "the middle of nowhere," and building a track for them to ride their BMX bicycles. He invited the entire Governing Body. He said there are quite a few sponsors, including the City of Santa Fe Recreation Division and the City Outdoor Recreation Section. He said this is a cool event and part of the Red Bull Dreamline series, and there will be two pro athletes there, including Anthony Napolitan, the "Kobe Bryant" of that sport. He is the only person who has been able to do a double front flip on his bicycle in the X-Games. The other is Mike Hooker, the main rider for the Red Bull Dreamline series. He said 250 people attended last year, and a lot more are expected this year. He said Dreamline will hold its televised event August 6th and 9th in Angel Fire, New Mexico. He would like to get that event here in the City at some point in the future.

Councilor Dominguez said in August he will be doing a "walk and talk," like his previous "meet and greet." He will getting with staff to do some PR and a press release.

Councilor Dominguez said people have asked him about the pink shirt he is wearing. He said he has been wearing pink shirts in remembrance of his mother as well as recognition of Breast Cancer and Breast Cancer awareness. His goal is to wear a pink shirt to every Council meeting.

Councilor Trujillo

Councilor Trujillo thanked the all the crew that was involved in the renovations and maintenance to make Ft. Marcy shine for the all-star game. He said the Santa Fe Fuego hosted the all-star game, which was attended by 1,300 to 1,400 people who traveled to the game, who came from New Mexico, as well as from Texas, Colorado and other parts of the United States because their kids were playing here. It was a great game, a great weekend. He hopes Santa Fe will become the host of the all-star game every year. He noted that the North, the side the Fuego was in, won the all-star game.

Councilor Wurzburger

Councilor Wurzburger asked Mr. Snyder to thank the Parks staff and everyone who helped make July 4th so special. She really liked the flowers, commenting the way City Hall looks right now is amazing.

Councilor Wurzburger said there are 3 major art events this weekend in Santa Fe, beginning with the Folk Art Market, and said it is great to bring your children, noting there are free passes for kids. She said Art Santa Fe is opening on Friday with major, contemporary art from around the world. She said Site Santa Fe is having a new exhibit this weekend. She said it is necessary to take the shuttle to the Folk Art Market or you could walk or bicycle, or park at the PERA Building.

Mayor Coss

Mayor Coss introduced a Resolution accepting the recommendations of the LEAD Task Force and directing staff to develop an operations plan and explore funding mechanisms to establish and implement a three year LEAD/Pre-Booking Diversion Program in Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."

Councilor Dimas asked to cosponsor the Resolution, and Councilors Wurzburger, Ives, Calvert, Dominguez, Trujillo and Rivera asked to be added as cosponsors as well.

Mayor Coss congratulated the Folk Art Market on its 10th Anniversary. He said there is a free concert on Thursday night at the Railyard, which is the kickoff for the Market.

Councilor Wurzburger said since it is the 10th Anniversary, we are very happy that 4 of the creative cities out of the 34 who are folk art cities are coming for the Folk Art Market. She and the Mayor will be meeting with them tomorrow morning to prepare for meetings later this year, and they will be here throughout the Market. She said the cities represent Japan, China and Korea

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:35 p.m.

Approved by:

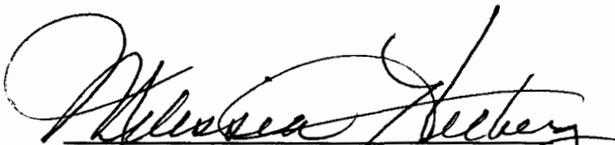


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
July 10, 2013

The governing body of the City of Santa Fe met in an executive session duly called on July 10, 2013 beginning at 5:45 p.m.

The following was discussed:

- 1) In Accordance with the New Mexico Open Meetings Act, §10-15-1(H)(7), NMSA 1978, Discussion Regarding Pending Litigation in Which the City of Santa Fe is a Participant, Qwest Corporation v. City of Santa Fe, Case No. 10-CV-00617 in the U.S. District Court for the District of New Mexico.

PRESENT

Mayor Coss
Councilor Calvert
Councilor Dimas
Councilor Dominguez
Councilor Rivera
Councilor Trujillo
Councilor Wurzbarger

ABSENT

Councilor Bushee
Councilor Ives (Recused)

STAFF PRESENT

Brian K. Snyder, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Kelley Brennan, Assistant City Attorney
Marcos Martinez, Assistant City Attorney

There being no further business to discuss, the executive session adjourned at 5:55 p.m.


Yolanda Y. Vigil, City Clerk

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 8, 2013**

ITEM 7

REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT FOR CANYON ROAD PARKING LOT WITH ROMAN SALAZAR, DULY APPOINTED AND ACTING TRUSTEE OF SALAZAR SURVIVOR'S TRUST, IN THE AMOUNT OF \$55,000 (PJ GRIEGO)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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

Exhibit "1"

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 8, 2013**

ITEM 13

REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND ELEANOR CASTRO AND ARQUIMEDES CASTRO DBA THE BURRITO COMPANY TO CORRECT CLERICAL ERRORS IN AGREEMENT AND ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE WITHIN LEASED PREMISES ADJOINING 111 WASHINGTON AVE. (EDWARD VIGIL)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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



THE REGIONAL COALITION
OF LANL COMMUNITIES

Exhibit "3"

About the Regional Coalition

*Founded in
2011

*Formed
through a Joint
Powers
Agreement

*All
participating
governments
provide
funding for the
RCLC's
operating
budget.

- The **Regional Coalition of LANL Communities (RCLC)** is comprised of eight cities, counties and pueblos surrounding the Department of Energy's Los Alamos National Laboratory (LANL).
- The Regional Coalition works in a regional partnership to create **one voice** to ensure national decisions incorporate local needs and concerns.



Priorities of the Regional Coalition

- **Environmental Remediation:** Monitoring levels of federal and state funding provided for environmental cleanup and advocating for increased funding.
- **Regional Economic Development & LANL site employment:** Working to train local residents for jobs available at LANL and creating economic opportunities around LANL.
- **Ensuring Consistent Federal Funding for LANL:** Working in partnership with others to emphasize the importance of long-term LANL budget stabilization for our communities.



Snapshot of LANL's Investment in the County of Santa Fe

- 1,845 LANL employees and contractors live in Santa Fe County.
- As of February 2013, \$177,650,934 in annual base salaries was being paid to LANL employees (excluding contractors and craft employees) in Santa Fe County.
- In FY12, LANL purchased \$10,391,916 in products and services from Santa Fe County businesses.
- In FY12, LANL employees gave 1,719 volunteer hours to various STEM initiatives in Santa Fe County.
- In 2012, students in Santa Fe County received a total of \$108,000 in scholarships from the Los Alamos Employees' Fund.
- In 2013, LANS/LANL contributed \$73,668 to the Santa Fe Children's Project through United Way of Santa Fe County.
- LANS invests \$100,000 a year in Santa Fe Community College to support the College's Advanced Technologies program.



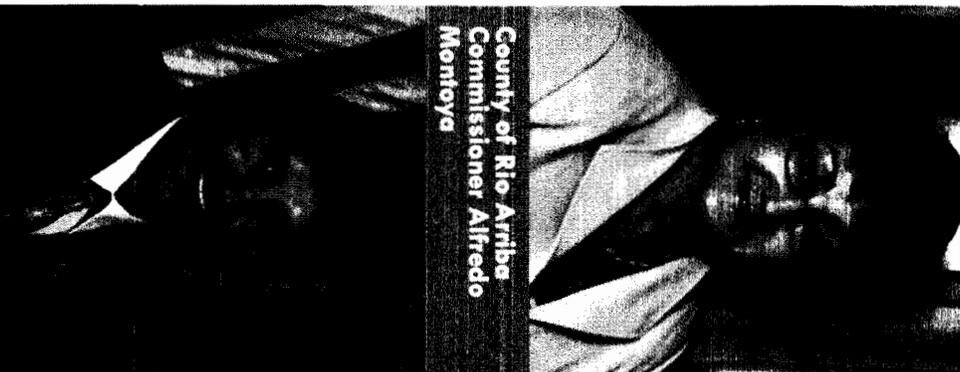
Board Members of the Regional Coalition



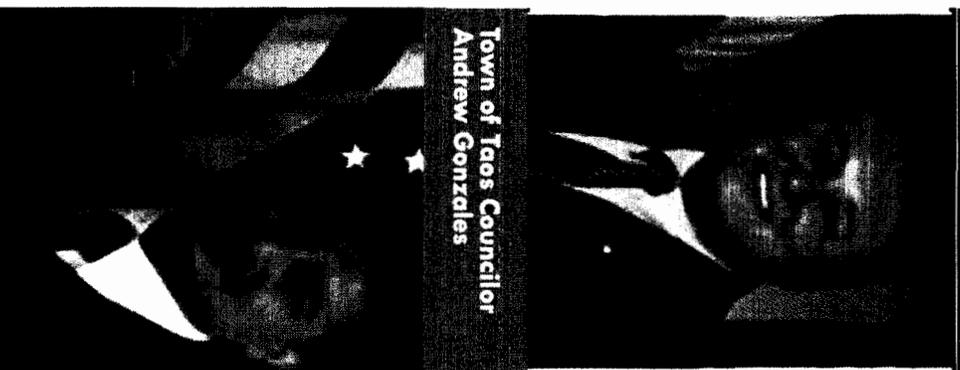
**Chairman: Mayor
David Cass**



**Vice Chair: Mayor
Alice Lucero**



**Secretary/Treasurer:
Danny Mayfield**



**Los Alamos County
Councillor Fran Berling**



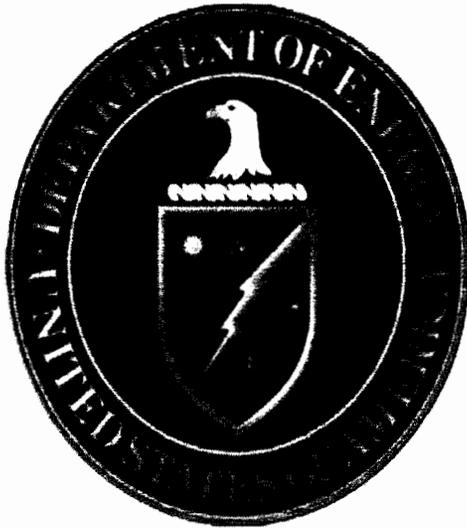
**Pueblo of Ohkay
Owingeh Ron Lovato**

**County of Rio Arriba
Commissioner Alfredo
Montoya**

**Town of Taos Councillor
Andrew Gonzales**

**Taos County
Commissioner Tom
Blankenhorn**

Regional Coalition Funding



Contribution from the U.S. Department of Energy

- FY13 - \$100,000
- FY14 –Regional Coalition DOE funding included in Administration's FY14 DOE Budget



2012-2013 Major Milestones

- Hired MVM Group in August 2012
- Designed new logo & branding for the Regional Coalition
- Professionalized Regional Coalition's meetings & materials
- Set up the Regional Coalition's infrastructure, including creating by-laws, election of officers and adoption of an operating budget
- Created a community listserve & website to ensure compliance with the Open Meetings Act
- Ensured legal & financial obligations met
- Facilitated the finalizing of the Pueblo of Ohkay Owingeh as a Board Member to the Regional Coalition



Developed User-Friendly Regional Coalition Website

[Home](#)[About](#)[Meetings](#)[Members](#)[In the News](#)[Contact Us](#)

City of Española, County of Los Alamos, County of Rio Arriba, City of Santa Fe, County of Santa Fe, Town of Taos, County of Taos & Pueblo of Ohkay Owingeh

The Regional Coalition of LANL Communities proactively addresses issues of the neighboring cities, counties and pueblos directly affected by LANL site activities. By working together, our governments are better poised to define the public interest and to work with DOE, NNSA, contractors and Congress to ensure that state and federal policies protect and promote local interests.

[Meeting information](#)

Meeting Information

The Coalition typically meets the third Friday of every other month at 9:00 a.m. Meeting locations

Receive Updates

Sign up here to receive updates, including meeting notices, from the Regional Coalition of LANL

Contact Us

Executive Director, DeAnza Sapien
The MVM Group

Provided Accessible Board Meeting Information



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[Meetings](#)

[Members](#)

[In the News](#)

[Contact Us](#)

Meetings



Mayor Coss and Senator Heinrich April 2013

(Click on the following links for more pictures of the RCLC's meeting with Senator Heinrich)

[Image 1](#) [Image 2](#) [Image 3](#)

Upcoming Meeting Notice

Meeting Minutes

[March 2013 RCLC Board Meeting Minutes](#)

[February 2013 RCLC Board Meeting Minutes](#)

[January 2013 RCLC Board Meeting Minutes](#)

[November 2012 RCLC Board Meeting Minutes](#)

[September 2012 RCLC Board Meeting Minutes \(PDF 190 kb\)](#)

[August 2012 RCLC Board Meeting Minutes \(PDF 305 kb\)](#)

[June 2012 RCLC Board Meeting Minutes \(PDF 409 kb\)](#)

[May 2012 RCLC Board Meeting Minutes \(PDF 57 kb\)](#)

[March 2012 RCLC Board Meeting Minutes \(PDF 154 kb\)](#)

[February 2012 RCLC Board Meeting Minutes \(PDF 63 kb\)](#)

[January 2012 RCLC Board Meeting Minutes \(PDF 37 kb\)](#)

Governing Documents

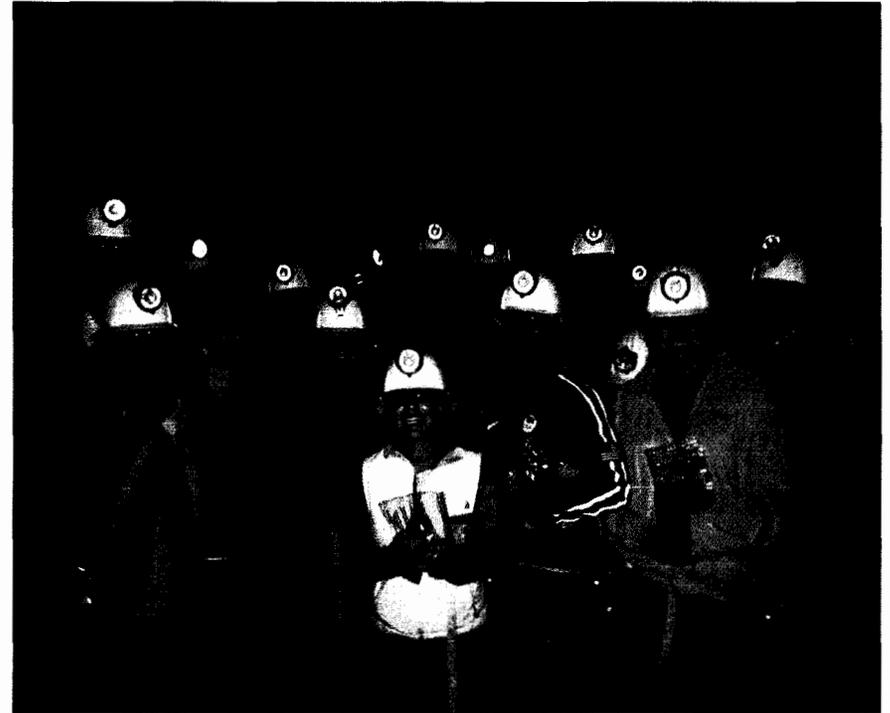
[Joint Powers Agreement \(PDF 363 kb\)](#)

[Bylaws \(PDF 118 kb\)](#)

[Open Meetings Resolution \(PDF 77 kb\)](#)

Major Milestones (cont.)

- Helped the RCLC become an effective advocacy organization
- Provided strategic direction and policy expertise
- Adoption of federal legislative priorities
- Created greater transparency with a variety of stakeholders
- Toured the Waste Isolation Pilot Project (WIPP) in Carlsbad, NM



Forged Strong Regional Partnerships



Increased Profile of Regional Coalition



- Regional Coalition Pleased with DOE Reprogramming of LANL Clean up Funding
- Pueblo Joins Regional Coalition of LANL Communities
- Coalitions Requests Support for LANL Funding
- Regional Coalitions Decries Funding Cuts, Call on Congress to Restore Full Funding to Protect Jobs and the Environment



- What to Do with Nuclear Waste?
- Udall Pushed of Assurance on LANL
- LANL's local spending fell by a Third in 2012
- Pueblo Joins regional Coalition of LANL Communities



- Regional Coalition Cracks WIPP
- From Dust of CMRR, A New Path Emerges
- Coalition Adopts by-laws



THE TAOS NEWS

Named Best U.S. Weekly Newspaper by the Nat'l. Newspaper Assoc. 2007, 2008

- Town of Taos joins the Regional Coalition of LANL Communities

THE SANTA FE
NEW MEXICAN

WWW.LANLFORNMEXICAN.COM

- Coalitions Pays a Visit to D.C.
- For Now, Good News

Federal Legislative Outreach

- Hosted meetings with New Mexico Congressional Delegation
- Advocated with the US Department of Energy for Cleanup funding for LANL:
 - FY 13 Re-programming
 - FY 14 Budget
- Support for Manhattan Project National Historical Park
- Active Member, Energy Communities Alliance



Meeting with Senator Heinrich



State Legislative Outreach

House Joint Memorial 5 Los Alamos Area G Cleanup

- Requested the U.S. Department of Energy fully fund the completion of cleanup and remediation of LANL's Area G.
- Requested that DOE provide a status report to the Radioactive and Hazardous Materials Committee during the 2013 legislative interim.
- Passed March 14, 2013.

House Memorial 71 National Job Support and Funding

- Urged NM's Congressional Delegation to support continued or increased federal funding for NM's national laboratories and DOE facilities so that they can continue their national missions and remain critical partners in the economic welfare of NM.
- Passed March 6, 2013



Questions?

Executive Director DeAnza Sapien

deanza@regionalcoalition.org

Deputy Director Yasine Armstrong

yasine@regionalcoalition.org



**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 8, 2013**

ITEM 15

REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A GUN SAFETY PUBLIC SERVICE ANNOUNCEMENT (PSA) CAMPAIGN TO PROMOTE GUN SAFETY AWARENESS BY PLACING PSAs ON SANTA FE TRAILS BUSES AND BENCHES (MAYOR COSS AND COUNCILOR BUSHEE) (JON BULTHUIS/CHIEF RAEI)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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

Exhibit "4"

**ACTION SHEET
CITY COUNCIL MEETING OF 07/10/13
ITEM FROM FINANCE COMMITTEE MEETING OF 07/01/13**

ISSUE:

15. Request for approval of Amendment No. 2 to Lease Agreement – Allow for Sale and Consumption of Beer and Wine within Leased Premises Adjoining 31 Burro Alley by San Q LLC; City of Santa Fe and Bokum Burro Alley LLC and San Q LLC. (Edward Vigil)

FINANCE COMMITTEE ACTION:

Requested approval as amended; Amendment No. 2 to lease agreement to allow for sale and consumption of beer and wine within leased premises adjoining 31 Burro Alley by San Q LLC with City of Santa Fe, Bokum Burro Alley LLC and San Q LLC.

SPECIAL CONDITIONS OR AMENDMENTS

Required to bring perimeter fencing in and out on a daily basis.

STAFF FOLLOW-UP:

1) Bring barriers in at night
2) Space for walkers and bikes
3) Uniform rules – City Clerk, City Attorney and Alcohol and Gaming

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	Excused		
COUNCILOR CALVERT		X	
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

3-19-12/FCMissue

Exhibit "5"

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 8, 2013**

ITEM 14

REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AND BOKUM BURRO ALLEY LLC AND SAN Q LLC TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE WITHIN THE LEASED PREMISES ADJOINING 31 BURRO ALLEY (EDWARD VIGIL)

PUBLIC WORKS COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JULY 8, 2013**

ITEM 16

FOUNTAIN HEAD ROCK/CERLETTI PARK

- a) REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ENTER INTO A NON-EXCLUSIVE TEMPORARY LICENSE AGREEMENT FOR 240 SQUARE FOOT AREA LOCATED IN THE AREA OF FOUNTAINHEAD ROCK NEAR THE WATER STREET PARKING LOT; AND DIRECTING STAFF TO SEEK APPROVAL FOR CONVERTING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT TO A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK" (MAYOR COSS) (COUNCILORS BUSHEE AND WURZBURGER) (EDWARD VIGIL)
- b) REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR DEDICATING THE CITY-OWNED LAND AROUND THE WATER STREET PARKING LOT AS A CITY PARK AND NAMING THE NEW PARK "CERLETTI PARK" (COUNCILOR BUSHEE) (BEN GURULE)

UBLIC WORKS COMMITTEE ACTION: Disapproved A and Approved B as Amended

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

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

Exhibit "7"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO SUBSTITUTE RESOLUTION NO. 2013-__
Fountain Head Rock License/Cerletti Park

Mayor and Members of the City Council:

We propose the following amendments to Resolution No. 2013-__:

1. On page 1, line 15, *delete* "is 240 square feet that"
2. On page 1, line 17, *delete* "240 square foot"

Respectfully submitted,

Staff

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Mr. Matthew O' Reilly: Director

February 12, 2013

Office of Land Use-

Department of Inspection and Enforcement

Mr. O' Reilly,

We come before your office: individuals of the residential community that surrounds "**Gaia Gardens**": 2255 Paseo de Los Chamisos, in Santa Fe-- an area that is under the jurisdiction of your office. The intention of this communication is to provide a written complaint and a narration of the details of a presently escalating concern that urgently warrants the attention and interventions of your office. Thank- you in advance for your time and attention to the issues thus provided in this document for your review.

We have endeavored on multiple occasions over the eight months to reliably present in detail issues of concern regarding "Gaia Gardens". We have come to your department on at least six separate occasions beginning in July of 2012 to report our concerns. We discussed the majority of the following issues with several employees. We did this because we clearly felt that this situation required the attention of The Santa Fe Land Use Department. We met with one of your employees in mid-December and that person took immediate action and proceeded to inspect the property. The results of this inspection are not completely clear to us. We believe that some sheds were red tagged and the property was given a violation for trash and debris. The occupants have continued to construct these same sheds subsequent to this inspection. Therefore, given the complex issues that have continued unabated related to this enterprise, and most importantly the presumed illegality of its inception and evolution occurring in our residential setting prompts an urgent request that an inclusive investigation be undertaken, and an immediate halt required of any further development of this large scale for profit agricultural production.

BACKGROUND:

The property in question is a 3.5 acre site that sits in back and off of the *Arroyo Chamisos Bike Trail* and fronts Paseo de los Chamisos Street. It is zoned as R- 5, as is the surrounding neighborhood. The property is presently known to be "in foreclosure," and related litigation- (First Judicial District Case No. D- 101-CV-2012-00681).

We believe that a portion of this property: (Southern gate area) may be a part of a 100-year flood plain.

The property has numerous structures, such as the main house, a casita, apartments and many large sheds. It is reported that there are at least 6 plus rental units. Some of these have been described as being in disrepair. Six large sheds stand next to each other; one "shed" structure is outfitted with electricity, another was used as a "make shift" dwelling that housed one or more individuals.

Mr. Stuart Jay Tallmon- the land- owner brought and placed a large manufactured dwelling onto the land several years ago. He did so illegally, without applying for or the issuance of a permit

from your office. The structure was initially used as school for approximately six months and later as a summer camp for more than twenty-five children, both without a requisite provision of a "special use permit". At that time many individuals verbalized their concerns regarding the school's presence by telephone to your office, to no avail.

Beginning in 2011, Mr. Tallmon, brought heavy equipment onto his property, and over a period of several weeks multiple tons of rock and dirt were witnessed to be moved. It soon became evident to homeowners living on adjacent properties, that Mr. Tallmon was effectually creating a private road, as well as a building site. Once again Mr. Tallmon was operating in violation of land use laws, as there was no application for or issuance of a permit for the grading and restructuring of land provided by your office. Once again, a verbal report of complaint was delivered to The Land Use Department in person- with the focus being the impact Mr. Tallmon's unsanctioned alteration of the native watershed would have upon adjacent homes, as well as the integrity of the watershed in general. Consequently, due to the renegade disruption of the native lay of the land, the subsequent damage to the watershed resulted in the flooding of a foundation and a crawl space of an adjacent home.

PRESENT CONCERNS:

- 1.) **Residential Zoning:** The property, as are others in the surrounding community, is classified as a zone: R- 5. Gaia Gardens has endeavored on a massive scale to produce agricultural crops including fruits and vegetables that have been subsequently marketed to the community without a requisite license to do so. The produce sales are conducted from a small open structure that is placed on the Southern portion of the lot, also without issuance of a permit. It is understood that the only permit Gaia Gardens has applied for and received is one to sell at the Farmers' Market. This indicates that they are aware of the procedure and requirement of the City Code to have such permits.
- 2.) **Absentee Land Owner:** The individual responsible for the presumed to be illegal commercial activity taking place in a residential community is not the owner of the property. No formal agreement or contract is known to exist with the owner, who is now residing out of state.
- 3.) **Agricultural Use:** R-1 through R-6 zones are not sanctioned for agricultural use, or as the Code states: "...for crop production." The enterprise Gaia Gardens has been growing fruits and vegetables on a scale of massive productivity for the past year on Mr. Tallmon's property. The square footage of the farming venture is believed to exceed approximately 10,000 square feet. (note code number 14- 6.2 (H) (I). Gaia Gardens organizer calls the Gaia Gardens a "production farm" in the New Mexican article dated 8/3/2012.
- 4.) **Size and Scope of Project:** By all appearances, as well as from data derived from testimonials published in articles about "Gaia Gardens" in the local newspapers, it is evident that the person orchestrating this project has every intention and has already

formulated plans to evolve his personal enterprise into a visionary example of: educational center, community center, and what he terms a: "new form of community." According to the website authored by "Gaia Gardens" leader, a large commercial type of greenhouse as well as a new fruit stand are in the immediate works, the new fruit stand is intended to be the focal point that will serve as a cafe, community meeting place, and a venue for the sales of the products borne of the commercial "farm." These features are prohibited in R-5. (see attached photos of rendering and statements referencing to this plan).

- 5.) Home Occupation: What is clear is that there has never been an attempt to meet the qualifications required of a "Home Occupation" business. The City Code on Home Occupancy is distinctly clear in depicting the necessity of adherence to mandated guidelines for home businesses to thus ensure that the integrity and cohesion of residential areas is respected and preserved. As you are aware the adherence to the code guidelines controls volume of vehicular traffic and parking, hours of business operation, number of employees, placement of business signs, size of accepted space accommodation for home occupancy and more. Of course, the most important requirement is that the intended businesses meet the guidelines, be approved by the City Government, and become registered as such in order to operate. **Gaia Gardens has by all accounts exceeded the definition of Home Occupation in every respect, and has made clear in all future plans of operation to continue to exceed these restrictions.** For one example, Code #14- 6.3(D)(2)(c) (iii) restricts employees to two additional individuals beyond the family that occupy the residence. Numerous individuals are engaged working on the "farm", during extended hours of the day and night, including weekends. Not only do the workers start in the very early hours they frequently work into the night, sometimes picking by means of car lights shining on the garden. Nearly every restrictions noted under the Home Occupation guidelines continue to and are consistently violated. For example, Code # 14- 6.3(D)(2)(d)(ii) mandates that "nothing incidental to the conduct of a home occupation shall be constructed, installed placed, parked or stored on a residentially zoned lot on which a home occupation is being conducted if it is visible from any adjacent or neighboring property and if it is not in keeping with the residential character of the neighborhoods surrounding the lot." The infraction in this regard is really too numerous to mention, such as stacks of equipment, piles of lumber, dozens of garbage bags of debris, and various garden equipment all over the property. Guidelines also mandate the limiting of signs to one, with specifications regarding acceptable size allowances. Gaia Gardens has two signs and one of which exceeds the distinct specifications. "The Farm" occupies greater than the allowance of 25% of the property, but since The Code refers to dwelling square footage, there is lacking clarity to determine how this would translate to agribusiness land use. Also, at any given time, vehicles are parked on both sides of the street near the subdivision area.

6.) Other Prohibited Activities:

(a) Gaia Gardens hosts workshops, classes in martial arts and has movie nights scheduled for Mondays and Wednesdays.

(b) Throughout the summer and fall months of 2012, the property was used as a makeshift campground- numerous individuals on a continual basis were camping in tents, and various types of mobile units. An outdoor "kitchen" was constructed, with an accompanying "port- a -potty". (see attached photos and references.) WWoofers: willing workers on organic farms, (traveling volunteers who work without pay, in exchange for campsite provisions and meals.)- were present on the property. Again, there have been no permits issued for this designation in a residential domain. Noise and sanitary concerns were issues for neighboring properties.

(c) Gaia Gardens has planted small garden plots outside their boundaries, near the entrance to their farm stand. They have also created pathways and "shrines" outside their property line.

7.) Health and Safety Issues: The property continues to be an "eye- sore", and a possible health hazard. Trash consisting of garbage, barrels, wood scraps, brush, retired piles of building materials, various equipment etc. is piled in various areas on the property. Also, the apartments or structures in disrepair are a possible health and safety issue. Another safety issue arose when a dead rabbit was found on the road of the adjacent property. The organizer of this enterprise admitted that he had stuck a pellet gun through the chain link fence and fired, destroying a rabbit. He left the carcass for the neighbors to remove from their property. This particular road serves as a drive way for multiple families with small children who play outside during the daytime, and it serves as ingress and egress for public use, most notably of walkers.

CONCLUSION:

Communications have been rendered to your office beginning in July of 2012. At the least, six conversations in your offices have taken place with the presentation of the majority of the content of this document conveyed. As a result of inactivity in providing a reliable investigation, and cessation of illegal activities-- in the interim the degradation of our property values may have ensued, as well as a gross invasion of our quality of life as homeowners. We were subjected among other things to the noxious smell of twenty plus tons of manure being spread over the property, loud speakers playing music at high volume, an audibly engine running a manure tea machine in operation all night, debris from the stirring of dust and dirt after the use of heavy machinery and cars parking on both sides of the street when various activities are being held on the property (they instruct their visitors to park on the street).

We were dismayed to find an article published in the New Mexican stating that the City awarded Gaia Gardens for their recycling efforts. How is it that an award can be offered to a business that has no business licenses, no permits, and that is operating illegally?

Another concern that is being researched is the well and water rights or restrictions. When that work is completed we will submit the pertinent information to your office.

The code does not give preferential treatment to any type of business: instead it is guided to stimulate and promote local businesses, and thus afford a balance with the rights of residential owners and protect their investment and equity. Presently, we do not feel that our neighborhood character or stability is being protected as the code dictates. The fact that this enterprise is an agricultural use of the land and the selling of produce is a commercial activity in an R-5 zone leads us to ask for an immediate halt of all areas of progress where Gaia Gardens is concerned.

According to Code #14-11.3 we understand that this complaint will be properly recorded, investigated promptly and then action will be taken if warranted. The code does not define "promptly", so we are requesting a response from your office within the next three weeks.

Respectfully,



Susan E. Turner, Contact person

1704B Llano St., #216

Santa Fe, NM 87505

505-438-4766

The following few pages are copies of related City Code sections. Please note that Mr. Piottin's uses would be considered commercial since he sells his produce. Agricultural uses for commercial purposes are only allowed in the Rural Residential district and then as a Special Use. Mr. Piottin's farm use we believe does not comply with the Home Occupation regulations due to the size and scope. To date, he has not applied for such permit.

the standards for when the *governing body* may order the undergrounding of existing, new or *replacement* utility lines of any voltage due to public health and safety reasons. Such determination shall be considered by the public regulation commission in approving a statewide rate increase.

(8) **Administrative Procedures**

To the extent necessary to carry out the provisions of this subsection, the *governing body* may adopt administrative procedures and policies by resolution.

(9) **Enforceability**

To the greatest extent possible, the provisions of this subsection shall be construed in a manner most consistent with any and all valid and enforceable franchise agreements executed by and between various entities and the *city*.

(H) **Agricultural Uses**

(1) **Agricultural uses for noncommercial purposes that are *accessory uses* to a permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance and shall meet all other applicable *city* codes.**

(2) **Agricultural uses for commercial purposes are restricted as set forth in Table 14-6.1-1; however, the following commercial agricultural uses are specifically prohibited:**

- (a) **mink and poultry production; and**
- (b) **feedlots.**

(I) **General Provisions**

(1) **The *governing body* or planning commission may further regulate *uses* in planned districts or impose conditions on those *uses* when it approves a special use *permit*, master plan or *development* plan.**

(2) **Additional regulations concerning *uses* may be located in the special use *permit*, master plan or *development* plan for a particular *property*.**

14-6.3 MULTIPLE PRINCIPAL USES; ACCESSORY USES OR STRUCTURES

(A) **Multiple Principal Uses**

More than one type of *principal* use may be located within the same *building* or on the same *premises*, if each use complies with all applicable provisions of Chapter 14.

(B) **Permitted Accessory Uses and Structures**

(1) **General Provision**

In addition to the *principal* use or uses allowed by Chapter 14, land and *structures* may be used for *accessory* uses, including those specifically listed as permitted *accessory* uses in Table 14-6.1-1 or in this section.

(2) **RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-1, C-4, and HZ Districts**

- (a) **The following *accessory* uses and *structures* are permitted in the RR, R1-R-6,**



City of Santa Fe, New Mexico

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

www.santafenm.gov

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Ronald S. Trujillo, Dist. 4

July 3, 2013

Stuart Jay Tallmon
2255 Paseo de los Chamisos
Santa Fe, NM 87505

Via FIRST CLASS MAIL &
E-Mail to: tallmondad@yahoo.com;
poki@nodilus.com

Re: **NOTICE OF VIOLATION – Dated June 7, 2013**
2255 Paseo de los Chamisos - Lots 31-A-1, 31-A-2 & 31-B of the Los Chamisos Subdivision

Dear Mr. Tallmon:

As suggested by my letter to you dated June 21, 2013, staff of the City of Santa Fe Inspections & Enforcement and Technical Review Divisions performed inspections of the above referenced property on June 27, 2013. The purpose of these inspections was to address Items 1 and 2 of the Notice of Violation dated June 7, 2013. The results of these inspections were compared with all previously issued construction permits for these properties. Based on the above, staff has determined the extent of plumbing, mechanical, electrical, and general building construction work that has been performed in and around the structures on this property without required permits and, in addition to this unpermitted construction, staff has also identified a number of plumbing, mechanical, electrical and terrain management code violations that require correction. Conditions and corrective actions are listed below:

This following is organized on building by building basis for your reference:

Accessory Structure (Previous Permit #08-1351)

SFCC 14-3.11(A): Electrical and plumbing systems have been installed in this building without required permits. Permits and inspections of any required corrections are required for this structure. In addition to general compliance with building codes, the permit must address proper ventilation and verification that the plumbing waste line discharges to the City of Santa Fe sanitary sewer system.

Storage Sheds on West Property Line

SFCC 14-3.11(A): These sheds have been installed on the property without required permits. Some or all of the sheds appear to have been used as dwellings and office space. Electrical wiring had been previously extended to these sheds. Permits for all sheds are required. These structures are not suitable for use as dwelling units; such use is prohibited.

Storage/Cistern Pump/Outdoor Cooking Structure

NEC Article 334.15: Non-metallic cable must be protected from physical damage by the installation of running boards or the cable properly re-installed in the exposed framing;

Exhibit "10"

Stuart Jay Tallmon

July 3, 2013

Page 2

NEC Articles 404.10;
406.5; 406.6: Switches and receptacles shall be mounted and securely fastened in place and have cover faceplates installed at each location;

NEC Article 210.8(A);
250.30(C): Indoor and outdoor electrical receptacles lack ground fault circuit interruption. These receptacles must be replaced or repaired to ensure GFCI protection;

Adam Dios Dwelling
SFCC 14-3.11(A):

A water heater and wall heater have been installed in this structure without required permits. The lower level of this structure is in an uncompleted state of construction that has commenced without required permits including but not limited to the extension of a gas line and wall heater, wall board, and electrical and plumbing. Permits for this work and inspections of any required corrections are required for all levels of this structure.

Main Residence
SFCC 14-3.11(A):

The water heater and dryer located in the garage of this building have been installed without proper venting. The second floor of this structure has been altered by the addition of a doorway and stairs to a makeshift roof deck that lacks safety railings. Miscellaneous electrical work also appears to have been performed in this building. All of the above work was performed without required permits. Permits for this work and inspections of any required corrections are required for this structure.

General Electrical Violations – NEC (National Electric Code)

NEC Article 230: The main electrical service structure of the property is in a hazardous condition. Due to the increased electrical loads resulting from unpermitted electrical connections, the existing service itself must be evaluated by a licensed NM electrical engineer and upgraded as necessary;

NEC Article 590: Electrical extension cords cannot be used as permanent wiring systems; their use must be discontinued;

NEC Article 210.8(A);
250.30(C): Outdoor electrical receptacles lack ground fault circuit interruption. These receptacles must be replaced or repaired to ensure GFCI protection;

NEC Article 110.12(A): Abandoned electrical outlets throughout the property must be blanked off with an approved cover as per NEC for unused openings;

NEC Article 334: Exterior lighting must be installed at all exterior doorways as required by code for safety;

General Plumbing Violations – UPC (Uniform Plumbing Code)

UPC Section 602: The water distribution lines from a private well that supplies drinking water to the dwelling units on the property were recently connected to non-potable water in an underground cistern. This is a serious health and safety concern.

Stuart Jay Tallmon
July 3, 2013
Page 3

On June 27, 2013, the city's chief building official provided Mr. Piottin with direction to decontaminate the water supply lines on the property using an appropriately licensed professional. The city will require written verification from the professional that this work has been performed.

Terrain Management Violations – Land Development Code

SFCC 14-8.2:

Grading performed on the lower section of the property lacks sufficient erosion control measures and has directed stormwater runoff onto adjacent properties. Fill slopes must be adjusted to a minimum of 2:1 for cut slopes and 3:1 for fill slopes and re-vegetated or otherwise stabilized for erosion control. Stormwater runoff must be directed away from adjacent properties or properly controlled on site. A construction permit for grading and follow-up inspections are required to correct this situation.

Development Plan Requirements – Land Development Code

SFCC 14-3.8:

The creation of additional rental dwelling units on these properties requires the approval of an overall Development Plan. Given the level of development on the property it appears that this Development Plan can be approved administratively per SFCC 14-3.8(C)(5). The Development Plan may be submitted as part of the required construction permitting described elsewhere in this letter.

This letter addressed Items 1 & 2 of the Notice of Violation dated June 7, 2013. The city will consider providing you with additional time to complete the construction permitting and corrective actions outlined in this letter given the extent of the unpermitted work and code violations present on these properties.

Please contact me at 955-6617 to establish a timetable for completion or if you have any questions regarding this letter. Staff is available to meet with you to explain the submittal requirements for the required permits and Development Plan.

Sincerely,



Matthew O'Reilly, Director
Land Use Department

cc: Michael Purdy, Inspection & Enforcement Division Director
Tomas Montaño, Electrical Inspector Supervisor
Paul Martinez, Plumbing/Mechanical Inspector Supervisor
Bobby Padilla, Building Inspector Supervisor
William Moore, Senior Engineering Technician
Tamara Baer, Current Planning Manager

Welcome to the Santa Fe Community Farm



The The Santa Fe Community Farm

Together we Grow for those in need!

Wednesday, July 24th Whole Foods Donation Day

5% of all Santa Fe Whole Foods Store Sales go to the Community Farm

[For more information Click here](#)

Subscribe to our mailing list

Subscribe

New for growing Season 2013

Adopt a Row

Adopt your very own Community Farm vegetable row. Through this program, we hope to encourage a more personal connection between you and the Farm. Just think of it! Your very own row to care for and fuss over!

Esteban '11'

You may choose from one of FOUR levels of 'adoption. Choose to be as involved with your adoptive row as you wish. We anticipate every level of participation, from 'farmers extraordinaire' (for those who want to care for their row from seed to harvest) to count me in! I would like to sponsor a row through my financial support".

the Beneficial Bee - \$50 level – Adoptive parents of this half-row (about 60 feet) will receive an end-row sign placed with their name and crop proudly displayed, a personalized certificate of adoption, and a 5 pound box of harvested vegetables of your choice. – which you may keep or donate to the needy via the Food Depot.

The Benevolent Bee - \$100 level - Adoptive parents of this full row (about 120 feet) will receive an end-row sign placed with their name and crop proudly displayed, a personalized certificate of adoption, and a 10 pound box of harvested vegetables of your choice. – which you may keep or donate to the needy via the Food Depot.

The Brilliant Bee - \$250 level - Adoptive parents of this full row (about 120 feet) will receive an end-row sign placed with their name and crop proudly displayed, a personalized certificate of adoption, and a 25 pound box of harvested vegetables of your choice – which you may keep or donate to the needy via the Food Depot.

The Bountiful Bee - \$500 level - Adoptive parents of this full row (about 120 feet) will receive an end-row sign placed with their name and crop proudly displayed, a personalized certificate of adoption, and a 50 pound box of harvested vegetables of your choice – which you may keep or donate to the needy via the Food Depot.

As time and human power permit, adoptive parents will also receive email photos and updates on their rows!

ear the end of the Season, the Farm will host an Adoption Celebration in honor of the parents of our fruits and vegetables!

We invite you to be a part of our Family and adopt a row today!

Count me in!

Our 2013 crop list:

Apricots	Brussels	Kale	Rutabagas
Cherries	Cabbage	Salad Greens	Spinach
Grapes	Carrots	Melons	Squashes, Summer
Peaches	Cauliflower	Okra	Squashes, Winter
Plums	Chard	Onions	Tomatillos
Raspberries	Green chili	Parsnips	Tomatoes
Arugula	Corn	Peas	Turnips
Beans	Cucumbers	Sweet Peppers	Watermelons
ets	Eggplant	Pumpkins	Zucchini

To enroll in this program, just press the [Donate Now button](#). Fill out your level of adoption and the Crop you want to sponsor on your Paypal invoice! If you prefer to donate by check. Feel free to send us an email with

your name and specify your adoption preference.

Thanks for supporting the Community Farm!

**Seed Saving Tips and Techniques Workshop presented by
Homegrown NM and Kirsten Szykitka.**

Sunday, April 28, 2013 1pm This class is an introduction to seed saving with consideration for planning your garden with seed saving in mind. Kirsten will look at how pollination happens in various species and how it affects things like population sizes and isolation techniques. Learn practical ways to ensure high-quality seed. RSVP on the Link Below for more information and to reserve a space. \$10 suggested donation.

Seed Saving Class

undefined 2013

Your support is vital to our mission to help the less fortunate.

Consider a tax free donation to help fight hunger:

City of Santa Fe, New Mexico

memo

DATE: June 25, 2013 for the July 10, 2013 City Council meeting

TO: Mayor David Coss
Members of the City Council

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

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

Case #2013-25. Rancho Siringo Residences General Plan Amendment. Duty and Germanas Architects, agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 3.44± acres from Low Density Residential (3 to 7 dwelling units per acre) to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at the southwest corner of Siringo Road and Yucca. (Heather Lamboy, Case Manager)

Case #2013-26. Rancho Siringo Residences Rezoning to R-9. Duty and Germanas Architects, agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, requests rezoning of 3.44± acres from R-1 (Residential, 1 dwelling unit per acre) to R-9 (Residential, 9 dwelling units per acre). The properties are located at the southwest corner of Siringo Road and Yucca. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body.

On May 2, 2013, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. Although a concept site plan has been provided for reference, a full Development Plan must be approved by the Planning Commission prior to the commencement of development activities if the General Plan Amendment and Rezoning are approved by City Council.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

Exhibit "12"

II. APPLICATION OVERVIEW

The applicant is requesting a General Plan Amendment from Low Density Residential to Medium Density Residential. Additionally, the applicant is requesting to rezone the property from R-1 (Residential, 1 dwelling unit per acre) to R-9 (Residential, 9 dwelling units per acre) for the purpose of constructing rental housing. The property is currently vacant and consists of two lots totaling approximately 3.44 acres. The Arroyo de los Pinos traverses the lots in a northeast to southwest direction. The site is surrounded by a variety of uses, including institutional and office to the north (State and City office buildings and the Santa Fe University of Art and Design), a mix of single-family and multi-family residential to the south and west, and educational to the east (Santa Fe High School). It is anticipated that the Santa Fe Community College Higher Learning Center will be constructed in the near future on the campus of the Santa Fe University of Art and Design. The applicant has stated that the target market for this housing is students of the University, teachers at the various schools, and other public sector workers in need of affordable housing.

Many of the comments that were received by the Development Review Team (DRT) related to the potential development on the site. The only comment of substance came from the Wastewater Division, which stated that an existing utility easement that contains a wastewater line needs to be widened from 15 feet to 20 feet. John Romero, the City's Traffic Engineer, determined that the potential impact of 22 dwelling units did not warrant a traffic study. The Conditions of Approval relate primarily to site development when that occurs.

Public comments received during the Early Neighborhood Notification (ENN) meeting and subsequent follow-up meetings were concerns regarding traffic, density, the type of housing, and the possibility of increased crime in the neighborhood as a result of this project. In response to neighborhood concerns, the applicant reduced the proposed density from 30 units to 22 units, and redesigned the units in order to increase the base rental price. This complex will contain 4 affordable units; all other units will be leased at market rate.

ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) General Plan Amendment Resolution
- c) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes May 2, 2013

EXHIBIT 3: Planning Commission Staff Report Packet May 2, 2013

City of Santa Fe, New Mexico

Exhibit 1

**Findings of Fact
Resolution
Bill**

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

Case #2013-25
Rancho Siringo Residences General Plan Amendment
Case #2013-26
Rancho Siringo Residences Rezoning to R-9

Owner's Name – Forrest Thomas
Applicant's Name – Santa Fe Civic Housing Authority and Casas de Buena Ventura
Agent's Name – Duty & Germanas Architects

THIS MATTER came before the Planning Commission (Commission) for hearing on May 2, 2013 upon the application (Application) of Duty & Germanas Architects as agent for the Santa Fe Civic Housing Authority and Casas de Buena Ventura (Applicant).

The subject site is comprised of two parcels of land identified as Tract A and Tract B located at the southwest corner of Siringo Road and Yucca (collectively, the Property) totaling 3.44± acres zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Low Density Residential (3-7 dwelling units/acre) to Medium Density Residential (7 to 12 dwelling units/acre) and (2) to rezone the Property from R-1 to R-9 (Residential – 9 dwelling units/acre).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early

- Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on January 17, 2013.
 6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
 7. An ENN meeting was held on the Application at 5:30 p.m. on February 13, 2013 at the Oliver LaFarge Public Library on 1730 Llano Street. A follow-up meeting was held on April 8, 2013.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by the Applicant, City staff and members of the public from the neighborhood.
 10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
The proposed amendment is consistent with growth projections for the City and makes efficient use of existing infrastructure. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Siringo Road and Yucca Street.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The proposed amendment is consistent with provisions of the General Plan that call for multifamily residential uses in the area and for a gradation of housing densities from Siringo Road and institutional uses north of Siringo Road to the lower densities in the south.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area and the proposed amendment addresses an area of more than two acres.

Based upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*

This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
- (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*
- There was not a mistake in the original zoning for the Property. Since the City annexed the Siringo Road area in 1965, it has developed into residential uses of varying density to the south of Siringo Road and office and educational uses to the north. The Plan anticipates residential uses on the Property at a higher density than current R-1 zoning.
- (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*
- All the rezoning requirements of SFCC Chapter 14 have been met.
- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*
- The proposed rezoning is consistent with the Plan as set forth in the Staff Report.
- (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 3.44± acres and its proposed use is consistent with the cited City polices in that its development to allow for medium density residential use provides for an efficient use of City infrastructure and provides convenient vehicular, bicycle and pedestrian access to nearby employers, including the City, State of New Mexico, Santa Fe Public Schools and the Santa Fe University of Art and Design.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*
Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property, with access via Siringo Road and Yucca Street.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

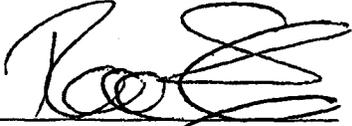
The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE _____ OF JUNE 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment, subject to the Conditions.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-1, subject to the Conditions.

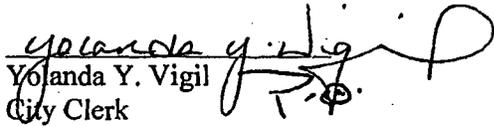
[SIGNATURES APPEAR ON FOLLOWING PAGE]



Thomas Spray
Chair

6/8/13
Date:

FILED:



Yolanda Y. Vigil
City Clerk

6-11-13
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant City Attorney

5/27/13
Date:

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE CLASSIFICATION FROM LOW DENSITY RESIDENTIAL (3 TO 7 DWELLING UNITS PER ACRE) TO MEDIUM DENSITY RESIDENTIAL (7 TO 12 DWELLING UNITS PER ACRE) FOR 3.44± ACRES OF LAND LOCATED IN THE VICINITY OF THE SIRINGO ROAD AND YUCCA STREET INTERSECTION IDENTIFIED AS TRACT A AND TRACT B, FISHER SUBDIVISION, LYING AND BEING SITUATED WITHIN SECTION 3, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO. (“RANCHO SIRINGO RESIDENCES GENERAL PLAN AMENDMENT,” CASE #2013-25).

WHEREAS, the agent for the owner of that certain parcel of land comprising 3.44± acres identified as Tracts A and B, Fisher Subdivision, in the vicinity of the Siringo Road and Yucca Street intersection and lying within Section 3, Township 16 North, Range 9 East, New Mexico Prime Meridian, Santa Fe County, State of New Mexico (the “Property”) has submitted an application to amend the General Plan Future Land Use Map classification of the Property from Low Density Residential to Medium Density Residential; and

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelly A. Brennan, for

GENO ZAMORA, CITY ATTORNEY

Tract A Legal Description

A tract of land known as Tract A, lying and being situated within Projected Section 3, T.16N., R.9E., N.M.P.M., City of Santa Fe, New Mexico.

Beginning from the Southwest corner of said tract, from which Sewer Manhole L1A-9 bears South 52°21'18" West, 60.54';
Thence from said point of beginning North 38°29'27" East, a distance of 81.00';
Thence North 03°53'19" West, a distance of 142.83';
Thence North 00°08'00" West, a distance of 15.00';
Thence northerly, northeasterly and easterly along said curve, a distance of 39.23', having a radius of 25.00' and a central angle of 89°55'11" and being subtended by a chord which bears North 44°50'00" East 35.33';
Thence North 89°52'00" East, a distance of 310.90';
Thence South 00°08'00" East, a distance of 40.00';
Thence South 25°03'44" West, a distance of 271.52';
Thence South 25°02'26" West, a distance of 30.00';
Thence North 75°02'58" West, a distance of 257.60' to the Point of Beginning.

Containing 1.887 acres, more or less.

Tract B Legal Description

A tract of land known as Tract B, lying and being situated within Projected Section 3, T.16N., R.9E., N.M.P.M., City of Santa Fe, New Mexico.

Beginning from the Southeast corner of said tract, from which Sewer Manhole L1A-10B bears South 59°42'27" East, 26.07';
Thence from said point of beginning North 43°22'07" West, a distance of 295.72';
Thence North 00°08'00" West, a distance of 40.00';
Thence North 89°52'00" East, a distance of 131.89';
Thence South 84°59'26" East, a distance of 100.40';
Thence North 89°52'00" East, a distance of 175.00';
Thence easterly, southeasterly and southerly along said curve, a distance of 39.28', having a radius of 25.00' and a central angle of 90°01'36" and being subtended by a chord which bears South 45°07'41" East 35.36';
Thence South 00°07'38" East, a distance of 60.77';
Thence South 54°51'00" West, a distance of 280.00';
Thence North 59°42'27" West, a distance of 26.07' to the Point of Beginning.

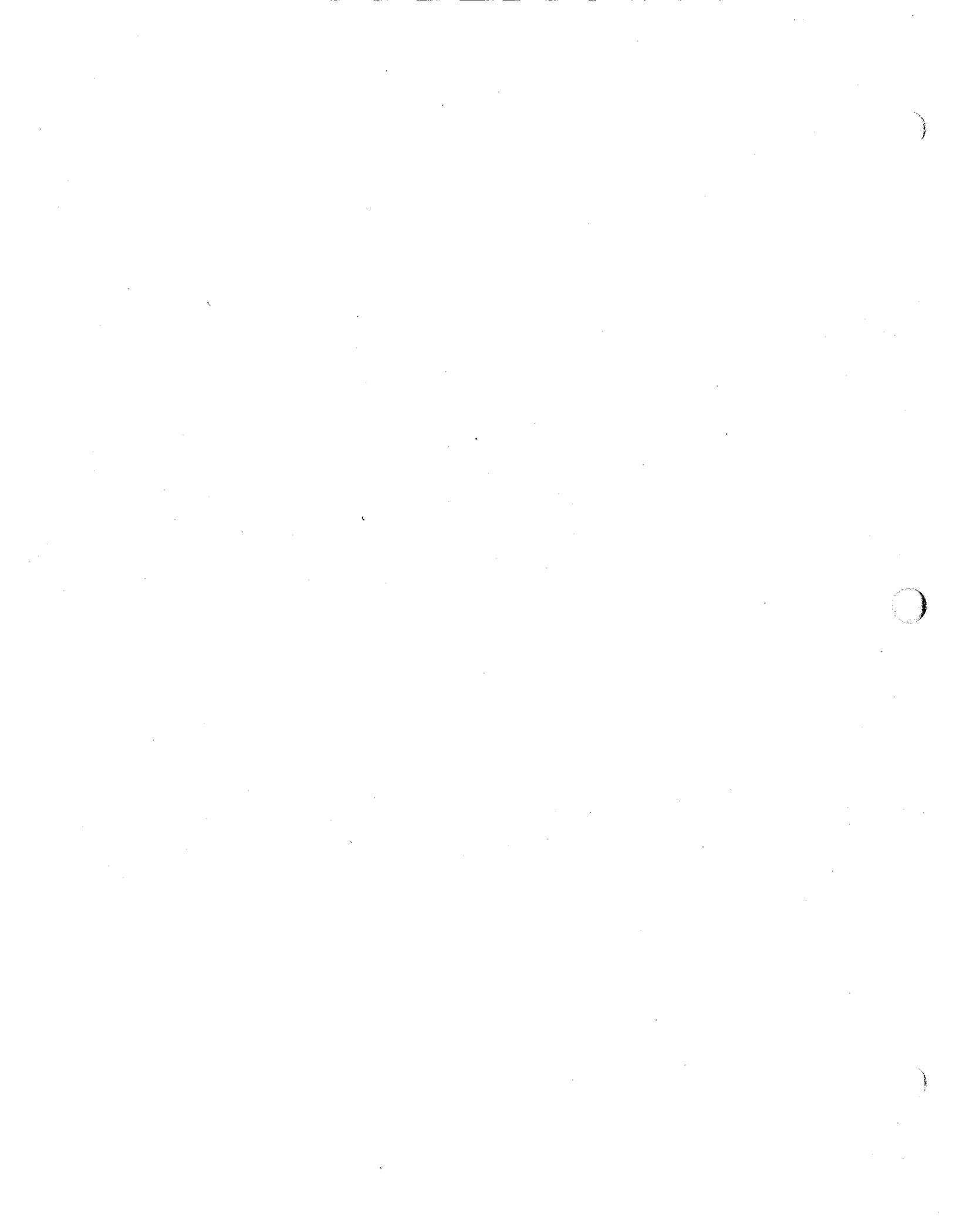
Containing 1.554 acres, more or less.

Rancho Siringo Residenc Conditions of Approval

City Council

Cases #2013-25 and #2013-26 General Plan Amendment to Medium Density Residential and Rezone to R-9

Conditions	Department	Staff																
<p>Traffic Engineering:</p> <ol style="list-style-type: none"> Future improvements at the intersection of Siringo Road and Yucca Street may result in restricting the access from Rancho Siringo Dr. to a Right-In/ Right-Out onto Yucca Street. The Developer shall by acceptance of the City of Santa Fe approvals of the requested rezoning acknowledge and concur with the above mentioned potential access restrictions. The Developer shall provide a sidewalk along the western boundary of Tract A (on the east side of Rancho Siringo Road).. 	Traffic Engineering	John Romero																
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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-28

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 3.44± ACRES OF LAND
LOCATED IN THE VICINITY OF THE SIRINGO ROAD AND YUCCA STREET
INTERSECTION AND IDENTIFIED AS TRACT A AND TRACT B, FISHER
SUBDIVISION, AND LYING AND BEING SITUATED WITHIN SECTION 3,
TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME MERIDIAN, SANTA
FE COUNTY, NEW MEXICO, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
PER ACRE) TO R-9 (RESIDENTIAL, 9 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. (“RANCHO SIRINGO RESIDENCES
REZONING,” CASE #2013-26).**

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

Section 1. That a certain parcel of land comprising 3.44± acres (the “Property”) located within Section 3, Township 16 North, Range 9 East, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which totals approximately 3.44 ± acres that are located

1 within the municipal boundaries of the City of Santa Fe, are restricted to and classified as R-9
2 (Residential, 9 dwelling units per acre) as described in the legal description attached hereto
3 [EXHIBIT A] and incorporated herein by reference.

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

7 **Section 3.** This rezoning action and any future development plan for the Property is
8 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
9 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
10 conditions recommended by the Planning Commission on May 2, 2013.

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

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

17 
18
19 **GENO ZAMORA, CITY ATTORNEY**

Tract A Legal Description

A tract of land known as Tract A, lying and being situated within Projected Section 3, T.16N., R.9E., N.M.P.M., City of Santa Fe, New Mexico.

Beginning from the Southwest corner of said tract, from which Sewer Manhole L1A-9 bears South 52°21'18" West, 60.54';
Thence from said point of beginning North 38°29'27" East, a distance of 81.00';
Thence North 03°53'19" West, a distance of 142.83';
Thence North 00°08'00" West, a distance of 15.00';
Thence northerly, northeasterly and easterly along said curve, a distance of 39.23', having a radius of 25.00' and a central angle of 89°55'11" and being subtended by a chord which bears North 44°50'00" East 35.33';
Thence North 89°52'00" East, a distance of 310.90';
Thence South 00°08'00" East, a distance of 40.00';
Thence South 25°03'44" West, a distance of 271.52';
Thence South 25°02'26" West, a distance of 30.00';
Thence North 75°02'58" West, a distance of 257.60' to the Point of Beginning.

Containing 1.887 acres, more or less.

Tract B Legal Description

A tract of land known as Tract B, lying and being situated within Projected Section 3, T.16N., R.9E., N.M.P.M., City of Santa Fe, New Mexico.

Beginning from the Southeast corner of said tract, from which Sewer Manhole L1A-10B bears South 59°42'27" East, 26.07';
Thence from said point of beginning North 43°22'07" West, a distance of 295.72';
Thence North 00°08'00" West, a distance of 40.00';
Thence North 89°52'00" East, a distance of 131.89';
Thence South 84°59'26" East, a distance of 100.40';
Thence North 89°52'00" East, a distance of 175.00';
Thence easterly, southeasterly and southerly along said curve, a distance of 39.28', having a radius of 25.00' and a central angle of 90°01'36" and being subtended by a chord which bears South 45°07'41" East 35.36';
Thence South 00°07'38" East, a distance of 60.77';
Thence South 54°51'00" West, a distance of 280.00';
Thence North 59°42'27" West, a distance of 26.07' to the Point of Beginning.

Containing 1.554 acres, more or less.

Rancho Siringo Reside -Conditions of Approval

City Council

Cases #2013-25 and #2013-26 General Plan Amendment to Medium Density Residential and Rezone to R-9

Conditions	Department	Staff																
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City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
May 2, 2013**

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Harris, Lindell and Ortiz voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [4-0-1]

F. OLD BUSINESS

There was no old business.

Commissioner Angela Schackel Bordegary arrived at the meeting

* **G. NEW BUSINESS**

1. **CASE #2013-25. RANCHO SIRINGO RESIDENCES GENERAL PLAN AMENDMENT. DUTY AND GERMANAS ARCHITECTS, AGENTS FOR SANTA FE CIVIC HOUSING AUTHORITY AND CASAS DE BUENA VENTURA, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 3.44± ACRES, FROM LOW DENSITY RESIDENTIAL (3 TO 7 DWELLING UNITS PER ACRE) TO MEDIUM DENSITY RESIDENTIAL (U TO 12 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF SIRINGO ROAD AND YUCCA. (HEATHER LAMBOY, CASE MANAGER)**

Items G(1) and (2) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum prepared 2013 for the May 2, 2013 Planning Commission meeting, with attachments, to the Planning Commission, from Heather Lamboy, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1"

A copy of a power point presentation, *Rancho Siringo Residences General Plan Amendment and Rezoning to R-9*, prepared and entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "2."

A copy of a Memorandum dated May 2, 2013, with attached page 7 of 10 from staff report, to the Planning Commission from the Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

A copy of the statement for the record by Mary Schruben, entered for the record by Mary Schruben, is incorporated herewith to these minutes as Exhibit "4."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibit "2," for specifics of this presentation. Ms. Lamboy said she sent out the missing page from the staff report this afternoon, but it is page 6 that is missing, not page 7, and she provided that page to the Commissioners missing that page.

Ms. Lamboy said all criteria for the General Plan Amendment and Rezoning have been in the opinion of staff and therefore staff recommends approval with conditions to the Planning Commission.

Public Hearing

Michael Duty, Architect, 404 Cuba Court, and Agent for the Applicants, was sworn. Mr. Duty said, "The project is being built by Casas de Buena Ventura, which is a non-profit corporation and it will be owned and managed by the Santa Fe Civic Housing Authority. We concur with the remarks and the outline that Heather has provided you with. We did start with a project which was a bit more dense, but due to the input of the neighborhood, we had a good turnout at the first Early Neighborhood Notification meeting, there probably was about 35 people.... And so we modified the project downward to an area that we thought was much more consistent with what the General Plan suggested, as Heather mentioned, and at the same time allowed us to maintain a density that would be commensurate with economics."

Mr. Duty continued, "The other important change we made, which Heather didn't mention was that we had quite a bit of input from the Neighborhood Association because of the surrounding projects. There are some surrounding projects to this particular parcel that are a great deal more dense, but in recent years, well probably from the beginning, have not been as well managed as they should be and they've been a bit of a concern to the neighborhood, both in terms of activity and crime."

Mr. Duty continued, "And so obviously, we want to distinguish ourselves from that. The Santa Fe Civic Housing Authority has a massively good track record at maintaining and operating housing projects, mostly affordable, some market in the City of Santa Fe. And one of the things that we did from a design standpoint to increase the desirability to the tenants for these units, as well as to create establish a greater consistent and long standing occupation of the units, is we added garages. We made the units a little smaller. All of the units are two bedroom, two bath. They are one story, so it's visually distinctive from what you would call an apartment complex that

we normally see. It is apartments, they are rental units. However, each unit is on the ground, each unit has a private courtyard, as I said before, two bedrooms two baths and an attached oversized one car garage."

Mr. Duty continued, "So this we felt is something that is fairly unique in Santa Fe to be able to get in a rental project and establishes, at least in our mind, [which] creates a situation in which the residency will much more stable and much more similar to what you would see in a condominium or single family detached development. The units are 850 sq. ft. in size, and as I said before, the garages are one-door garages, with extra space for storage. So it's a very livable unit and something that is fairly rare in Santa Fe in terms of what it contains. We have ample parking. Of course, we count the garage as a parking space, but we have ample parking in addition to that to exceed the Code requirements. We have a gate on the entry which is just for vehicles. We're not fencing off the project or walling it off, but we have a gate which has proved to be a good deterrent for any kind of crime in the area because of the limited access for vehicles. So in addition to reducing the overall density, we tried to move the project as much as we possibly could to the nature of the lifestyle in small single family residences, and create something that has good longevity on tenant occupancy."

Mr. Duty continued, "And, with those changes, we went to the second ENN, and we had good turnout at that one, not quite as much as the first one, but we had a lot of feedback and a lot of dialogue with the neighbors. And we feel like this is a project that has heard their concerns, both in terms of density and in terms of operation and maintenance. Also, it allows us to build a project that has sufficient unit count so that it can be economically feasible. And so that's where we stand. We think this is an excellent infill project and meets the kind of criteria for infill projects we are looking for in the City. It's in a good location for service, pedestrian and vehicular, to surrounding shopping, residential and educational opportunities."

Mr. Duty introduced Ed Romero, Director, Santa Fe Civic Housing Authority, who is here to respond to questions about operations, noting the Authority will be managing the project. He said, "The last project we did with Mr. Romero was the East Alameda/West Alameda projects along Alameda where we renovated all of those units. There are 3 projects – one large, one in two sections and the third one. And we're going to be looking to be looking at a fourth one along Alameda shortly. So we've worked together for some time. And I think we would stand for questions."

Speaking to the Request

Mary E. Schruben, 2119 Rancho Siringo Road [previously sworn], said she lives south of the proposed project. Ms. Schruben read her statement into the record, listing her concerns and presenting a list of items she would like addressed before moving forward with this project. Please

see Exhibit "4" for the complete text of Ms. Schruben's statement for the record. Ms. Schruben said, "I ask that you reject at this time, reject the General Plan Amendment and Zoning request until our concerns have been addressed and known existing problems fixed in the area. We also ask that the City and the owner/developer work with the Santa Fe Watershed Association which has already started planning improvements and remediation efforts in Arroyo los Pinos, and that all issues regarding Arroyo los Pinos which flows between the two lots of this proposed development are addressed. Thank you very much for your attention."

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Schackel-Bordegary thanked Ms. Schruben for expressing her concerns. She has a question for Ms. Schruben because she provided a lot of information and covered a lot of areas. She asked about her reference to the Santa Fe Watershed work and if that it came from the General Plan. She said it sounds like the Watershed is doing work in the area.

Ms. Schruben said she has been a member of the Santa Fe Watershed Association for a long time, and she had a conversation with them, and they said they are working on a plan, part of which is the Adopt-An-Arroyo Plan which has gone to the City Council, but she doesn't believe it has come before the Planning Commission. She said they are still developing that plan. They have looked at the overflow problems in Arroyos de los Pinos and they made a remediation for the City of Santa Fe Library parking lot last year – they made holes lined with rocks with trees in them to collect the drainage from the LaFarge Library parking lot. She said it would work really good if we had rain. She said they had put in the plan some other abatements along the north side of the Arroyo by De Vargas. However, that has to be done in conjunction with the School that owns the property. She said they continue to be concerned primarily about the stormwater drainage, because there are no stormwater pipes for any of the neighbors, so the arroyo is the collection for stormwater.

Commissioner Schackel-Bordegary said she wasn't aware of that program, but she does know about the La Farge Library remediation.

Commissioner Harris said he appreciates Ms. Schruben's statement, noting there is a lot to consider, and it is hard to take it all in, commenting her arguments are very sound and based in general plan information as well as other statutes and regulations. He said, however, it is difficult to respond to. He said many of the issues she has cited are off site, whether it is the playground, stormwater, or the issues of crime associated with the apartment complex. He said, "It also seemed as though that many of those you weren't asking the developers here to solve all of them, but certainly to make an acknowledgment that the problem exists. And I think Mr. Duty, in the instance of security seemed to acknowledge that."

Commissioner Harris continued, "I don't know how far I would be willing to go in terms of what we're being asked to do tonight, the General Planning Amendment and the Rezoning, to try to solve so many of the problems that you have identified for the neighborhood. And I have to say that I have lived at 2683 Via Caballero del Norte for about 25 years, so that's basically just to the south, across Rodeo Road. And I know this area, in terms of the neighborhoods. I certainly know the intersection, and I've seen water in the past that would go over Siringo Road, because the Arroyos de los Pinos cannot handle it on occasion. I've seen that, so I know what you're talking about there."

Commissioner Harris continued, "And then some of the other issues, I think primarily would be dealt with..... I don't recall a lot of your argument. It seemed like you wanted just a smaller unit count, basically 3-7, rather than the calculations that we have. I think the legitimate calculation is about 8.7 [units], if that's the right number, something like that. I have a harder time with that argument. I happen to believe that the 8.7 density is appropriate for this development. So the technical issues, I would think, would be worked out in the development plan, and the other parts of the process, the neighborhood and this project is just getting started. Those are really my thoughts. I don't have any direct questions. I was trying to take in everything that you were saying, Ms. Schruben. It was a very good statement, and it would have been great to be able to try to digest some of it beforehand, quite frankly."

Chair Spray noted the ENN notes from February 13th, and thanked Ms. Lamboy for the very complete notes which are very helpful to him and to this Commission. He said, "Mr. Duty states, and I'm look at the first page here, he, meaning yourself, stated that the land is owned by Forrest Thomas who owns the St. Michael's West development. What is the relationship of Forrest Thomas to Casas de Buena Ventura."

Mr. Duty said, "No relationship. He's just the current owner of the land. The land is under option to the Santa Fe Civic Housing Authority. And when this zoning is approved and the project goes ahead, it would be closed on and it would be wholly owned by the Housing Authority."

Chair Spray asked what is Casas de Buena Ventura.

Mr. Duty said Casas de Buena Ventura is a non-profit corporation and a developer and builder of housing that is being managed by the Santa Fe Civic Housing Authority, both here and in other instances. He said Bob Lockwood is President of Casas de Buena Ventura, and has done a lot of the work for them in the past and he can address that question if you would like more detail.

Chair Spray said he just wanted to make sure he understood the relationship to the parties.

Chair Spray said it indicates the Housing Authority are partners, and asked Mr. Romero the legal structure and if he has written documents and options to do this.

Mr. Romero said Casas de Buena Ventura is a controlled, non-profit entity. To be appointed to the Board of Casas, it is necessary to have approval of the Santa Fe Civic Housing Authority.

Chair Spray said then it is controlled by "your organization."

Mr. Romero said it is controlled by "our organization, the members of that organization. I, as Executive Director of Santa Fe Civic, I sit as Treasurer on that particular Board, and Mr. Lockwood is, of course, the Executive Director of that entity."

Responding to the Chair, Mr. Romero said Santa Fe Civic Housing would purchase the land. We would lease it for financing purposes to Casas. The project would be built and it would either be owned long term by Casas on its balance sheet, or it would be owned by Santa Fe Civic on its balance sheet. Eventually, all of the property would flow back into the Housing Authority, in one manner or another."

Chair Spray asked if the Community Housing Trust is going to be managing it.

Mr. Romero said, "No. Community Housing Trust does have a part in this."

Chair Spray said then the Civic Housing Authority would be doing that.

Mr. Romero said the Civic Housing Authority does the management, pays the bills, processes renters, all of that. He said Sharon sits on the Board of Casas.

Chair Spray said, "In order for the deal to go through, because right now it's owned by Thomas, you want to have this General Plan Amendment and Rezoning in place."

Mr. Romero said, "Our purchase agreement requires the zoning to fit. Other concerns we do have about the project are that you have to have a project that is big enough to create economies of scale to make your loan payments, to put money aside for a rainy day. If you shrink the size of your development, you really compromise your development in our opinion. So that is part of the reason that we placed the requirement of the zoning upon our purchase agreement."

Responding to the Chair, Mr. Romero said the Purchase Agreement is between Casas de Buena Ventura, Thomas Development and the Civic Housing Authority.

Chair Spray said this is a little complicated, and he wants to make sure how it works. He said, "In the past, we have had people come before the Planning Commission without completely developed plans, and we have, in my opinion, incorrectly, perhaps, rezoned things to more commercial or dense uses, thereby giving a nice windfall to the owner, but then the intended use might not occur. But it sounds like, in this case, and if I can restate that, your Purchase Agreement is you will have obtained from this Commission and also from the Council, the rezoning authority to be at R-9 prior to purchasing the property."

Mr. Romero said, "Upon purchase of the property, the Housing Authority will pay for the property, lease it to Casa for a minimal/nominal amount, \$1 per year for 99 years. We build the project by going to the bank, getting a loan, and then we manage it and pay off the loan, and hopefully in 15-20 years, we own 10 more units, and many of them will be affordable, within the City."

Commissioner Bemis said, "I just wanted to second Commissioner Harris's comments, because I think there's so many things that have been brought up that need to be addressed, it would be very hard for me to go along with it all. I just think that too many things were brought up, from someone who lives down there, who knows what's going on."

Commissioner Harris said, "This has to do with the calculation from Alexandra Ladd, the City's Housing Special Projects Manager. And in the second paragraph of her Memo she notes that the affordable calculation would result in 3.3 units. The developer is offering to round up to 4. 3 in the first, 1 in the second, and in exchange for waived development fees. And I'm curious, is that a standard practice?"

Ms. Lamboy said that is standard practice. Development Review fees are waived if a certain threshold of affordability is provided.

Commissioner Harris asked the value of the fees.

Ms. Baer said, "A point of clarification on that, they wouldn't be waived for the entire project, they would only be waived for the affordable portion of the project."

Commissioner Harris said, "I think I understood that, but thanks for the clarification it's important. So anyway, for the affordable portion, do you have an idea of the value of those waived fees. I don't need a tight number, but are we talking \$2,000, \$10,000, \$20,000. I don't know."

Ms. Baer said, "On a General Plan Amendment, it's \$1,000 for the first 5 acres, and then it is about \$200 for every acre after that. We would pro rate it, depending if it were... we would take a portion of whatever it would be. So, I think it's \$1,000 for the General Plan Amendment and then

for the Rezoning, sometimes we do it on the basis of the value of the development, if a development plan is included. Otherwise, it's on a per lot basis, and I would have to get you those numbers."

Commissioner Harris asked, "In your opinion, does the City get good value in this exchange."

Ms. Baer said it is a philosophical decision, noting there's a policy in place that the City supports affordable housing, and therefore waives the costs to the City which are not covered anyway.

Commissioner Harris said, "We have also heard Ms. Schruben describe extreme stormwater issues which are infrastructure issues, which by rights, the City should address, so, if you're waiving development fees, you have less money for those projects."

Ms. Baer said, "Commissioner Harris, I would say there's a bit of apples and oranges in that analogy, because development review fees that we collect go into the General Fund, so there is no way that we would have to actually channel those fees into stormwater other infrastructure improvements."

Ms. Lamboy said, "I would like to add, Chair Spray and Commissioner Harris, that we also have another opportunity at the Development Plan Review to ensure all these infrastructure issues are addressed in more detail."

Commissioner Schackel-Bordegary said, "I hesitate, because I keep expecting my fellow Commissioner and our resident expert on affordable housing, Commissioner Lindell, to ask questions, but you're not, so I will proceed. I'm going to throw in the following here. I am really happy to see something like this. I also live off Yucca, off Rodeo, kind of a neighbor of Commissioner Harris, and as many of you know, a trained planner and interested in infill, and walkable environments, for all sorts of reasons – for better economic bang for the buck for the City. And just from an... so this is an intersection in my weekly activities. And I would love to see the ability for more people to live in this part of our City, being across the street from the High School, a library, within distance of trails, and it just makes sense. And there's a lot of vacant tracts of land around town within our City that I've grown up with. This would be an improvement, so I'm speaking from overall, just qualitatively, about that."

Commissioner Schackel-Bordegary said, "I do appreciate all of the comments and the homework and your perspective Ms. Schruben. And, like Commissioner Bemis said, you know best from living there, but a lot of those issues, as Commissioner Harris pointed out, are not the purview of this development here tonight. It raises the awareness of all of us about what is problematic in

the area, but I think the most important goal being met here is affordable housing to residents in Santa Fe. We have a dearth of rental units. I don't know when we've built any rental units recently, certainly of this scale, that aren't huge and far-flung outside on Cerrillos Road. We need this kind of housing. We need it. I need it, my nephew needs it, my mother needs it, it's affordable to us. So that's kind of my strongest statement. Santa Fe needs this kind of housing here. I think I'll stop there. Thank you."

Ms. Baer said, "The Director has provided us a copy of the Development Review Fees, so I can tell you precisely, that for both the General Plan Amendment and for Rezoning, it's \$1,000 for each of those for the first 10 acres. So, if it's under 5 acres, it's \$1,000."

Chair Spray asked Mr. Duty, "Again going back to the ENN on the last page, speaking of the affordable housing discussion that we had, I'm just curious to what happened with this, and I'm going to quote from it. 'A neighbor asked whether there was a way of getting a clientele at a higher class price point, yet still serving the need for affordable housing. Mr. Duty said he would look into that matter'."

Mr. Duty said, "As far as price point is concerned, generally speaking, apartments rent, in Santa Fe, for around \$1.00 to \$1.25 per square feet. So, typically, that would mean a market rental rate for this housing, not affordable, it's market rental rate, would be in the \$850 to \$950 range. We don't know exactly what we'll be able to rent these for, but we're fairly confident this something that's strongly needed within the fabric of the community as a housing type. Something that is between the single family home and these massive apartment complexes that are sprinkled around the outskirts. There has to be something in between. In a large sense, this is a single family housing development with zero lot lines. The units come together and they have exterior space and they're not as large as single family houses, they're more the size of apartments. So we anticipate the rental rate will be in the \$1.00 to \$1.25 per square foot. It may be a little higher, we may be able to get a little higher rents because of the provision of garages. This is also something that is quite unique in Santa Fe in a rental development, and greatly will contribute, we think, to the longevity and happiness of the residents therein."

Mr. Duty continued, "As far as affordable is concerned, Santa Fe Civic Housing Authority probably is the premiere developer of affordable housing in the City of Santa Fe. And being able to develop market units is also a strong synergy to their entire operation. So, a housing project that is market rate will generate, at some point in time, will endow if you will, the Housing Authority with additional revenue, which can be turned in and utilized toward their overall goal of providing affordable housing in Santa Fe, which I think they very ably demonstrate. I don't know how I could characterize the \$850 to \$950, how affordable it is, but in terms of comparison to the types of housing opportunities that are available in Santa Fe, it constitutes a very good deal."

Mr. Romero said, "If I could follow up and clarify a little bit more. What is the value of an affordable unit in Santa Fe. These affordable units, most likely unless we have the ability to place a voucher with this client, these affordable units are probably going to have to rent in the \$600 to \$650 range for a two bedroom, which is a great deal for somebody who needs an affordable unit. So these other market units are going to have to make up for that cost of going to the bank and taking out a loan to build an affordable unit. So, in terms of a value to the City, I believe that creating an affordable unit has a value of probably \$50,000 worth of equity in each individual unit that's place on site."

Mr. Romero continued, "I hope I helped to clarify you statement. I think it's a great deal for the City to have 3 affordable units that are restricted by law sitting on it's books, that can't increase their prices to exclude a 30% or a 40% or a 50% renter in town. The other thing that creates economies of scale.... we're not really sure that we're going to make money on this deal. I don't want anybody to leave this place thinking that there's 'make monies.' But what we're doing, is we are leveraging very affordable units with market units so that we create a sustainable set of units there, so these affordable units can maintain for the long term, by having only 30% of your units there covered with 70% market units. We think it's a better environment."

Commissioner Harris thanked Mr. Romero, commenting he was trying to be able to quantify the value of the waived development fees versus the value of this affordable unit in the market place, and believes Mr. Romero addressed that question.

Chair Spray asked Mr. Romero to talk about the financing.

Mr. Romero said, "Our financing would be, we anticipate and we have a letter of credit with a local bank for the primary mortgage. The Housing Authority stands ready to contribute the cost of the land and we have our own little 'war chest' that can get involved in projects like this. So, the Housing Authority will guarantee the loan even to the bank."

Commissioner Lindell asked Ms. Baer what fees have been suspended that this Commission voted on, for a one year period.

Ms. Baer asked if she is referring to the affordable housing fees, and Commissioner Lindell indicated she is referring to impact fees. Ms. Baer said, "Currently, there are no impact fees for residential until sometime in 2014."

Commissioner Lindell said, "We don't have impact fees anyway, we're just talking about this 'throwing in' the development review fees."

Ms. Baer said this is correct.

Commissioner Lindell said, "I just wanted to bring up that we already had voted, or this body had made a recommendation to the Governing Body on Impact Fees. That's all I have Chair. Thank you."

Ms. Lamboy noted the City also waive fees for water for affordable units.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to recommend to the Governing Body the approval of Case #2013-25, Rancho Siringo Residences General Plan Amendment, with all conditions of approval as recommended by staff.

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

For: Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz, and Commissioner Schackel-Bordegary.

Against: None. [5-0]

2. **CASE #2013-26. RANCHO SIRINGO RESIDENCES REZONING TO R-9. DUTY AND GERMANAS ARCHITECTS, AGENTS FOR SANTA FE CIVIC HOUSING AUTHORITY AND CASAS DE BUENA VENTURA, REQUESTS REZONING OF 3.44± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-9 (RESIDENTIAL, 9 DWELLING UNITS PER ACRE). THE PROPERTIES ARE LOCATED AT THE SOUTHWEST CORNER OF SIRINGO ROAD AND YUCCA. (HEATHER LAMBOY, CASE MANAGER)**

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to recommend to the Governing Body the approval of Case #2013-26, Rancho Siringo Residences Rezoning to R-9, with all conditions of approval as recommended by staff.

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

For: Commissioner Bemis, Commissioner Harris, Commissioner Lindell, Commissioner Ortiz, and Commissioner Schackel-Bordegary.

Against: None. [5-0]

5/2/13

Planning Commission
Legm Council Chambers

Introduction of myself.

I would prefer the 2 lots be developed as detached, single family, owned homes - similar to the existing PUD, which surrounds the project, and ~~the~~ the rest of the neighborhood. That is the existing characteristic of our neighborhood.

If the owner of the property cannot make enough money doing that, then - attached, multi-family rental units managed by the SF Civic Housing Authority is preferable to another privately owned apartment complex, like the one at 2110 RSRd.

Since those units were trucked in from Grants in 1990, we have had nothing but trouble and problems with the tenants - drug dealing, gangs, child abuse, overdose deaths, shootings and a murder.

We don't want to repeat that situation with this development.

At the 1st ENN the consensus of

neighbors was that the project was too dense and there were no guarantees that crime would not escalate.

At the 2nd ENN, we responded favorably to reduced density and other modifications to the plans.

Some of us are still concerned about the quality of tenant attracted to the units.

Management by the SF Civic Housing Authority is better than a privately owned and operated rental development.

Further assurance by the City and HA that the property will not be sold out to a private concern would go a long way to relieving our fears about crime and reduced property values.

I still feel the neighborhood is not getting a fair deal with this proposed development. It does not reflect the character or plan of our neighborhood.

These are my requests :

- i. Zoning and Plan Amendment be considered as 2 separate lots.
 - a) The annoyed Led Pinos separates these lots completely. As in the 1990s

request by Dr. Fischer, the arroyo still separates these lots completely.

b) The developer plans to build in 2 phases - a West lot and an East lot. The build-out may be separated by years - West first - and then maybe the East lot, if they make enough money on the West lot.

2. As 2 separate lots and 2 separate developments, the area for developable-buildable space should be recalculated

a) for the west lot, a sidewalk along R S Rd must be included in the plan, including over the culvert over ALP. This doesn't exist now.

b) regardless of shenanigans with Chapter 14, the area of the arroyo itself, and it's required easements and flood plain must not be included in the developable, buildable area calculation.

c) for the East lot, which may or may not be built out in 5 years, a thorough traffic study of the area must be completed after the HEC is in operation - 2014? - to determine if an easement against the east lot is required for a right turn lane from

Spring Road south onto Yucca St.
Also, the intersection of RS Dr and Yucca is already dangerous and needs further study.

d) for both lots, separately, a more accurate flood plain must be determined under both peak flood conditions and blockages or destruction conditions. The SF Watershed Association has already made a preliminary determination that the current FEMA flood plain assessment is inadequate.

e) Arroyo Las Pines is an active arroyo and should be treated as such.
A Riparian Corridor - as between 5th St and Llano St, determined flood plain, bank easements and necessary improvements are all required by The General Plan.

3. If an affordable/accessible housing bonus is granted to the development, the bonus should be applied to Phase 1 The West lot, because Phase 2 may never be built. Otherwise, the bonus should not be granted to either lot and the density on each lot separately should be reduced to the existing 3-7 units/acre maximum.

4. Open space has not been adequately designed for the residents of the development. Busy street corners and flood plain areas do not qualify ~~as~~ for quality of life Open Space. Currently the pocket park - as designated open space for the PUD - 25 homes - serves as the open space and park recreation area for the whole neighborhood. That's fine. We can share. However, I would like for the developers of this project to ~~support and~~ contribute to the support and maintenance budget of R.S. Park. The owner of the apartments at 2110 does not, even though his tenants are the most frequent users of the park. (Not counting the robbery gang and drug dealers and users.)

5. The neighbors on the East and South of the ALP must receive a new survey of their lot lines, if the HA/City are to be the "owners" of the Amoy. Considerable erosion has taken place since the 1970s when the PUD was built.

5/2/13

(6)

6 The neighbors on the East and South of The Arroyo must receive from The City - before the land is turned over to the Housing Authority - improvements to The East and South banks of The Arroyo that prevent further erosion of their property and damage to their ~~roads~~ retaining walls.

7. ^{All} The neighbors must receive from The City some guarantee ~~that~~ that Section 404 Storm Water Management will be implemented and complied with regarding storm water on Siringo Rd, RS Rd, RS Dr. and other streets in the area that currently drain into Arroyo Las Pines

8 After the installation of The Womens Prison Barak at 2110 RS Rd we experienced sewer line blockage and backup ^{which} ~~requiring~~ ^{full time} ~~represent~~. Presently, the sewer line from Siringo Road is exposed and crumbling in the bed of Arroyo Las Pines @ RS Rd. We want to see the results of a sewer line capacity study to insure we will not experience another backup event when ~~the~~ ^{upper} ~~lot~~ lot is developed.

For now, these are my concerns, and concerns that neighbors have expressed to me since January about the proposed development.

I ask that you reject this General Plan Amendment and Rezoning Request until our concerns have been addressed and known, existing problems fixed.

I also ask that the City and owner/developer work with the SF Watershed Association on all issues regarding Arroyo Las Pines which flows through the 2 lots of this proposed development.

Thank you.

Mary E. Schruben

City of Santa Fe, New Mexico

Exhibit 3

**Planning Commission Staff Report Packet
May 2, 2013**

City of Santa Fe, New Mexico

memo

DATE: April 16, 2013 for the May 2, 2013 Planning Commission meeting

TO: Planning Commission Members

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

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

Case #2013-25. Rancho Siringo Residences General Plan Amendment. Duty and Germanas Architects, agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 3.44± acres from Low Density Residential (3 to 7 dwelling units per acre) to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at the southwest corner of Siringo Road and Yucca Street. (Heather Lamboy, Case Manager)

Case #2013-26. Rancho Siringo Residences Rezoning to R-9. Duty and Germanas Architects, agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, requests rezoning of 3.44± acres from R-1 (Residential, 1 dwelling unit per acre) to R-9 (Residential, 9 dwelling units per acre). The properties are located at the southwest corner of Siringo Road and Yucca Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

The application meets all code criteria for a General Plan Amendment and Rezoning, as discussed below.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

The applicant is requesting a General Plan Amendment from Low Density Residential to Medium Density Residential. Additionally, the applicant is requesting to rezone the property from R-1 (Residential, 1 dwelling unit per acre) to R-9 (Residential, 9 dwelling units per acre) for

the purpose of constructing rental housing. The property is currently vacant and consists of two lots totaling approximately 3.44 acres. The Arroyo de los Pinos traverses the lots in a northeast to southwest direction. The site is surrounded by a variety of uses, including institutional and office to the north (State and City office buildings and the Santa Fe University of Art and Design), a mix of single-family and multi-family residential to the south and west, and educational to the east (Santa Fe High School). It is anticipated that the Higher Learning Center will be constructed in the near future on the campus of the Santa Fe University of Art and Design. The applicant has stated that the target market for this housing is students of the University, teachers at the various schools, and other public sector workers in need of affordable housing.

This site is advantageously located on a transit route, and is close to numerous employment opportunities. In addition, the St. Michael's corridor, provides shopping, employment, and possible future entertainment opportunities for the residents of this development.

The site is already served by water and wastewater, and is easily accessible via existing street infrastructure. Redevelopment of this infill site would make for an efficient use of City resources.

Many of the conditions of approval relate to site development, with will be further analyzed in the Development Plan review process. The applicant has provided a conceptual site plan to the Planning Commission in order that the proposal is better understood and visualized. Site development details will be forthcoming as part of a Development Plan, which must be approved by the Planning Commission.

Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on February 13, 2013. Many members of the adjacent neighborhood attended the meeting and expressed concerns about the density, the type of housing, and traffic circulation and impacts, both existing and anticipated. The applicant had originally proposed 30 dwelling units for the two tracts, but after consideration of the comments from the neighborhood, reduced the proposed density to 22 dwelling units. Other design changes were also made in order to try to address neighborhood concerns.

The applicant held a follow-up meeting with the neighborhood on April 8, 2013 in order to present the revised plans. The neighbors asked questions on how the complex would be operated, the location of buildings and design of the site, the sewer line and the impacts the line has had on the neighborhood (past sewer line breaks), and maintenance responsibilities. In general, the neighborhood appreciated that the applicant had decreased the overall density for the site.

III. CHAPTER 14 GENERAL PLAN AMENDMENT CRITERIA

Section 14-3.2 of the Land Development Code establishes approval criteria for general plan amendments. These are addressed below.

Section 14-3.2 (E) (1) Criteria for All Amendments to the General Plan

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

Applicant Response: *The proposed amendment is consistent with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure. In fact, the gross density of the proposed housing project is slightly less than the General Plan of 7 units per acre. The proposed density of both phases of the project is 22 dwelling units on 3.441 acres for a gross density of 6.39 units per acre. The density of 7 units per acre is exceeded only when the flood plain acreage is excluded from the land area. In that case the density is 22 dwelling units on 2.52 developable acres for a density of 8.7 dwelling units per acre. There is no evidence that the flood plain removal requirement was even considered when the densities proposed in the general plan were set. At any of these densities, the project is consistent with growth projections. In fact, the project site is bordered by projects of greater density. Access is excellent in that two streets provide two access points to the development. This allows safe entries and exits to be provided. The infill nature of the project is positive for allowing housing opportunity in Santa Fe to be offered in such a way as to benefit from existing infrastructure. All necessary utilities, roadways, and traffic controls are currently available at the site.*

Staff Response: *The proposal is consistent with the City of Santa Fe growth projections and makes efficient use of existing infrastructure. Construction jobs will be provided through the development of this project.*

- (b) consistency with other parts of the general plan;

Applicant Response: *The amendment to the General Plan is consistent with other parts of the General Plan. The General Plan calls for multi-family residential in this area and that is precisely what this project is. There is no proposed change of use. In the General Plan, this area is listed as 7units/acre, which is a higher density than the housing to the south, but is a lower density as the development to the west. The proposed plan is consistent with the General Plan also because it provides a gradation of housing densities from Siringo Road and institutional uses north of Siringo Road to the lower densities to the south.*

Staff Response: *Staff agrees with the applicant.*

- (c) the amendment does not:

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

Applicant Response: *The amendment does not allow uses or a change that is significantly different from or inconsistent with the prevailing uses in the area. This area is*

entirely residential of varying densities, the General Plan stays with that concept, and this development preserves it. Under no foreseeable circumstances should this property be developed with retail or other intensified use.

Staff Response: *The proposed residential use will not be significantly different from the prevailing residential uses in the area.*

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

Applicant Response: *This project does not affect an area less than two acres.*

Staff Response: *The size of the project is 3.44± acres, which is greater than two acres.*

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response: *This project does not benefit one or a few landowners at the expense of the surrounding landowners or general public. Clearly the benefits of this project are not achieved at the expense of surrounding landowners because the proposed use is consistent with the General Plan based on type of use, and the residential use proposed is in keeping with what the surrounding landowners have built themselves or, as expressed in the ENN meetings, is what they expect to occur on the site.*

Staff Response: *The proposed project is residential, which is comparable and compatible with the surrounding area. The project will be designed in a manner as to mitigate any impacts on surrounding properties. The rental apartments will be operated by a local non-profit agency and will provide affordable housing for working citizens of modest means in the city.*

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response: *The amendment is not required to conform with Subsection 14-3.2(E)(1)(c).*

Staff Response: *The amendment has a public advantage in that more affordable housing opportunities will be provided for the citizens of Santa Fe. The proposed multi-family housing will provide a transition between the busy Siringo Road corridor and the single-family residential neighborhood to the south.*

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response: *Compliance with the extraterritorial zoning ordinances and plans is not applicable. This is infill housing in the central area of the city.*

Staff Response: *Not applicable.*

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety,

morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

Applicant Response: *The project does contribute to the coordinated, adjusted and harmonious development of Santa Fe. The addition of infill multifamily housing is what the General Plan calls for and it is the type of development the neighborhood residents have spoken of preferring in lieu of any other type of intensified usage. As mentioned above in other responses, the project provides a good transition of densities to the neighbors. As infill, the project makes very efficient use of existing infrastructure, and during the development plan submission after the rezoning, all aspects of the project's compatibility with the site will be evaluated.*

Staff Response: *This proposal provides for an efficient use of existing infrastructure on an infill site. If the General Plan Amendment and Rezoning are approved, the Development Plan review process will ensure that the site is compatible with the adjacent properties and the neighborhood.*

- (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response: *The project and the General Plan amendment does conform with other city policies, including land use policies, ordinances, regulations and plans.*

Staff Response: *As mentioned previously, if this project is approved, it will be reviewed once again at the Development Plan stage. This will provide assurance for conformance with all city policies and regulations.*

IV. CHAPTER 14 REZONING CRITERIA

Section 14-3.5 (C) of the Land Development Code sets forth approval criteria for rezoning as follows:

(C) Approval Criteria

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

- (a) one or more of the following conditions exist:
- (i) there was a mistake in the original zoning;

Applicant Response: *Not applicable.*

Staff Response: *No mistake was made in the original zoning for the subject site. After annexation from the County in June 1965, the Siringo Road area has transformed over 50*

years into residential south of Siringo Road, and office and educational to the north. The General Plan anticipates residential uses on this site at a higher density.

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

Applicant Response: Over the years, this area has been a transition between the institutional uses to the north and east and the housing areas to the west. This site has not been utilized, mostly because it is a bit unsuited for single family residential. It has always been a potential multi-family area, and this has only become more clear over the years. To allow retail or service type uses would be a mistake and would downgrade the neighborhood to some degree.

Staff Response: The area first changed with the establishment of the Brunn Army Hospital in April 1943. The hospital was active for only a short time, however, closing by December 1946. Over time, the hospital campus was purchased and became the College of Santa Fe. In the 1970s, suburban residential development further changed the area, and Santa Fe Public Schools constructed a high school and middle school. The proposal provides a good transition between the Siringo Road corridor and the established single-family residential neighborhood to the south.

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

Applicant Response: Allowing the zoning to change to support a reasonable density, and thereby allow multi-family housing would be more advantageous to the community at large and to the neighborhood community for reasons already described.

Staff Response: While the proposal increases the density on the site, it will be comparable to and compatible with other developments in the general vicinity. In addition to the single-family residential development in the area, there are also apartment and townhouse developments which provide for a mix of densities. The Residential-9 zoning district is lower than some of the existing adjacent zoning districts with higher densities (R-21PUD, R-12 are found immediately to the south and west). To the south and east there are single-family properties that are zoned R-5.

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

Applicant Response: The rezoning requirements of Chapter 14 have been met.

Staff Response: No deficiencies to Chapter 14 compliance were identified by the Development Review Team.

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

Applicant Response: The rezoning is consistent with the applicable policies of the General Plan, including the future land use map. The proposed rezoning is consistent with the 7 units/acre designation as in the General Plan. The rezoning required is actually R-9 because the flood plain is not calculated in the zoning. The actual density is 6.39 units per

acre when all the land is counted, but jumps to 8.7 units/acre when the flood plain is not counted. The General Plan calls for multi-family residential on this site and that is what is being proposed. In fact, the property is bordered by higher density housing. This is infill housing which is exactly the use prescribed in the General Plan.

Staff Response: Staff disagrees with the applicant's analysis regarding density. The Land Development Code is clear as to the exclusion of the flood way in the calculation of density, due to the fact that floodway land is not developable. The rationale for this requirement is to limit the impact of adjacent development on the floodway and not cluster higher densities where they could have greater environmental impacts.

Additionally, the existing low density General Plan category typically does not allow enough density to permit multi-family housing. The medium density category is needed in order to permit this project.

Regardless, this request is consistent with the following General Plan Themes:

Quality of Life: Enhance the quality of life of the community and ensure the availability of community services for residents.

Character: Maintain and respect Santa Fe's unique personality, sense of place, and character. The character of the Siringo Road area is mixed; and to provide a variety of housing types is important for the community.

Community-Oriented Development: Orient new development to the community; foster public life, vitality, and community spirit.

Affordable Housing: The General Plan calls for the development of more affordable housing in Santa Fe. Although only 15% of the development will be designated as affordable, the market-rate units will provide more affordable opportunities for working class people or students. The market rental rates for these units will be only slightly higher than the highest levels of affordable units.

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

Applicant Response: The amount of land proposed for the rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of growth in the city. This is achieved in many ways. As infill housing, the project will be built in an area well suited for this type of use and can be developed most efficiently relative to infrastructure. The location within the City is ideal for access to all city services and work sites. Most apartments built in recent years are large, sprawling complexes located some distance from the town centers. This project will be relative small and be well located within the urban fabric.

Staff Response: The proposed redevelopment of the site to allow for medium density residential development provides for an efficient use of City infrastructure. Additionally, the site is in close proximity to major employers, including the City of Santa Fe, State of New

Mexico, Santa Fe Public Schools, and the Santa Fe University of Art and Design, and can be easily accessed via alternate modes of transportation, including pedestrian and bicycle.

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

Applicant Response: *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.*

Staff Response: *Staff concurs with the applicant.*

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

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

Staff Response: *The use will not significantly change the character of the neighborhood, and will provide a transition between the Siringo Road corridor and the single-family residential development to the south.*

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

Staff Response: *The proposed rezoning will affect an area of 3.44 acres, which is greater than two acres.*

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

Staff Response: *This application, although it will benefit one landowner, does not do so at the expense to the surrounding landowners or the general public. Public benefit will be realized from this project through additional affordable housing opportunities in the city.*

(D) Additional Applicant Requirements

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

Staff Response: *The proposed development is accommodated by existing utility infrastructure. Any further development on the property will be required to assess all impacts and make any required improvements to on-site or off-site infrastructure as determined at that time.*

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

***Staff Response:** There is no need for additional streets, sidewalks or curbs associated with this rezoning request. When a Development Plan is reviewed, further analysis will be required to determine whether public improvements are necessary.*

VI. CONCLUSION

Based on the analysis above, Staff recommends **APPROVAL WITH CONDITIONS** for the proposed General Plan Amendment and Rezoning.

ATTACHMENTS:

**EXHIBIT A: Conditions of Approval
Development Review Team (DRT) Memoranda**

1. Conditions of Approval
2. Traffic Engineering Memorandum, John Romero
3. Affordable Housing, Alexandra Ladd
4. City Engineer for Land Use, RB Zaxus
5. Wastewater Division Memorandum, Stan Holland
6. Metropolitan Transportation Organization (MPO), Keith Wilson
7. Fire Department, Reynaldo Gonzales

EXHIBIT B: Maps

1. Future Land Use Map
2. Zoning
3. Aerial

EXHIBIT C: ENN Materials

1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. ENN Meeting Summary 4-13-13

EXHIBIT D: Applicant Submittals

1. Transmittal Letter, Letters of Justification
2. Survey and Site Plans

City of Santa Fe, New Mexico

Exhibit A

**Conditions of Approval
Development Review Team Memoranda**

Rancho Siringo Reside Conditions of Approval

Planning Commission

Cases #2013-25 and #2013-26 General Plan Amendment to Medium Density Residential and Rezone to R-9

Conditions	Department	Staff																
<p>Traffic Engineering:</p> <ol style="list-style-type: none"> Future improvements at the intersection of Siringo Road and Yucca Street may result in restricting the access from Rancho Siringo Dr. to a Right-In/ Right-Out onto Yucca Street. The Developer shall by acceptance of the City of Santa Fe approvals of the requested rezoning acknowledge and concur with the above mentioned potential access restrictions. The Developer shall provide a sidewalk along the western boundary of Tract A, (on the east side of Rancho Siringo Road).. 	Traffic Engineering	John Romero																
<p>Affordable Housing:</p> <ol style="list-style-type: none"> The proposal is subject to the Santa Fe Homes Program (SFHP), which requires 15% of all new units be made available for income-qualified renters (Section 26-1.23). Affordable units shall be identical in size, unit type, and structural design as the market-rate units. The developer shall provide 4 affordable units, three as part of Phase 1 and one as part of Phase 2. The rent and distribution of unit types will be as follows: <table border="1"> <thead> <tr> <th align="left"><i>Income Range</i></th> <th align="center"><i>Studio/1 Bedroom</i></th> <th align="center"><i>2 Bedrooms</i></th> <th align="center"><i># of Units</i></th> </tr> </thead> <tbody> <tr> <td align="center">1</td> <td align="center">\$345</td> <td align="center">\$395</td> <td align="center">2</td> </tr> <tr> <td align="center">2</td> <td align="center">\$575</td> <td align="center">\$655</td> <td align="center">1</td> </tr> <tr> <td align="center">3</td> <td align="center">\$745</td> <td align="center">\$850</td> <td align="center">1</td> </tr> </tbody> </table>	<i>Income Range</i>	<i>Studio/1 Bedroom</i>	<i>2 Bedrooms</i>	<i># of Units</i>	1	\$345	\$395	2	2	\$575	\$655	1	3	\$745	\$850	1	Affordable Housing	Alexandra Ladd
<i>Income Range</i>	<i>Studio/1 Bedroom</i>	<i>2 Bedrooms</i>	<i># of Units</i>															
1	\$345	\$395	2															
2	\$575	\$655	1															
3	\$745	\$850	1															
<p>Wastewater Division:</p> <ol style="list-style-type: none"> There is an encroachment of a proposed building into the existing sewer easement on the west portion of the development. The older 15 foot wide sewer easement easements shall be increased to the current 20 foot minimum width. Access to the existing on-site sewer manholes need to be provided 	Wastewater Division	Stan Holland																
<p>City Engineer for Land Use:</p> <ol style="list-style-type: none"> All Terrain Management and Floodplain requirements shall be met. Because FEMA regulations and the City floodplain ordinance regulate development only with regard to the 1% floodplain, the 0.2% floodplain should be omitted for clarity from future drawings. 	Technical Review	Risana "RB" Zaxus																
<p>Fire Department:</p> <ol style="list-style-type: none"> All development on the site shall comply with the currently adopted International Fire Code (IFC). Any development shall meet water supply requirements prior to construction. The site shall provide turn around for fire apparatus consistent with the requirements of the IFC, 2009 edition, or provide two emergency access points. The access road for the site shall be a minimum of 20 feet wide for Fire Department access. There shall be a maximum 150-foot distance to all portions of the buildings. 	Fire Department	Reynaldo Gonzales																

City of Santa Fe, New Mexico

memo

DATE: April 5, 2013
TO: Heather Lamboy, Planning and Land Use Department
VIA: John Romero, Traffic Engineering Division Director *JR*
FROM: Sandra Kassens, Traffic Engineering Division *SKK*
SUBJECT: Rancho Siringo Residences General Plan Amendment (Case 2013-25); Rancho Siringo Residences Rezone to R-9. (Case 2013-26)

ISSUE

Duty and Germanas Architects, agents for Santa Fe Civic Housing Authority and Casas de Buena Ventura, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 3.44± acres from Low Density Residential (3 to 7 dwelling units per acre) to Medium Density Residential (7 to 12 dwelling units per acre). In addition, they request rezoning of 3.44± acres from R-1 (Residential 1 swelling unit per acre) to R-9 (Residential, 9 swelling units per acre). The property is located at the southwest corner of Siringo Road and Yucca Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on March 27, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The proposed development of twenty-two (22) single story apartments will generate 16 vehicle trips ends during the morning peak hour and 18 trip ends during the afternoon peak hour of the adjacent street¹. This will result in less than ½ of a percent (0.34%) increase in traffic on Yucca Street and less than ¼ of a percent (0.14%) increase in traffic on Siringo Road². Due to the minimal impact on the surrounding roadway network, the Developer is not required to provide a traffic study.
2. Future improvements at the intersection of Siringo Road and Yucca Street may result in restricting the access from Rancho Siringo Dr. to a Right-In/ Right-Out onto Yucca Street. The Developer shall by acceptance of the City of Santa Fe approvals of the requested rezoning acknowledge and concur with the above mentioned potential access restrictions.
3. The Developer shall provide a sidewalk along the western boundary of Tract A, (on the east side of Rancho Siringo Road).

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

¹ Per ITE Trip Generation, 8th Ed.; land use code 221; Low-Rise Apartments.

² Traffic Volumes from the 2011 Santa Fe AADT Volume Map.

City of Santa Fe, New Mexico

memo

DATE: April 11, 2013

TO: Heather Lamboy
Land Use Planner

FROM: Alexandra Ladd *ALL*
Housing Special Projects Manager

RE: Applicability of SFHP requirements to the proposed "Rancho Siringo" rental project

As a proposed rental project, "Rancho Siringo" is subject to the Santa Fe Homes Program (SFHP) which requires that 15% of all new units proposed for construction in a rental project are made available to income-qualified renters (Section 26-1.23). SFHP also provides procedures for the marketing, leasing and occupancy of SFHP rental units and regulates size, unit type and structural requirements. Because the market units proposed for "Rancho Siringo" are smaller than the sizes mandated in the City's ordinance, the developer will not be held to the ordinance standard, but rather will be required to make the affordable units identical to the market rate units.

According to the program, the following formula is used to determine the rental unit requirement: $14 \text{ units} \times 15\% = 3.3 \text{ units}$. The developer is offering to round up the requirement to four units - three provided in the first phase and one provided in the second - in exchange for waived development review fees. For the four units that are rented affordably, utility hook up fees and permit fees are waived, as per the SFHP procedures.

The rents and distribution of unit types will be as follows, with the exact unit distribution to be determined upon lease-up:

<i>Income Range</i>	<i>Studio/1 Bedroom</i>	<i>2 Bedrooms</i>	<i># of Units</i>
1	\$345	\$395	2
2	\$575	\$655	1
3	\$745	\$850	1

ACTION REQUIRED:
For your information.

City of Santa Fe, New Mexico

memo

DATE: April 8, 2013

TO: Heather Lamboy, Case Manager

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

RE: Cases # 2013-25 and # 2013-26
Rancho Siringo Residences General Plan Amendment
And Rezoning to R-9

I have no review comments on this General Plan Amendment and Rezoning.

If the project moves forward, all Terrain Management and Floodplain requirements shall be met.

As a side note, because FEMA regulations and the City floodplain ordinance regulate development only with regard to the 1% floodplain, the 0.2% floodplain can be omitted for clarity from future drawings.

City of Santa Fe, New Mexico

memo

DATE: April 1, 2013
TO: Heather Lamboy, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2013-25 & 26 Rancho Siringo Residences Rezoning to R-9

The Wastewater Division has no objection to the Rezoning and General Plan Amendment for this project.

Additional Comments:

1. There appears to be an encroachment of a proposed building into the existing sewer easement on the west portion of the development.
2. The Wastewater Division typically request increasing the older 15 foot wide sewer easement easements to the current 20 foot minimum width.
3. Access to the existing on-site sewer manholes will need to be provided.

LAMBOY, HEATHER L.

From: WILSON, KEITH P.
Sent: Sunday, April 07, 2013 1:45 PM
To: LAMBOY, HEATHER L.; MARTINEZ, ERIC B.
Cc: BAER, TAMARA
Subject: RE: Rancho Siringo Residences

Hi Heather:

The MPO's Bicycle Master Plan shows sections of the Arroyo Pinos Trails from Fifth St over to the NE Corner of Siringo and Yucca (phase B) and then from Herb Martinez Park to Richards (Phase B) and finally from Richards to Camino de los Arroyos (Phase C). We show no alignment from the SW corner of Siringo/Yucca to Herb Martinez (Camino Carlos Rey). This segment was assessed by our consultant and not included because it was deemed not feasible due to the narrowness of the space between the existing residences from Ranchos Siringo to Camino Carlos Rey and therefore from a transportation standpoint using the on-road route along Siringo (recommended striping bike lanes in BMP) to Carlos Rey was deemed a better solution..

Let me know if you need additional information.

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

Please Visit Our Website at: www.santafemppo.org



Find Us on Facebook

From: LAMBOY, HEATHER L.
Sent: Friday, April 05, 2013 4:15 PM
To: MARTINEZ, ERIC B.; WILSON, KEITH P.
Cc: BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Rancho Siringo Residences

Hi Eric & Keith:

On Monday evening a neighborhood meeting is scheduled to discuss this project. This application was submitted on March 25 and distributed at the March 27 DRT meeting. This project has been somewhat controversial with the neighborhood.

Tamara and I would like to know what the current plans are for the Los Pinos trail. According to GIS, this site is bisected by the proposed trail. It would be good to have that information for the upcoming meeting, and to let the applicant know how best to plan for that trail.

We look forward to hearing from you. Thank you!

Heather L. Lamboy, AICP

City of Santa Fe, New Mexico

Exhibit B

Maps



Case #2013-25 and 2013-26: Rancho Siringo Residences Future Land Use Map



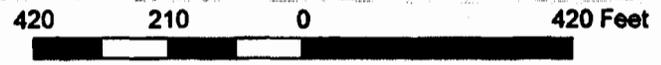


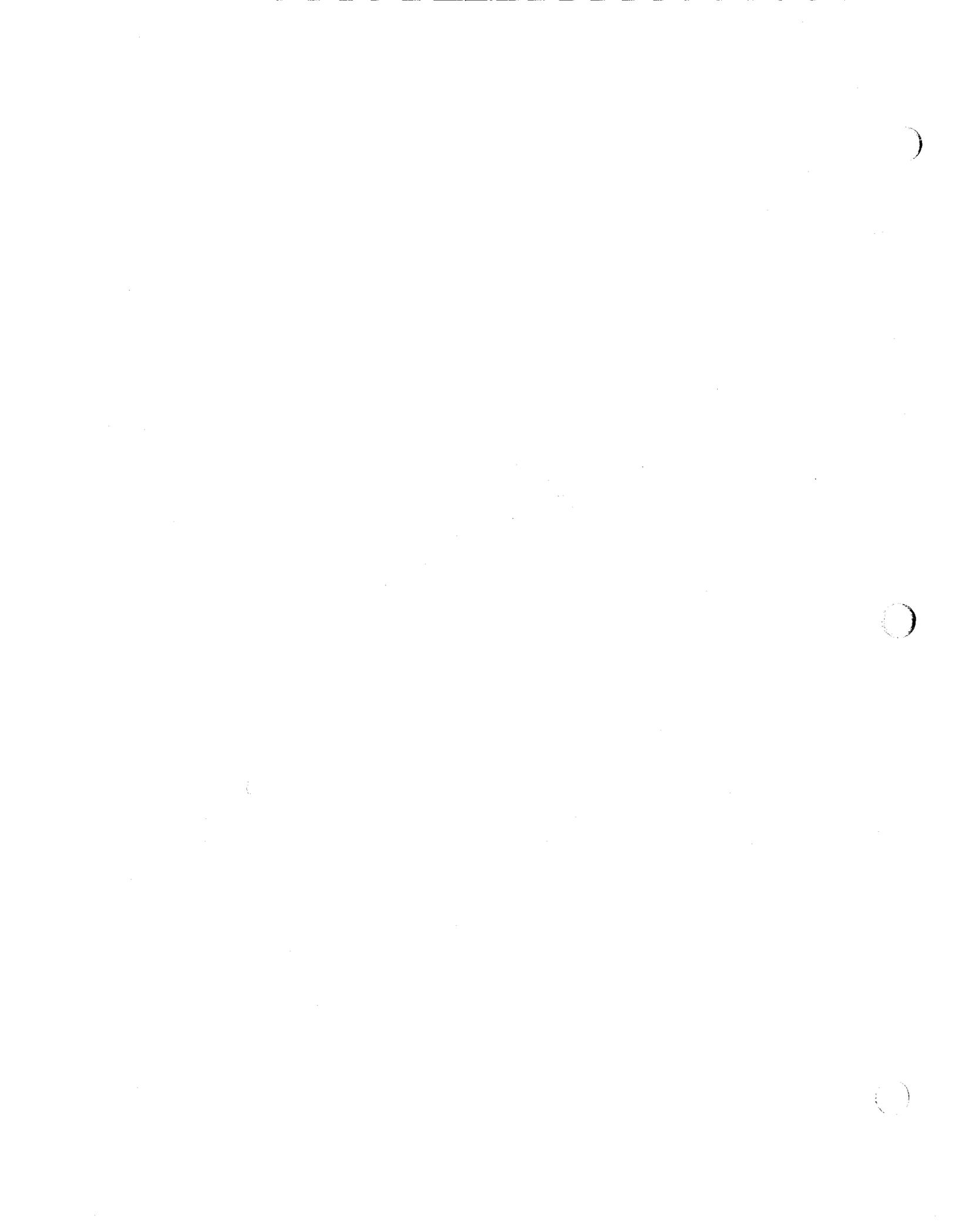
Case #2013-25 and 2013-26: Rancho Siringo Residences Zoning Map





Case #2013-25 and 2013-26: Rancho Siringo Residences Aerial





City of Santa Fe, New Mexico

Exhibit C

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



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

<i>Project Name</i>	Rancho Siringo Residences
<i>Project Location</i>	Rancho Siringo Road and Rancho Siringo Drive
<i>Project Description</i>	General Plan Amendment from Low Density Residential to Medium Density Residential Rezone from R-1 to R-12
<i>Applicant / Owner</i>	Santa Fe Civic Housing Authority/Forrest Thomas
<i>Agent</i>	Mike Duty, Duty & Germanas Architects
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	February 13, 2013
<i>ENN Meeting Location</i>	LaFarge Library
<i>Application Type</i>	General Plan Amendment & Rezoning
<i>Land Use Staff</i>	Heather Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	Applicant, Staff, Ed Romero of Santa Fe Civic Housing Authority, 19 members of the public

Notes/Comments:

Ms. Lamboy began the meeting by explaining the Early Neighborhood Notification (ENN) meeting purpose and stating that a meeting summary would be produced for the Planning Commission packet. She emphasized the importance of input from the neighborhood regarding the proposal, and offered her contact information in case those present would like to contact her outside of the ENN. She then introduced Mike Duty of Duty and Germanas Architects, who is representing the applicant.

Mr. Duty began by explaining the nature of the project – requesting to build 20 1- and 2-bedroom apartment units on Tract A and 10 1- and 2-bedroom units on Tract B. He stated that currently the land is owned by Forrest Thomas, who owns the St. Michael's West development. The proposed housing would be divided by a large open space which is the floodplain for the Arroyo de los Pinos. Mr. Duty explained that it is not possible to build in the floodplain.

Mr. Duty explained that the proposed units would be one-story. In the first phase of 20 units, 16 of the units would be 2-bedroom, and 4 of the units would be one-bedroom. The 2 bedroom units would be approximately 850 square feet in size.

Mr. Duty stated that the current zoning for both Tracts A and B is R-1 (Residential, 1 dwelling unit per acre). He commented that the surrounding zoning districts include R-21, R-12, R-5 and R-3. He stated that no commercial development is proposed. Mr. Duty explained that in addition to the zone change request, he would be requesting an amendment to the General Plan. Currently the property is designated Low Density Residential (3-7 dwelling units per acre), and the request would be to change it to Medium Density Residential (7-12 Dwelling Units per acre). Mr. Duty explained that he was applying for the April Planning Commission meeting.

Mr. Duty stated that vehicular access to the project would be either via Rancho Siringo Road or Rancho Siringo Drive, depending on the tract. He commented that to date, the Traffic Engineering Division has not requested a traffic analysis for this development. Mr. Duty stated that each unit would at least have 2 parking spaces available.

Finally, Mr. Duty closed his presentation by stating that not all of the units would be considered affordable, but some of them would be rented at a market rate. He commented that the minimum number of affordable units for Tract A is 4 out of the 20, and Tract B is 2 out of the 10.

In response to a question, Ed Romero, of the Santa Fe Civic Housing Authority, listed the properties that are managed by his organization. They include properties in Las Acequias, at the corner of Alta Vista and Luisa, Camino Consuelo, Cerro Gordo Road, and 8 duplexes in Casa Solana. He stated that his organization manages properties in Santa Fe, Espanola, Bernallilo, Los Alamos, and Mora.

Mr. Romero stated that like at Villa Alegre (the most recently completed Housing Authority project), his organization prefers to build at least at the LEED (Leadership in Energy and Environmental Design) Platinum level, with net-zero waste. He commented that the proposed development will be a mixed-income site, and that for the market units, the Housing Authority is hoping to appeal to teachers and students at the Santa Fe University of Art and Design (SFUAD) and the Higher Education Center.

Mr. Duty commented that this proposal is attractive because it is infill – it is within walking distance to services and public transportation.

Ms. Lamboy explained the public hearing process for a General Plan Amendment and Rezoning. She stated that two public hearings would be required – one before the Planning Commission, at which the Commission makes a recommendation to the City Council, and a City Council public hearing where the final decision is made.

A neighbor asked how the proposed density was derived. Mr. Duty responded that a minimum number of units would be required to make the project financially feasible. He stated that he felt it important to keep the units one story rather than two stories so as to not block anyone's views. He stated that they were trying to find a middle ground – to build enough units to make the project profitable, but to be sensitive to the neighborhood.

A neighbor asked why those tracts have R-1 zoning currently. Mr. Duty responded that policy guidance regarding densities in the city is provided in the General Plan, which in this case calls for 3-7 dwelling units per acre. He stated that the City does not rezone property, it is up to the property owner to request property to be rezoned. The R-1 zoning category is left over from when this property was largely rural in character.

A neighbor asked who was developing the property. Mr. Duty responded that it was a partnership with the Santa Fe Civic Housing Authority and Casas de Buena Ventura. The prices would vary for the units, based on whether they are affordable or not. The market units would be rented for approximately \$1/square foot, or \$850 in the case of the two-bedroom units.

A neighbor pointed out that the lots do not have all the necessary water and sewer infrastructure. Mr. Duty responded that they may have to make line extensions in order to get service, and that expense would be paid for by the developer.

The neighbors then expressed concern regarding the traffic on Rancho Siringo Road, Rancho Siringo Street, and access to Siringo Road and Yucca Street. They stated that there is a lot of cut-through traffic, and a lot of student-related parking on their street during the school day. The neighbors commented that it is difficult to access Siringo and Yucca Road during the morning and evening commutes because of the school traffic (Santa Fe High and Nava Elementary) and commuter traffic.

A neighbor commented about the increased crime in the 2400 block of Rancho Siringo Drive. He stated that there have been 4 deaths in the apartment complex, in addition to regular shootings, beatings, drug activity and gang activity. House burglary is common in the neighborhood.

Mr. Duty pointed out that the Santa Fe Civic Housing Authority has a good track record on the prevention of crime. He stated that good management has a huge positive impact on the stability of a neighborhood.

A neighbor asked whether there would be any compromise in the number of units being proposed. Mr. Romero responded that there are economies of scale and the project must be financially feasible. He stated that the smaller the project is, the less ability there would be to pay for it and sustain a certain high quality maintenance level. A neighbor asked whether this could be dedicated senior housing, and Mr.

Romero responded that even more density would be required to support senior housing.

A neighbor asked whether the number of people per unit is limited. Mr. Romero stated that state law prohibits dictating how many people can live in an apartment, but within reason, the Authority can limit those residing in the units to those listed on the lease. Visitors are allowed for a total of 5-8 days per year.

A suggestion was made to increase the traffic calming in the neighborhood to help mitigate the impact. The neighbor also emphasized the importance of a traffic study in this case because of the unique circumstances in the neighborhood, with the 2 schools, the Santa Fe University of Art and Design, and the Higher Education Learning Center. Mr. Duty and a neighbor pointed out that recently money had been dedicated to study the traffic impacts of the Higher Education Learning Center, which is expected to have 500 students and 200-250 staff between the hours of 8am to 10pm. The neighbor suggested the addition of speed humps on Rancho Siringo Road and Rancho Siringo Drive to discourage cut-through traffic on those roads.

A neighbor pointed out that the access to Santa Fe University of Art and Design via Siringo Road will be impacted due to the expected SFCC Higher Education Center. Mr. Duty responded that Siringo Road may be expanded based on the needs to accommodate the Higher Learning Center.

A neighbor pointed out how the pocket park in the existing neighborhood is overstressed and has a lot of use. She asked whether the proposed development would have open space and play space for children. Mr. Duty responded that the floodplain area would act as open space and that it was likely that a tot lot would be developed to serve the sites.

There was some discussion on how density is calculated, and Mr. Duty clarified on how the floodplain is subtracted from the overall size of the site to calculate density. The density is based on the developable areas, not the floodplain areas. Mr. Duty pointed out that taken as a whole, the actual density for the site would be 6.45 dwelling units/acre...but since the city only counts developable land for density, the density without the floodplain on site is 11 units per acre.

A neighbor asked whether the area of the floodplain reflect the most recent FEMA updates? Mr. Duty responded that it does. The neighbor asked whether rainwater detention will be on site, and Mr. Duty responded that the detention will be broken up across the site.

A neighbor asked about the potential for building a retaining wall on the project site, and how that may impact the retaining walls on the other side of the arroyo. Mr. Duty said that would be studied with the development review process.

A neighbor commented that they felt the proposal could make the neighborhood more dangerous through the lack of ownership in these units. Mr. Duty referred the group to the reputation and record that the Santa Fe Civic Housing Authority has with the Villa Alegre project on West Alameda and stated that the same standards would apply for this site. He stated that the construction of the project would be high-quality and the intent is to enhance the neighborhood rather than detract.

A neighbor asked about the required setback from the edge of the arroyo. Mr. Duty responded that he thought it was 12 feet, but he would have to get confirmation from the City Engineer before confirming the setback.

A neighbor commented that the preference is for a lower density than that which is proposed. A neighbor asked whether solar would be used for the development, and Mr. Duty responded that the energy for the homes would be electric heating and cooling.

A neighbor expressed concern for the size of the units, commenting that the 1-and 2-bedroom units are small as a living space for families. She asked whether there was any compromise on the total number of units, and the possibility of integrating larger units to accommodate families, which tend to be more stable as tenants.

Mr. Duty responded that he was not here to negotiate; rather he was here to listen and put together the best project possible.

A neighbor pointed out that they were willing to compromise by having this project in the neighborhood, but were just asking for some refinements that might make it more compatible with the neighborhood.

A neighbor recalled the General Plan process from 1999, and commented that 5-7 dwelling units per acre seems to be what is appropriate for the neighborhood. A comment was made that the neighborhood was in favor of residential, not commercial, but concerned about the traffic and other impacts the potential number of units could have.

A neighbor asked whether there was a way of getting a clientele at a higher price point yet still serving the need for affordable housing. Mr. Duty said he would look into that matter.

The meeting concluded at approximately 7:45pm.



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

Project Name: Casas de Buena Ventura, Rancho Siringo

Meeting Date: February 13, 2013

Meeting Place: LaFarge Library

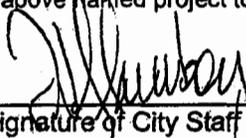
Meeting Time: 5:30 pm

Applicant or Representative Check Box below

↓	Name	Address	Email
<input type="checkbox"/>	1 ANNE BURTON	1987 SIRINGO ROAD	jack.anneburton@gmail.com
<input type="checkbox"/>	2 Diane F. Martinez	1993 Siringo Road	Diane.Martinez1@state.nm.us
<input type="checkbox"/>	3 BREAN SCHULTZ	1997 SIRINGO RD.	BSCHULTZ@SRNEWMEEX.COM
<input type="checkbox"/>	4 DAVID BOLOTIN	2604 ALAMOSA DRIVE	dboletin@cybermesa.com
<input type="checkbox"/>	5 F. HUNTER	2111 LOS PINOS	
<input type="checkbox"/>	6 Jonathan Hunter	2111 Los Pinos	hunterinspired@gmail.com
<input type="checkbox"/>	7 Mella Hunter	" "	email.mella@gmail.com
<input type="checkbox"/>	8 ERIC BIDERMAN	2504 RANCHO SILVER RD.	BIDERMANERIC@YAHOO.COM
<input type="checkbox"/>	9 ROBERT H. DURAN	2505 SIRINGO LA.	
<input type="checkbox"/>	10 John W. Murphy	2502 Alamosa Pl/ce	firstlightconsulting@prvil.com
<input type="checkbox"/>	11 Mary E Schruben	2119 Rancho Sango Rd	-
<input type="checkbox"/>	12 Kristine Schell Murphy	2902 Alamosa Place	Kris.murphy@gmail.com

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

Heather L. Lamboy, AICP
Printed Name of City Staff in Attendance


Signature of City Staff in Attendance

2/13/13
Date

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



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

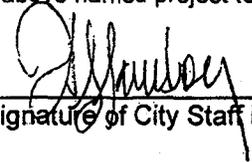
Project Name: Casas de Buena Ventura, Rancho Siringo **Meeting Date:** February 13, 2013
Meeting Place: LaFarge Library **Meeting Time:** 5:30 pm

Applicant or Representative Check Box below

↓	Name	Address	Email
<input type="checkbox"/>	1 CORALINE FRIELICH	2337 CAMPA PINTORES #1505	
<input type="checkbox"/>	2 ROY BUSEE	2503 RANCHO DRIVE Siringo	
<input type="checkbox"/>	3 BONNIE BUSEE	2503 Rancho Siringo Drive	
<input type="checkbox"/>	4 JOE J ANAYA	2109 LOS Pinos CRT.	
<input type="checkbox"/>	5 Eddie George	2520 Rancho Siringo CT	
<input type="checkbox"/>	6 Meda Emma Roybal	2205 Rancho Siringo Rd	
<input type="checkbox"/>	7 PATRICK VARELA	2505 Rancho Siringo Drive	patrick.varela@santafe.nm.gov
<input type="checkbox"/>	8		
<input type="checkbox"/>	9		
<input type="checkbox"/>	10		
<input type="checkbox"/>	11		
<input type="checkbox"/>	12		

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

Heather L. Lamboy, AICP
 Printed Name of City Staff in Attendance


 Signature of City Staff in Attendance

2/13/13
 Date

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

Duty & Germanas Architects

EARLY NEIGHBORHOOD NOTIFICATION MEETING

January 28, 2013

Casas de Buena Ventura in conjunction with the Santa Fe Civic Housing Authority is seeking approval for two infill housing projects located on Rancho Siringo Rd. and Rancho Siringo Dr. The Rancho Siringo Rd. development is comprised of 20 single story rental units built by Casas de Buena Ventura and managed by the Santa Fe Civic Housing Authority. The Rancho Siringo Dr. development is comprised of 10 single story rental units which will also be built and managed in the same way. The 20 unit development will be built as a first phase, and the 10 unit development will be built as a second phase.

Both developments require a zoning change from the current R-1 Residential, (1 dwelling unit per acre) zone to an R-12 zone (Residential, 12 dwelling units per acre) zone. The surrounding property varies in zoning from R-5 through R-21. Each project will require a General Plan Amendment from R-7 Residential Low Density (3 to 7 dwelling units per acre) to the R12 Residential Medium Density (7-12 dwelling units per acre).

Time of ENN Meeting: 5:30 PM
Date: Wednesday, February 13, 2013
Location: Oliver LaFarge Library, Community Room
1730 Llano Street
Santa Fe, New Mexico 87505

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

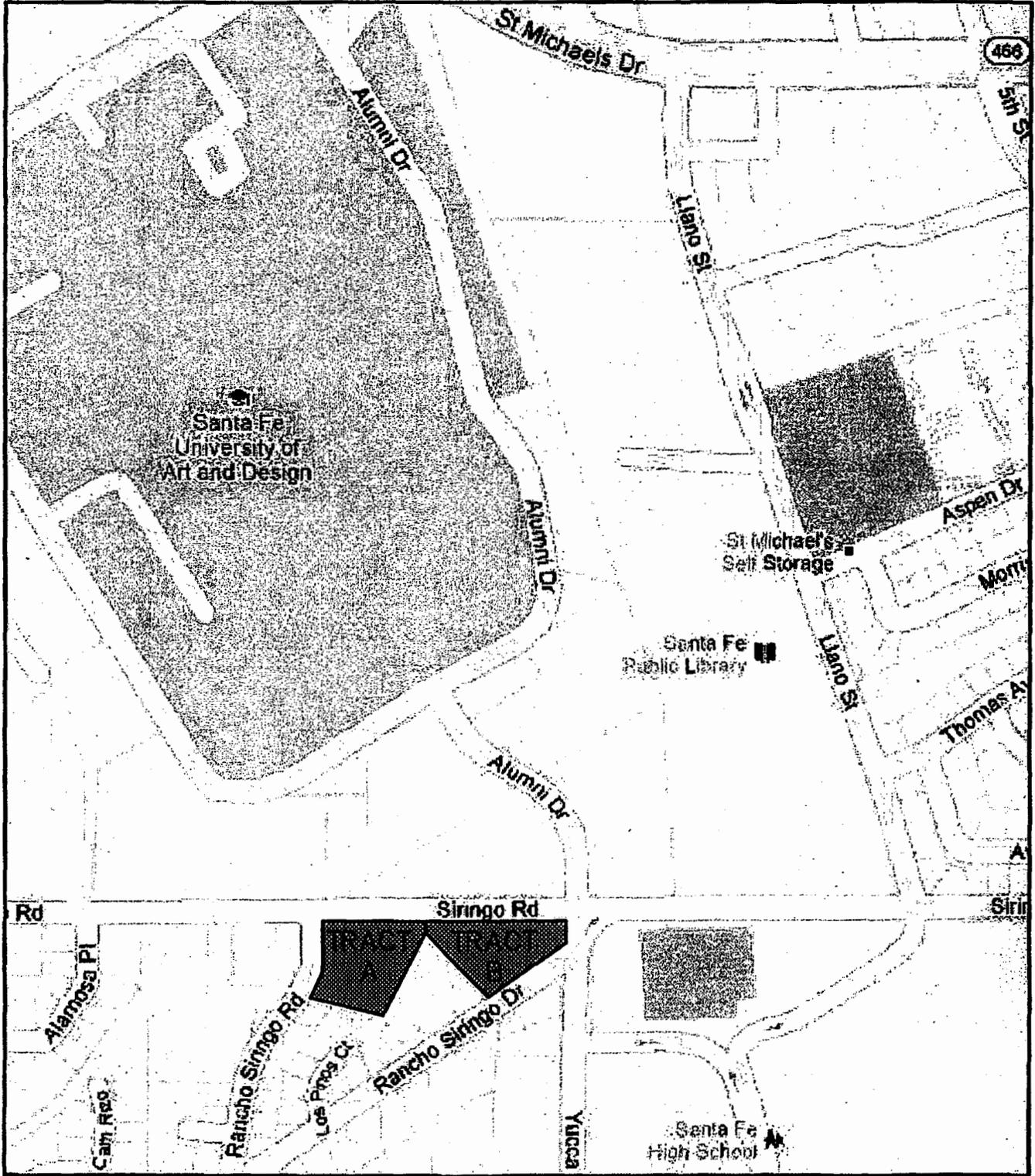
Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Michael Duty at Duty and Germanas Architects, telephone number 505 989 8882 or at email dgarchitects@qwestoffice.net.

Sincerely,



O. Michael Duty

Attachments:
Vicinity map
Site Plan



1

VICINITY MAP

SCALE: NOT TO SCALE

RANCHO SIRINGO RESIDENCES, EAST AND WEST

EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS

The proposed housing developments are completely residential. All buildings are one story with setbacks from the property lines as required or greater. The massing and scale of the buildings are similar in scale to the residential structures in the neighborhood. No adverse effects on the neighbor-hood.

EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT

No disturbance of the arroyos or tree cover along the arroyo is envisioned. The development will not impact or cause additional fire risk or hazardous materials. All easements will be preserved and the flood plain will be unaffected.

IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN.

No impact

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

The density of the proposed development will be 12 units/acre. The project is surrounded by housing varying in density from 5 units/acre to 21 units/acre. The requested zoning of R12 is appropriate for the development proposed. The City General Plan calls for 5-7 units/acre. Therefore this proposal calls for a slight increase in the planned density, but no change in the type of use (residential).

EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES

Traffic generated by the development will access Rancho Siringo Rd. and Rancho Siringo Dr. as shown on the site plan. Access on these roads will be well back from Siringo and Yucca which will allow ample distance for traffic flow. The intersection is traffic controlled and as a result, no impact on safety should occur. In general the project is located close to services.

IMPACT ON THE ECONOMIC BASE OF SANTA FE

Construction will be provided by local contractor(s). The project will provide market and affordable housing to families in close proximity to school and existing commercial development. Infill housing of this type helps resist urban sprawl and makes efficient use of existing infrastructure.

EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS

These projects will each provide affordable housing to meet or exceed the requirements of the City of Santa Fe. There will also be market rate units available within the projects. This affords individuals and small families from a mix of income levels, a choice of housing located close to services, in a small development.

EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES

Infill development, such as this project, make the maximum and most efficient use of the public infrastructure. All services or infrastructure listed in this guideline are available at or close to the site.

IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS

The residential units will be built with sustainability and energy efficiency in mind. Build Green NM and LEEDs standards will be followed. As a result the lowest possible impact on resources will be achieved.

EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS

This project is ideally situated to maximize the integration of land use, pedestrian orientation and linkages to the neighborhood, schools, recreational activity and nearby employment. Pedestrian access to most of the above is available, Vehicular access to the urban traffic network is excellent.

EFFECT ON SANTA FE'S URBAN FORM

The City General Plan calls for residential infill at this site. The density proposed is an increase over that called for in the general plan, but is supported by the infrastructure and the existing development surrounding the site. This project fits well within Santa Fe's urban form.

ADDITIONAL COMMENTS

The Santa Fe Civic Housing Authority and Casas de Buena Ventura are the most distinguished developers of housing opportunities in Santa Fe. All the projects are well managed and the newest projects are very well conceived with close attention paid to quality of life issues, good management, sustainable design, and neighborhood integration.



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information		
Project Name:	RANCHO SIRINGO RESIDENCES	
Address:	RANCHO SIRINGO DR & RANCHO SIRINGO RD. Parcel Size: _____	
Zoning:	R-1	Future Land Use: R-7
Preapplication Conference Date:	HELD JAN. 17, 2013	
Detailed Project Description:	20 UNITS RENTAL @ RANCHO SIRINGO DR RD. 10 UNITS RENTAL @ RANCHO SIRINGO DR ALL RESIDENTIAL	
Property Owner Information		
Name:	SANTA FE CIVIC HOUSING AUTHORITY & CASAS de BUENA	
Address:	404 DUTY & GERMANAS, 404 KIVA CT, STE G SF, NM VETURIA	
Phone:	505-989-8882	E-mail Address: dgarchitects@qwestoffice.net
Applicant/Agent Information (if different from owner):		
Name:	D. MICHAEL DUTY	
Address:	404 KIVA CT. SUITE G SF, NM.	
Phone:	505-989-8882	E-mail Address: dgarchitects@qwestoffice.net
Agent Authorization (if applicable):		
I am/We are the owner(s) and record title holder(s) of the property located at: _____		
I/We authorize _____ to act as my/our agent to execute this application.		
Signed: _____	Date: _____	
Signed: _____	Date: _____	
Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	FEB. 13, 2013	
TIME:	5:30	
LOCATION:	La Farge LIBRARY CONF. ROOM.	
	<u>CONFIRMED</u>	

City of Santa Fe, New Mexico

Exhibit D

Applicant Submittals

Duty & Germanas Architects

March 25, 2013

Heather Lamboy
Senior Land Use Planner
Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, New Mexico 87501

Re: Rezoning and General Plan Amendment
Rancho Siringo Residences, Phase one and Phase two

Dear Heather:

On behalf of the Santa Fe Civic Housing Authority and Casas de Buena Ventura, we are submitting the Master Plan for the Rancho Siringo Residences, Phase one and Phase two. The Rancho Siringo Residences project is comprised of two phases.

Phase one is located on Tract A, comprised of 1.887 acres. It contains 14 single story rental units to be built by Casas de Buena Ventura and managed by the Santa Fe Civic Housing Authority. Every residential unit is designed to be two bedroom and each unit has an attached single car garage.

Phase two is located on Tract B, comprised of 1.554 acres. It contains 8 single story rental units, also to be built by Casas de Buena Ventura and managed by the Santa Fe Civic Housing Authority. The design of the residential units is identical to that of Phase one. Each unit will have two bedrooms and an attached garage.

This development requires a zoning change from the current R-1 Residential, (1 dwelling unit per acre) zone to an R-9 zone (Residential, 9 dwelling units per acre). The surrounding property varies in zoning from R-5 through R-21. The development, including both phases, will require a General Plan Amendment from R-7 Residential Low Density (3 to 7 dwelling units per acre) to the R-9 Residential Medium Density (9 dwelling units per acre). The total acreage in the project is 3.441 acres, and the total unit count is 22 units. This yields a gross density of 6.39 units per acre. This gross density is within the parameters of R-7 as called for in the general plan, but when the flood plain area is subtracted from the land area, the density changes to 8.73 units per acre. Therein lies the reason for the general plan amendment.

The required ENN meeting was held in January of this year. There have been some plan changes made as a result of that meeting and the changes have been incorporated into the Master Plan submitted herein. An additional neighborhood meeting is scheduled for April 8, 2013 to outline the changes from the original plan to the neighbors and interested parties.

Attached with this letter of application are all the required submittals for review and approval. Thank you for your assistance in this matter.

Sincerely,

O. Michael Duty

**RANCHO SIRINGO RESIDENCES, PHASE ONE AND PHASE TWO
GENERAL PLAN AMENDMENT**

STATEMENT ADDRESSING APPROVAL CRITERIA

The Amendment to the General Plan:

(1)

- a) Is consistent with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure. In fact the gross density of the proposed housing project is slightly less than the general plan of 7 units per acre. The proposed density of both phases of the project is 22 dwelling units on 3.441 acres for a gross density of 6.39 units per acre. The density of 7 units per acre is exceeded only when the flood plain acreage is excluded from the land area. In that case the density is 22 dwelling units on 2.52 developable acres for a density of 8.7 dwelling units per acre. There is no evidence that the flood plain removal requirement was even considered when the densities proposed in the general plan were set. At any of these densities the project is consistent with growth projections. In fact, the project site is boarded by projects of greater density.
- b) Is consistent with other parts of the general plan. The general plan calls for multi-family residential in this area and that is precisely what this project is. There is no proposed change of use.
- c) The amendment does not allow uses or a change that is significantly different from or inconsistent with the prevailing uses of the area, nor does the amendment affect an area of less than two acres, nor does it benefit any landowners at the expense of the surrounding landowners or the general public.
- d) An amend is not required to conform with Subsection 14-3.2(E)(1)(c)
- e) Compliance with the extraterritorial zoning ordinances and extraterritorial plans is not applicable. This is infill housing in the central area of the City.
- f) This project does contribute to the coordinated, adjusted and harmonious development of Santa Fe. The addition of infill multifamily housing is what the general plan calls for and it is the type of development the neighborhood residents have spoken of preferring.
- g) The project and general plan amendment does conform with other city policies, including land use policies, ordinances, regulations and plans.

(2)

In addition to complying with the general criteria of section 14-3.2(E)(1) the amendment to the general plan will not have a negative impact on surrounding properties. The proposed project is residential in a residential neighborhood just as shown on the general

plan. There is a technical difference in calculated density as a direct result of the impact of the flood plain which is unique to the site for this project. In fact there is no indication that the flood plain was considered in the projected densities and use districts proposed in the general plan.

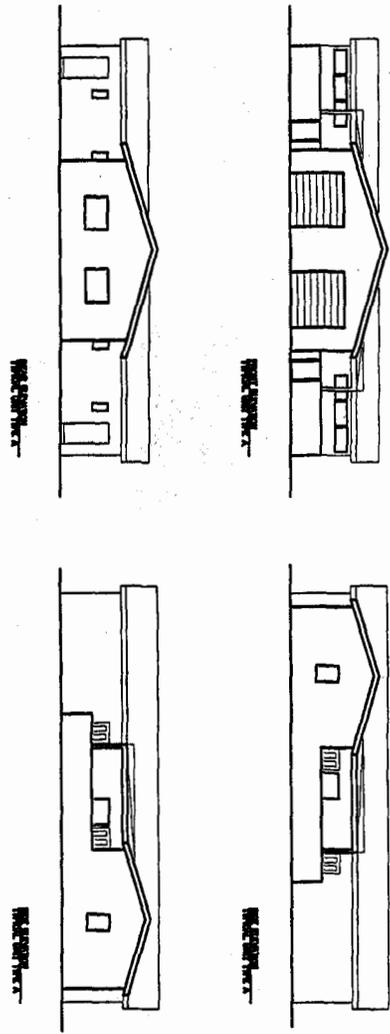
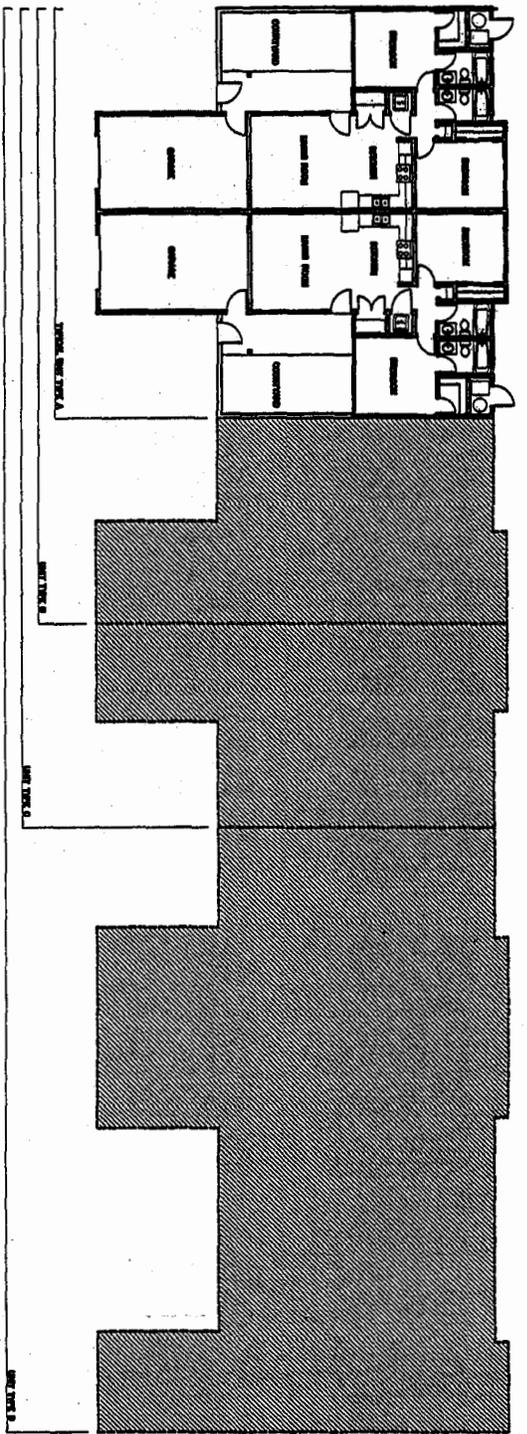
**RANCHO SIRINGO RESIDENCES, PHASE ONE AND PHASE TWO
REZONING**

NARRATIVE ADDRESSING APPROVAL CRITERIA

The Rezoning of the property:

- (1)
 - a) (iii) A different use category is more advantageous to the community, as articulated in the general plan.
 - b) The rezoning requirements of Chapter 14 have been met.
 - c) The rezoning is consistent with the applicable policies of the general plan, including the future land use map. The proposed rezoning is consistent with the 7 units/acre designation as in the general plan. The rezoning required is actually R-9 because the flood plain is not calculated in the zoning. The actual density is 6.39 units per acre when all the land is counted, but jumps to 8.7 units/acre when the flood plain is not counted. The general plan calls for multi-family residential on this site and that is what is being proposed. In fact, the property is bordered by higher density housing. This is infill housing which is exactly the use prescribed in the general plan.
 - d) The amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city
 - e) The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

- (2)
 - (a) The rezoning does not allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area.
 - (b) The rezoning does not affect an area of less than two acres.
 - (c) The rezoning does not benefit one or a few landowners at the expense of the surrounding landowners or the general public.



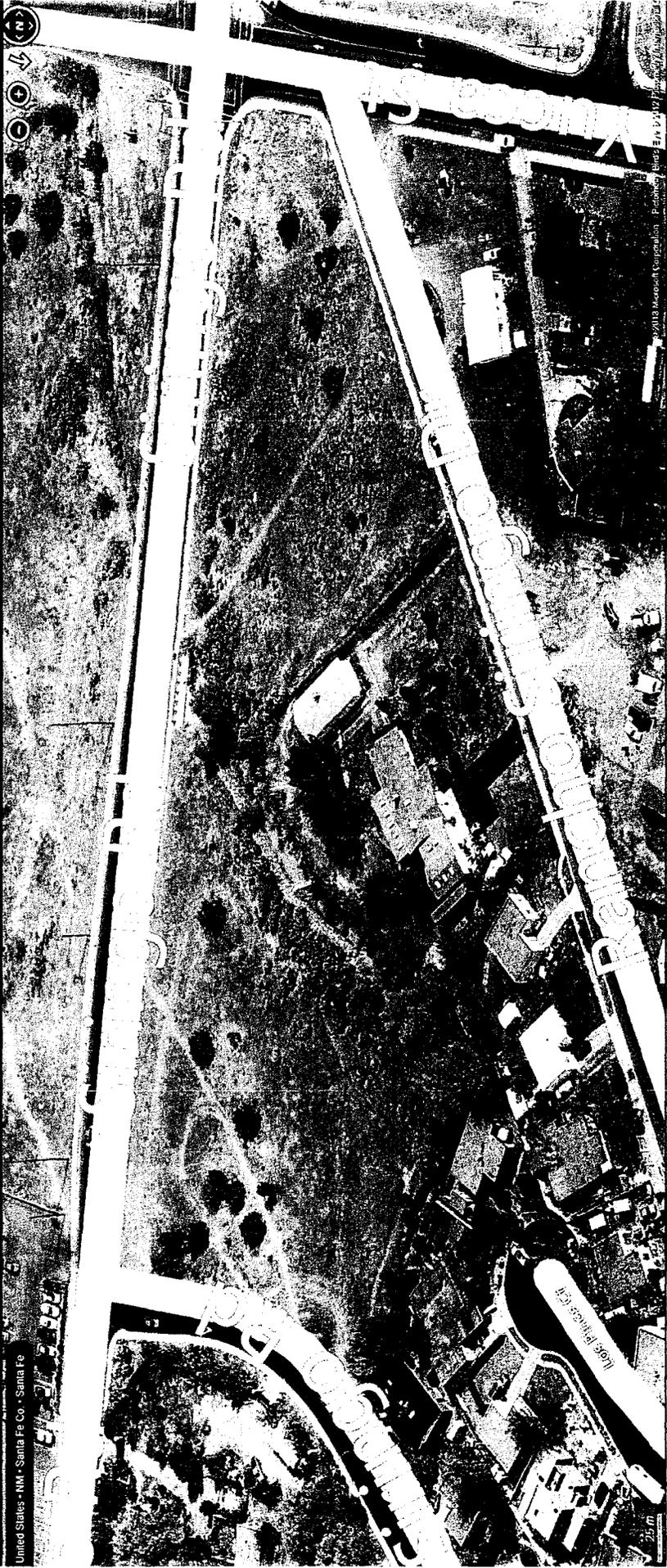
1 FLOOR PLANS and ELEVATIONS
 SCALE 1/8" = 1'-0"



SHEET A2.0	DUTY & BERMANIS ARCHITECTS	CHECKED BY: _____ DATE: _____ DRAWN BY: _____ DATE: _____	RESPONSE BY: _____ DATE: _____	RANCHO SIRINGO RESIDENCES SPRING ROAD SANTA FE, NEW MEXICO 87505	
		PROJECT NO.: _____ DATE: _____	PROJECT NO.: _____ DATE: _____	PROJECT NO.: _____ DATE: _____	PROJECT NO.: _____ DATE: _____



Rancho Siringo Residences General Plan Amendment Rezoning to R-9





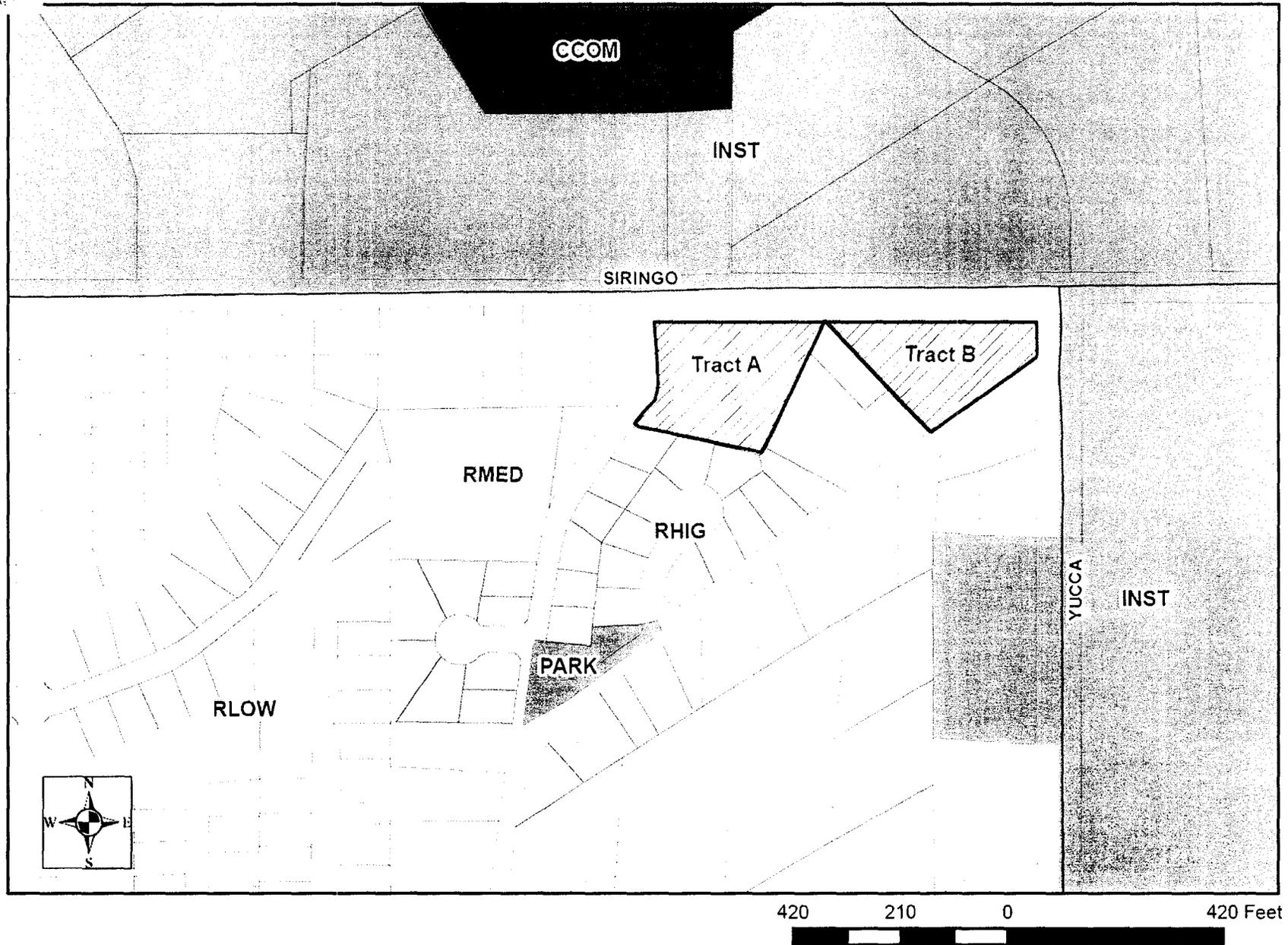
Rancho Siringo

Request:

- 3.44± acre site
- Located on the southwest corner of Yucca Street and Siringo Road
- Sites will be accessed via Rancho Siringo Drive and Rancho Siringo Road

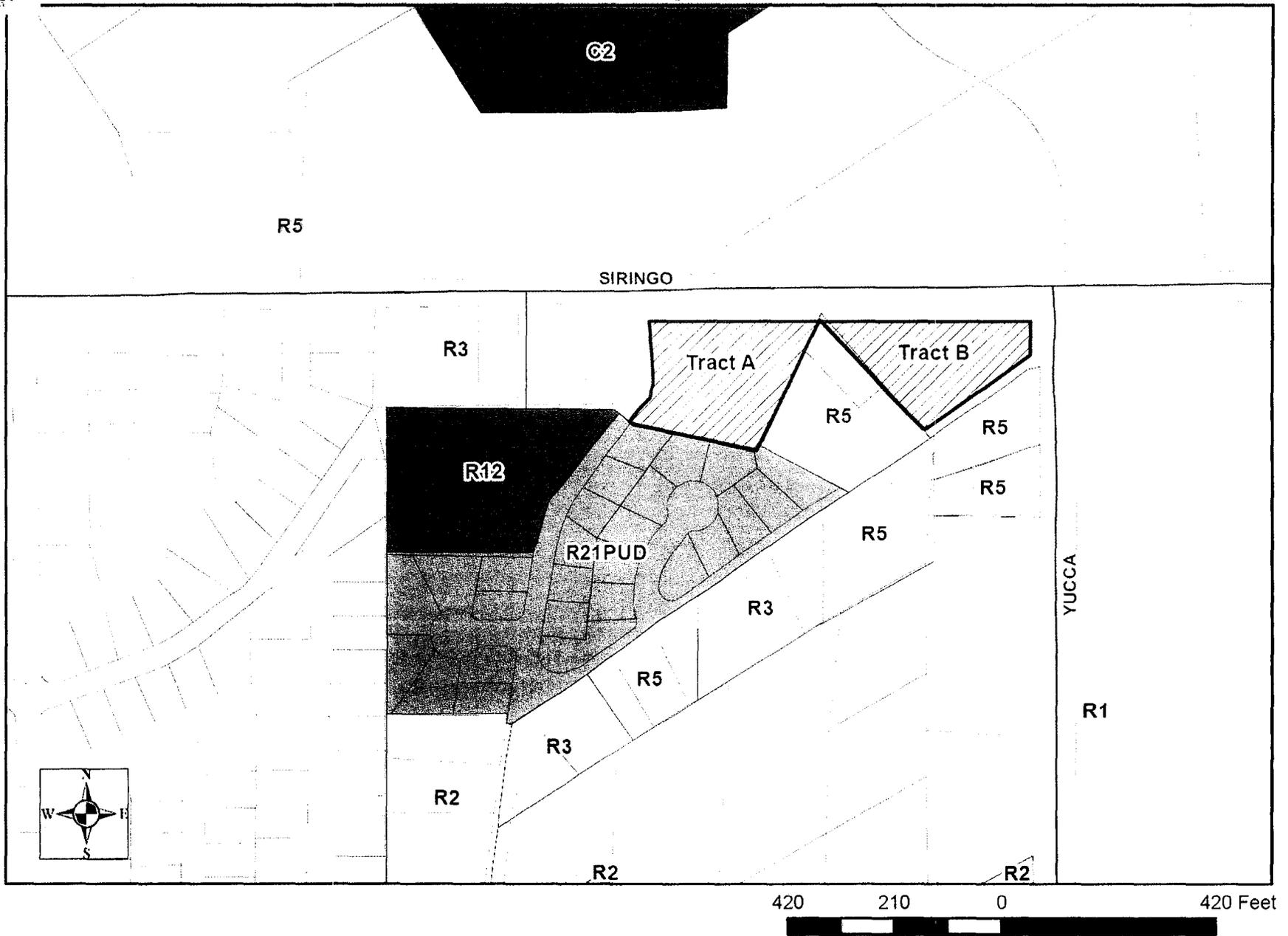


Case #2013-25 and 2013-26: Rancho Siringo Residences Future Land Use Map



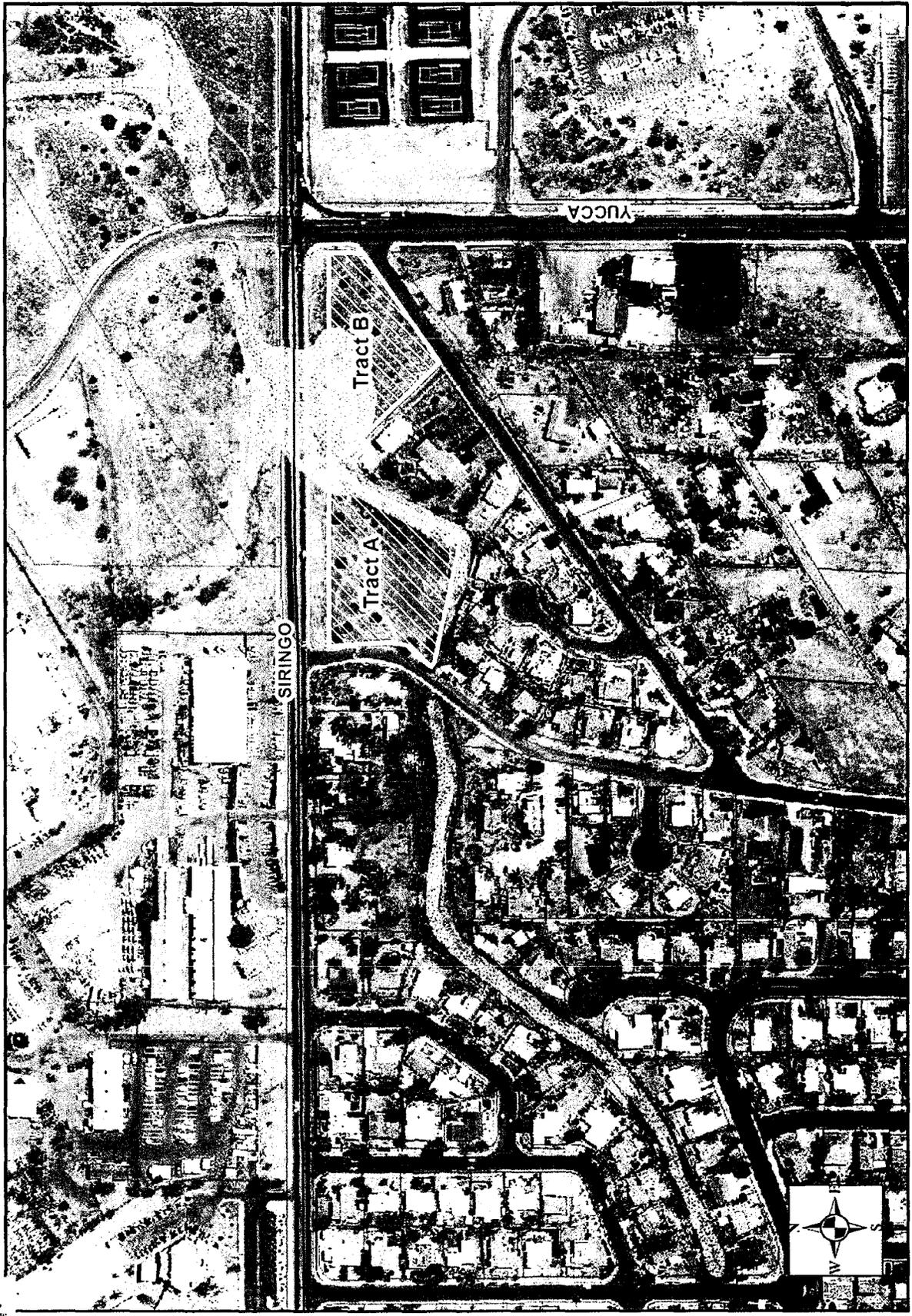


Case #2013-25 and 2013-26: Rancho Siringo Residences Zoning Map

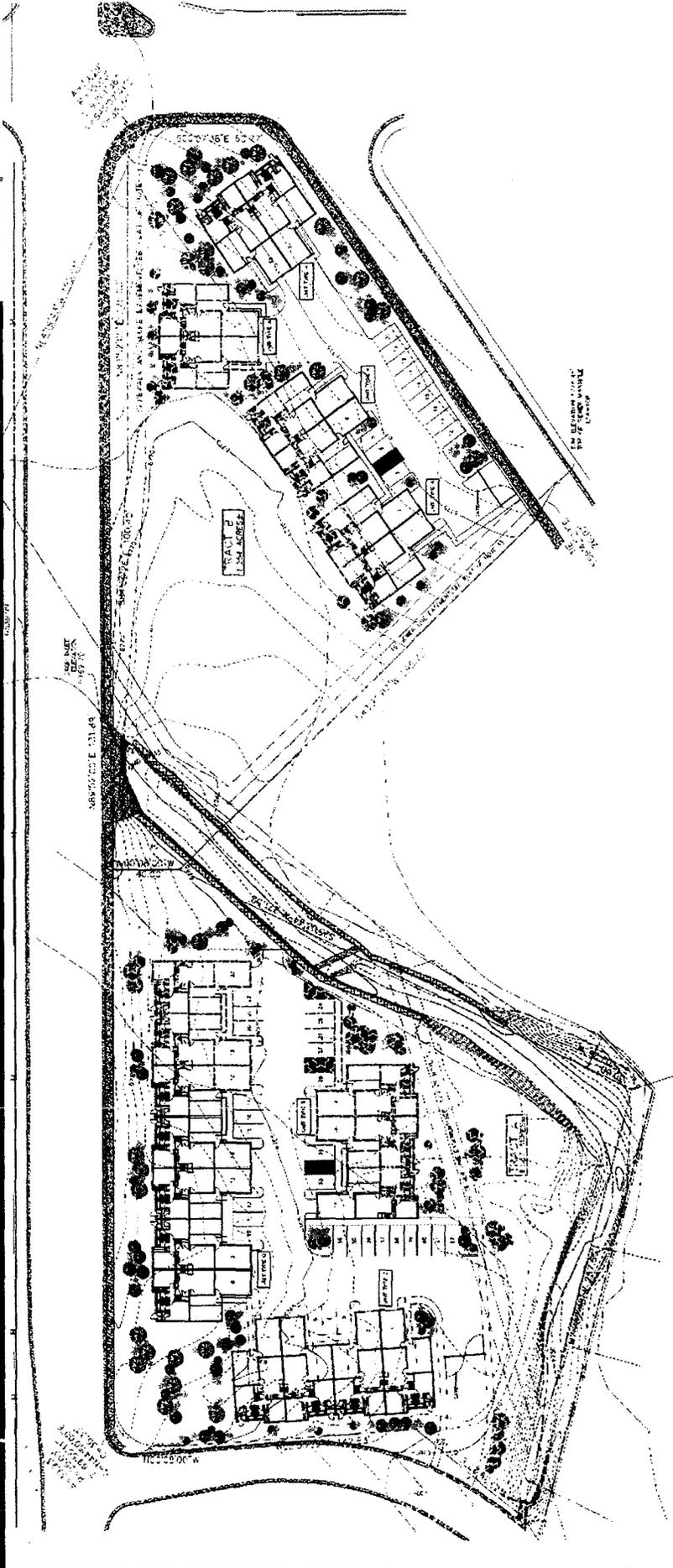




Case #2013-25 and 2013-26: Rancho Siringo Residences Aerial



Rancho Siringo



- 2 phases
- Tract A: 14 units, Tract B: 8 units

Rancho Siringo

Affordable Housing:

- 4 affordable units (out of 22)
- Targeted market is students, teachers, and other in need of rental housing
- Mix of 1- and 2-bedroom units with garages



Rancho Siringo

- **Neighborhood comments:**
 - **density, type of housing, traffic, crime**
- **Response to ENN concerns**
 - **Reduced total units from 30 to 22**
(Overall 6.4 units per acre
Minus Floodplain 8.7 units per acre)
 - **Primarily market-rate rental housing**
 - **Units are one-story**



Rancho Siringo



General Plan Amendment Criteria:

1. Consistency with growth projections;
2. Consistency with other parts of the plan;
3. Uses significantly different from character of the area;
4. Contributes to coordinated development in Santa Fe; and,
5. Considers other city policies and plans.

Rancho Siringo

Rezoning Criteria:

- **Mistake in original zoning?**
- **Change in the area?**
- **Is the new category more advantageous to the community?**
- **Consistent with the General Plan?**

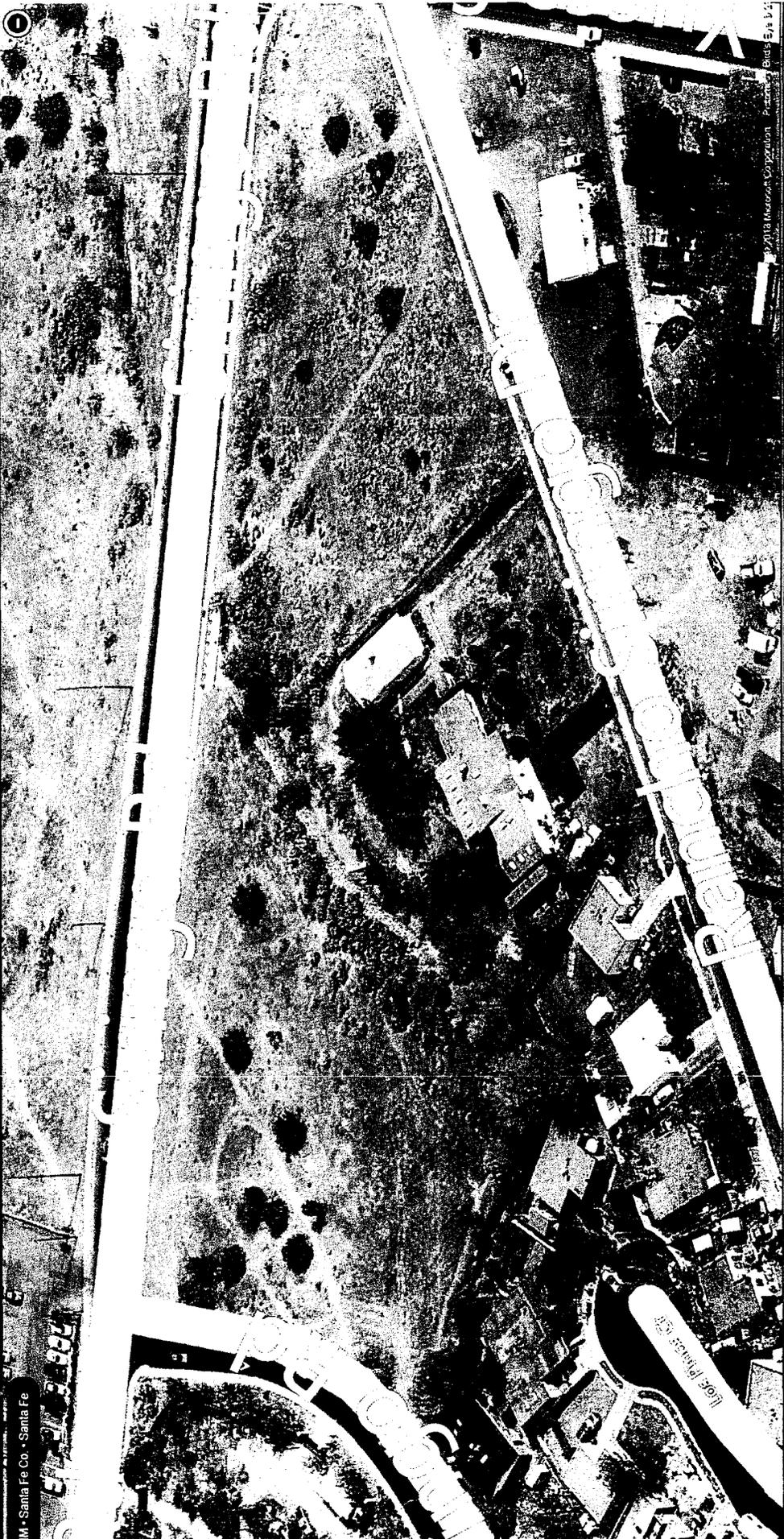


Rancho Siringo

- **DRT process revealed that existing infrastructure can accommodate proposed uses**
- **All criteria for a General Plan Amendment and Rezoning have been met**



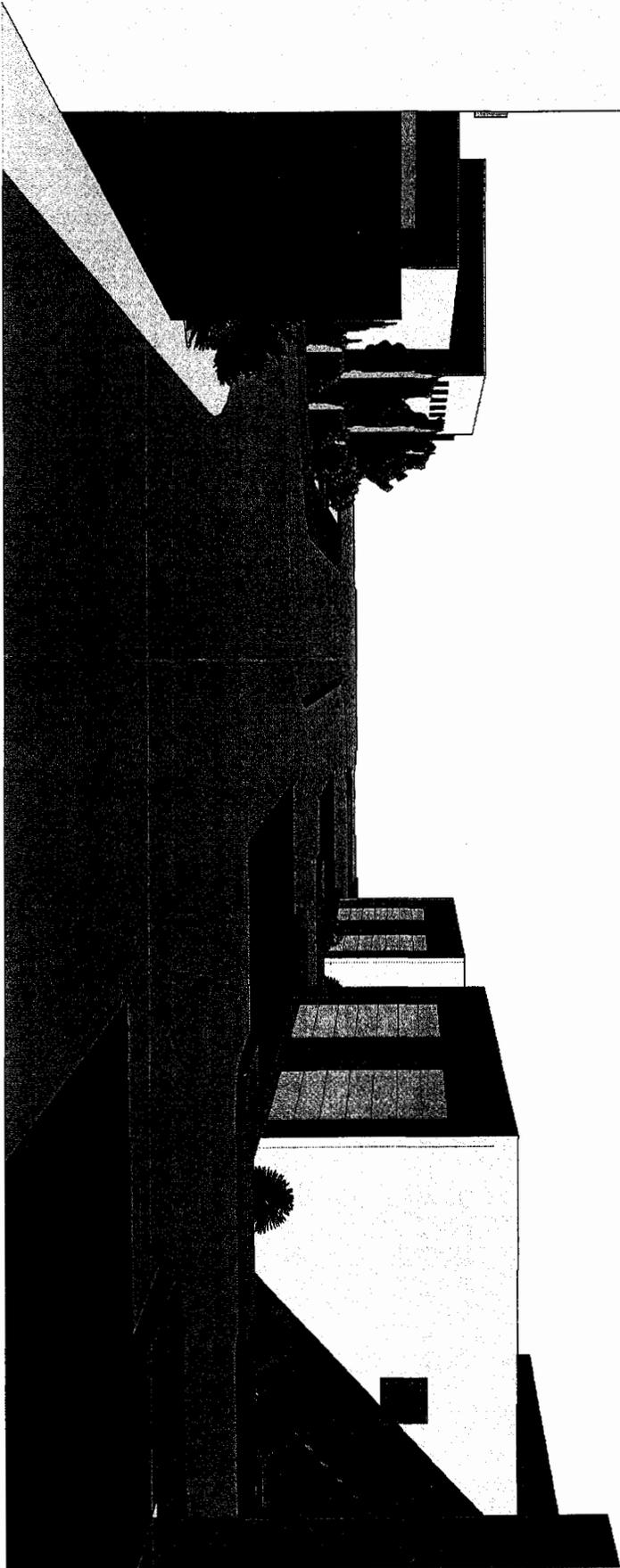
THE PLANNING COMMISSION RECOMMENDS APPROVAL WITH CONDITIONS TO THE GOVERNING BODY

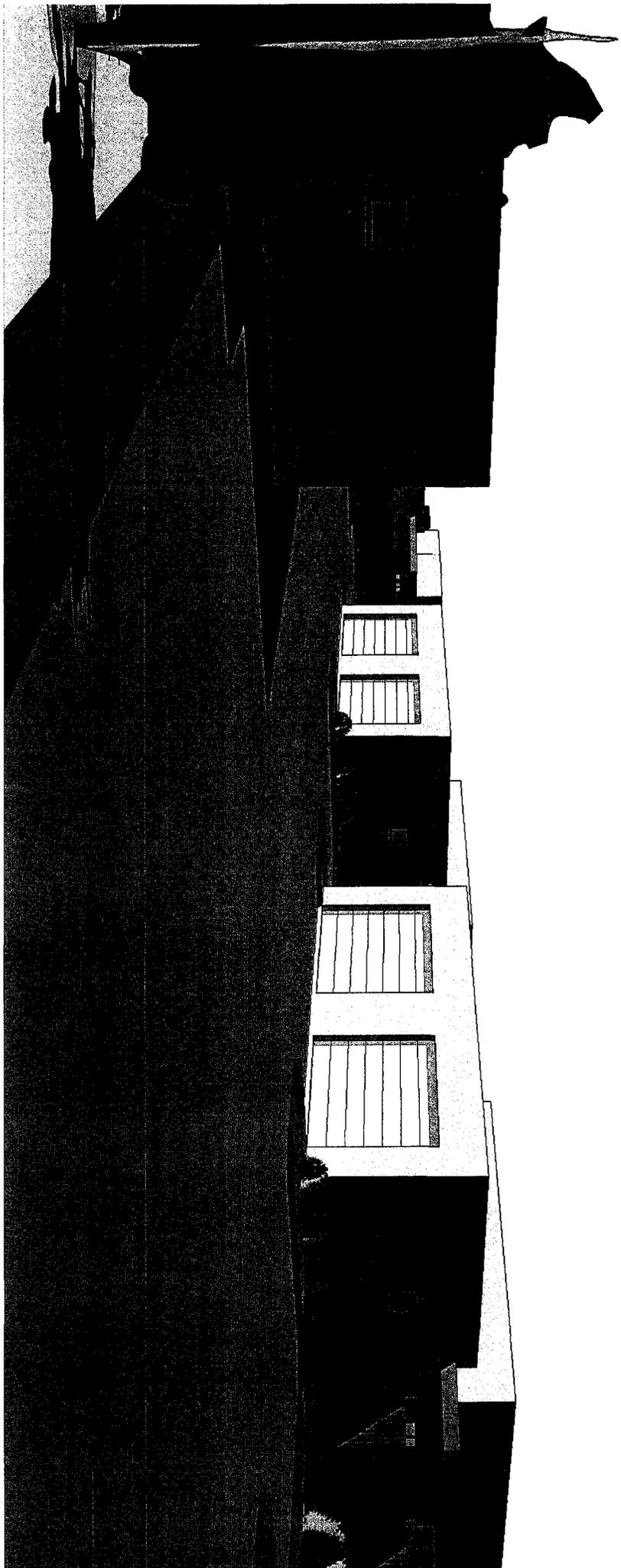


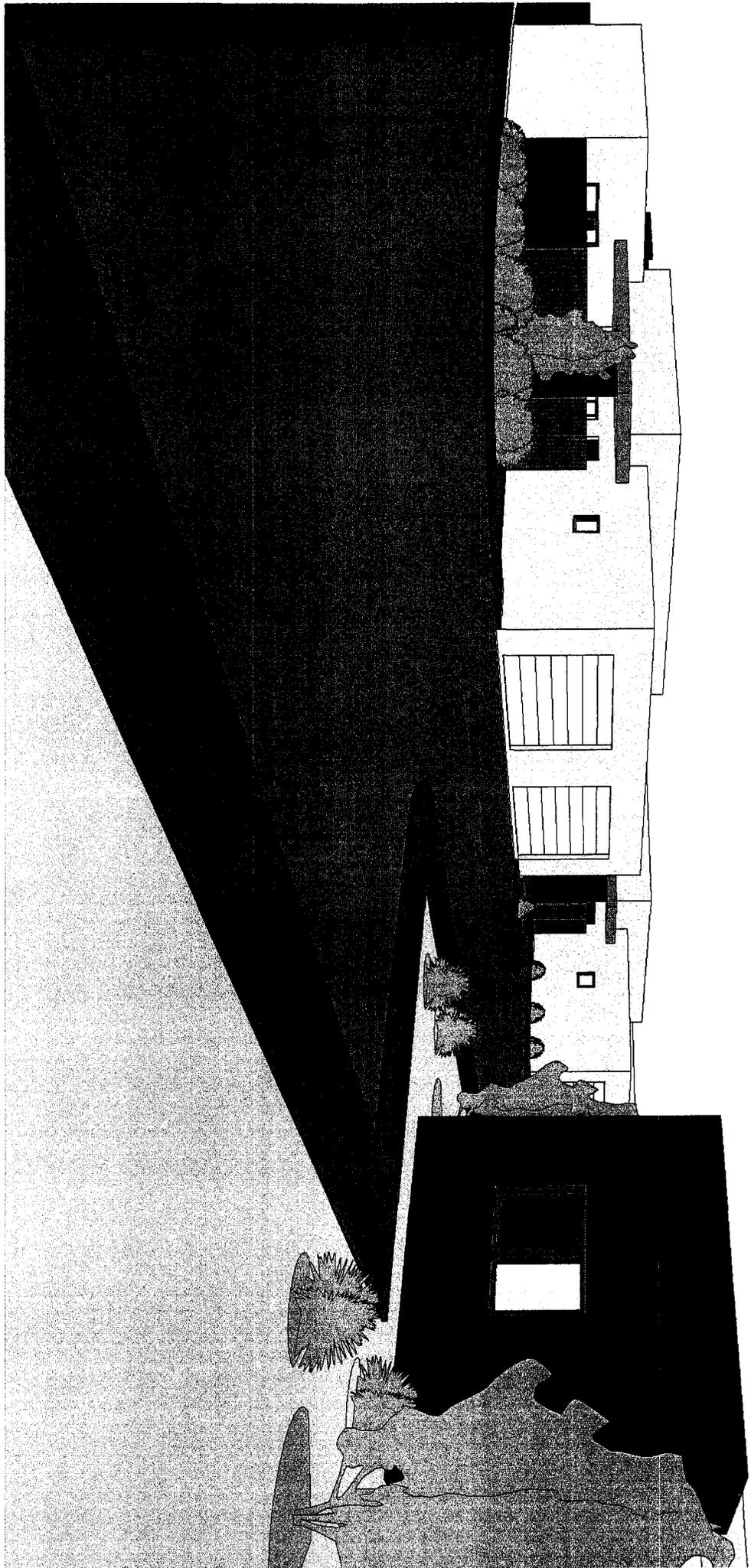
MM - Santa Fe Co. - Santa Fe

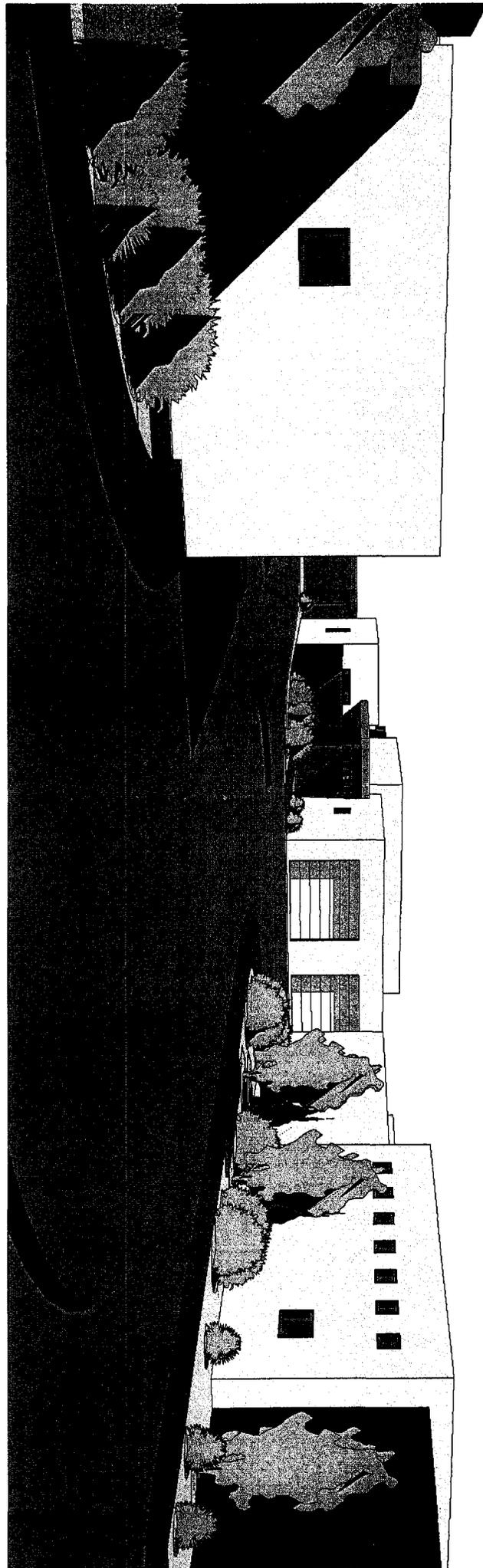
© 2018 Meridian Corporation. Project: Bldg 518 1/2

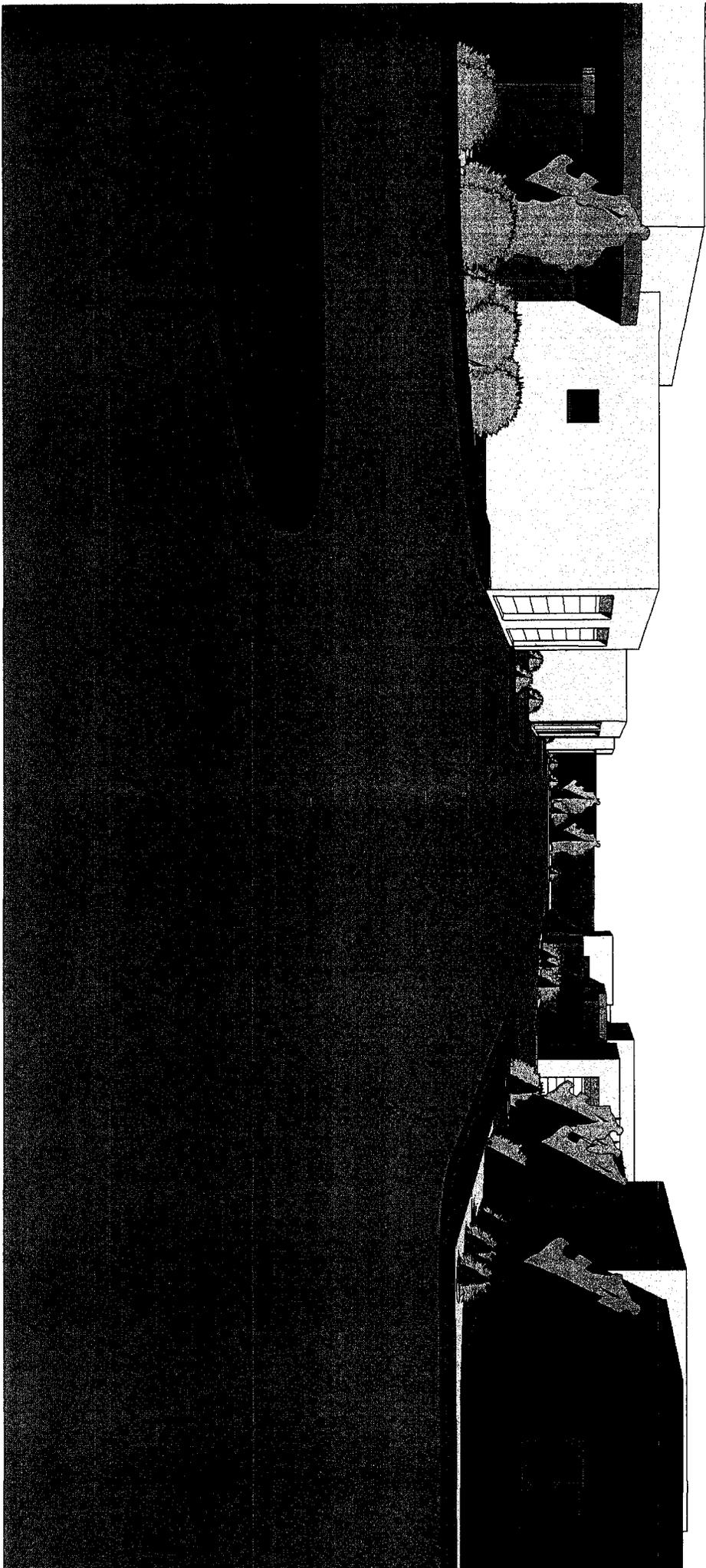
EXHIBIT "14"

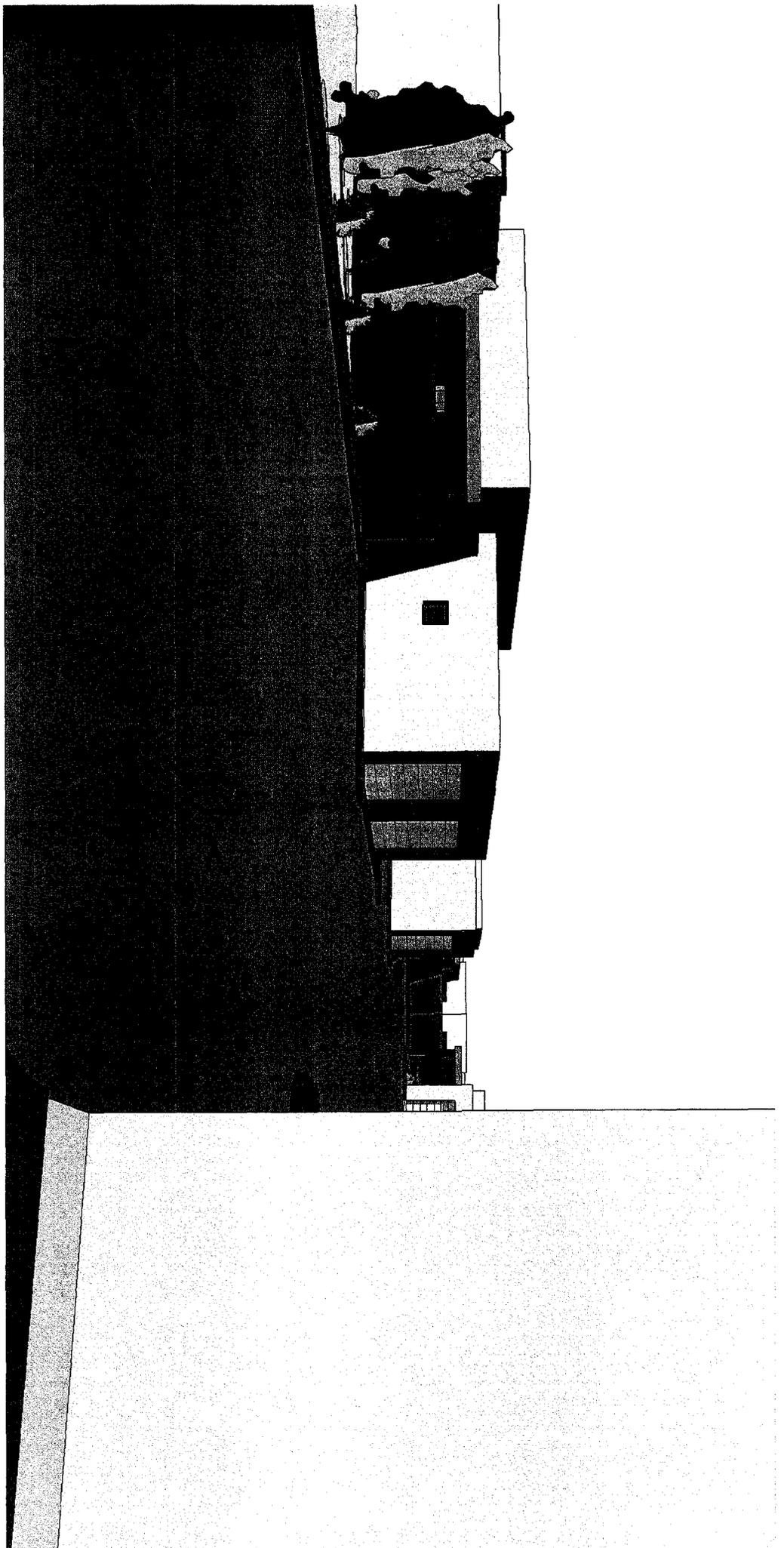












July 10, 2013

City Council Meeting

Case #2013-25 General Plan Amendment

Case #2013-26 Rezoning to R-9

Introduce myself

I would like to see these properties developed so that they improve our neighborhood. First and foremost, to me that means the development must conform to the existing characteristics of our neighborhood. That is what the General Plan states. That is what we were promised in the General Plan Update in the 1990's. That is the standard to which we expect the City to hold the owner and developer. Why should we settle for less?

Our neighborhood is dominated by detached, single family houses. Our lots range from half-size-normal in the PUD to an acre or more. Our present zoning for these detached houses ranges between 3 and 5 units per acre. East and west along Siringo Road, from Richards Avenue to St. Francis Drive and south on Yucca Street, the neighborhood is predominantly detached single family homes. Those neighbors who have already improved their investment with additional structures on their lots or splits have done so within the limits of the existing General Plan.

Our neighborhood also has a wealth of educational institutions: La Farge Public Library, a summer bible school, a child care center, a charter school, ~~a community garden~~, Nava Elementary, DeVargas Middle, Santa Fe High, the University of Art and Design, and now the Higher Education Center to open next year.

The intrusion into our neighborhood of the 2110 Apartments has already reduced our property values because of the poor quality of the units, negligent management and the high crime rate it has brought to the neighborhood. The density and residence type of this proposal would further erode our investments and quality of life.

I would like for ALL proposed development in our neighborhood to be consistent with the existing characteristics, as the General Plan states.

Exhibit "15"

July 10, 2013

City Council Meeting

Case #2013-25 General Plan Amendment

Case #2013-26 Rezoning to R-9

These proposed changes to land use and zoning do not match the predominant character of our neighborhood - neither in density nor in type of residence. The proposed changes will decrease the value of our properties. The proposed changes will not improve our well-being.

This proposal is really for 2 separate lots separated by the Arroyo Los Pinos. Two separate lots were created at the time the land was annexed from the County to the City. The previous owner understood that the arroyo separated 2 distinct lots. The County has assessed taxes on 2 separate lots for all these years. The Arroyo still separates the 2 lots. There is no good reason the lot areas should now be combined to create the impression of one contiguous property. There are several good reasons to consider these lots separately.

The west lot – Phase I, to be developed first – contains within its area a significant water resource for the City of Santa Fe that has been neglected for over 40 years. The east lot – Phase II – which will only be built if and when enough money is made off the west lot – has significant flood and traffic issues.

A traffic study proposed and funded for the Higher Education Center may request a right turn lane from Siringo Road south onto Yucca Street that would necessarily reduce the available area for development of the east lot. I would like to participate in and see the results of that traffic study. I would like to see any changes to the Yucca / Siringo intersection and any other impacted area streets actually made before the developable area of the east lot is calculated. The area of the east lot could be further altered if the City were to address the inadequate culvert under Siringo Road that causes seasonal flooding across Siringo Road onto one-third of the east lot.

The General Plan also calls for riparian corridors around all active arroyos and water sources. Arroyo Los Pinos and its tributaries is most definitely an active water course. If the Arroyo Los Pinos were properly managed as an

July 10, 2013

City Council Meeting

Case #2013-25 General Plan Amendment

Case #2013-26 Rezoning to R-9

aquifer recharge resource and a viable riparian corridor maintained with the purpose of enhancing land values, providing safety and improving the livability of the neighborhood, in addition to recharging our depleted aquifer, the configuration of each lot will change. We must pay attention to the resources and opportunities Nature has given us.

I, and the majority of my neighbors, request that the City Council REJECT the proposed General Plan Amendment Future Land Use Classification because it does not conform to the existing characteristics of our neighborhood and will decrease the value of our existing homes and properties.

I, and the majority of my neighbors, request that the City Council REJECT the proposed Rezoning to R-9 because the proposal does not accurately calculate the developable, build-able, livable area of each of the 2 separate lots, the proposed zoning creates a negative precedent for development in vacant land in the neighborhood and the proposal ignores the significance of the Arroyo Los Pinos to the future of the City of Santa Fe.

Thank you.



**CITY COUNCIL MEETING OF
 JULY 10, 2013
 BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
 BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE LEAD TASK FORCE AND DIRECTING STAFF TO DEVELOP AN OPERATIONS PLAN AND EXPLORE FUNDING MECHANISMS TO ESTABLISH AND IMPLEMENT A THREE YEAR LEAD/PRE-BOOKING DIVERSION PROGRAM IN SANTA FE.	Finance – 8/5/13 Council – 8/14/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF THE CITY'S PROJECT APPLICATIONS TO THE SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING UNDER THE FEDERAL FISCAL YEAR 2014/2015 TRANSPORTATION ALTERNATIVES PROGRAM FOR PEDESTRIAN ENHANCEMENTS TO CERRO GORDO ROAD AND THE SANTA FE RIVER TRAIL.	Public Works – 7/29/13 Finance – 8/5/13 Council – 8/14/13
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule

Exhibit "16"

Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Rebecca Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-__

3 INTRODUCED BY:

4 Mayor David Coss

5 Councilor Bill Dimas

Councilor Rebecca Wurzbarger

6 Councilor Peter Ives

Councilor Chris Calvert

7 Councilor Carmichael Dominguez

Councilor Chris Rivera

8 Councilor Ron Trujillo

9
10 A RESOLUTION

11 ACCEPTING THE RECOMMENDATIONS OF THE LEAD SANTA FE TASK FORCE AND
12 DIRECTING STAFF TO ESTABLISH AND IMPLEMENT A THREE YEAR LEAD/PRE-
13 BOOKING DIVERSION PROGRAM IN SANTA FE, INCLUDING DEVELOPING AN
14 OPERATIONS PLAN AND EXPLORE FUNDING MECHANISMS.

15
16 WHEREAS, on June 27, 2012, the Governing Body adopted Resolution No. 2012-66 which
17 established the Law Enforcement Assisted Diversion ("LEAD") Task Force; and

18 WHEREAS, the purpose of the LEAD Task Force was to collaborate regionally and across
19 different areas of focus, in order to explore and recommend long-term solutions in a community
20 strategic plan for addressing the issues arising from persons who are addicted to drugs and alcohol;
21 and

22 WHEREAS, on June 26, 2013, the LEAD Task Force presented its findings and
23 recommendations to the Governing Body; and

24 WHEREAS, the LEAD Task Force found that:

- 25
- 100 individuals, arrested by City of Santa Fe Police for opiate possession or sales, cost

1 more than \$4.2 million dollars or an average of \$42K per individual across local and state
2 systems over the last 3 years. (This is only the tip of the iceberg – costs not included in
3 this figure include: loss of productivity & earnings; impact on families & social support
4 systems; current “ad hoc” drug treatments; public safety & health issues; witness, jury
5 costs; property crime investigations and value of property lost, etc.)

- 6 • These same 100 individuals cost the City \$1 million dollars in jail/detention costs over 3
7 years for a total of 11,502 jail days.
- 8 • They were arrested 590 times by police officers in the 3 years; officers spent an average
9 of 9.3 hours per arrest.
- 10 • A majority (91 out of 100) were repeat offenders with a pattern of being re-arrested every
11 6 months in average.
- 12 • 51% of those individuals had property crime histories; and

13 **WHEREAS**, the LEAD Task Force recommendation is to establish a LEAD/Pre-Booking
14 Diversion Program which would identify low-level opiate drug offenders for whom probable cause
15 exists for an arrest, and redirect them from jail and prosecution by immediately providing linkages to
16 treatment/support services; and

17 **WHEREAS**, LEAD found that with the economic strain on local counties, pre-booking
18 diversion programs offer a viable, cost effective alternative to the status quo that can positively
19 impact Santa Fe and an early estimate suggests that a successful pre-booking diversion program could
20 cost approximately 53% less than the current system over a 10 year period (a saving of nearly \$70K
21 per successful case); and

22 **WHEREAS**, according to the Survey of New Mexico Voter Attitudes, SJC Research,
23 January 29 – February 1, 2007, 71% of New Mexico voters support allowing a person caught with
24 small amounts of drugs to be offered drug treatment instead of being incarcerated; and

25 **WHEREAS**, the benefits of the LEAD/Pre-Booking Diversion Program will:

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- Increase safety for the community by reducing future criminal behavior.
- Reduce the burden on the law enforcement, county jail, prosecution, and court system.
- Redirect public safety resources to more pressing priorities, such as serious and violent crime.
- Reduces opiate overdoses (and related burden on the emergency and hospital resources) and recidivism.
- Optimize the use of the Affordable Care Act health coverage for treatment and social supports.
- Improve individual outcomes and community quality of life through research-based treatment, harm reduction and social supports.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby accepts the *LEAD SANTA FE TASK FORCE RECOMMENDATIONS*, attached hereto as Exhibit A. Such acceptance approves the planning and implementing of an innovative 3-year pre-booking diversion pilot program to divert those individuals suffering from an addiction to opiates into treatment and social supports (Planning phase: August 1 – December, 31 2013; Pilot phase: January 1, 2014 – Dec. 31, 2017)

BE IT FURTHER RESOLVED that based on the LEAD Santa Fe Task Force recommendations, staff is directed to develop an operations plan and explore funding mechanisms to establish and implement the three year LEAD/Pre-booking program in Santa Fe.

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

DAVID COSS, MAYOR

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ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

1 **WHEREAS**, TAP provides funding for programs and projects for pedestrian and bicycle
2 facilities, safe routes to school projects, historic preservation, environmental mitigation, recreational
3 trail projects, and other infrastructure enhancements to the transportation system; and

4 **WHEREAS**, the aforementioned projects qualify under the TAP as they would provide
5 pedestrian enhancements to Cerro Gordo Road east of Gonzales Road, and the Santa Fe River Trail
6 along East Alameda Street from El Alamo St. to Canyon Road; and

7 **WHEREAS**, the Santa Fe Metropolitan Transportation Plan 2010-2035 supports such
8 enhancements within the SFMPO planning area which includes the City; and

9 **WHEREAS**, funding applications require a resolution of support from the Governing Body.

10 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE** that the Governing Body supports the preparation and submission of
12 Transportation Alternatives Program funding applications for pedestrian enhancements to Cerro
13 Gordo Road and the Santa Fe River Trail.

14 PASSED, APPROVED and ADOPTED this ___ day of _____, 2013.

15
16
17 ATTEST:

DAVID COSS, MAYOR

18
19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22
23 _____
24 GENO ZAMORA, CITY ATTORNEY

25 *M/Melissa/Resolutions 2013/TAP Funding_Cerro Gordo_SF River Trail*