City of Santa Fe

AGENDA

REGULAR MEETING OF THE GOVERNING BODY AUGUST 12, 2020 AT 4:00 PM ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/user/cityofsantafe. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at https://www.youtube.com/user/cityofsantafe. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Agenda: The agenda for the meeting will be posted at https://www.santafenm.gov.

Written Comments: The public may submit written comments on any of the legislative items to be considered on the *Consent Agenda*, *Discussion Agenda*, *Public Hearings* or *Petitions From the Floor* through 1:00 p.m. the day of the meeting, via the virtual comment "button" at santafe.primegov.com/portal/search.

Public Comment: To provide live public comment during *Petitions from the Floor* or *Public Hearings*, you must join the Zoom meeting by internet or phone, as follows:
Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: https://santafenm-gov.zoom.us/j/94599045794?pwd=aTBnMHhMblpEUm5kOGpTZ0VGSmdpZz09. **Passcode: 433361**
Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.
Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: +1 (346) 248-7799 - Webinar ID: 945 9904 5794 - Passcode: 433361**
Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

City of Santa Fe

AGENDA

REGULAR MEETING OF THE GOVERNING BODY AUGUST 12, 2020 AT 4:00 PM ATTEND VIRTUALLY

AFTERNOON SESSION - 4:00 P.M.

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**
   a) Regular Governing Body Meeting – July 29, 2020
9. **PRESENTATIONS**
10. **CONSENT CALENDAR**

   a. Request for Approval to Complete a Grant Application, and to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)

   b. Request for Approval to Execute a Grant Agreement for FY2020 Congestion Mitigation Air Quality Funding in the Total Amount of $71,773 for the Riderfinders Program; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)

c. Request for Approval of State of New Mexico, Aging and Long Term Services Department Intergovernmental Agreement (Grant) in the Amount of $304,000 for the Senior Volunteer Programs: Foster Grandparent Program, Senior Companion Program and the Retired Senior Volunteer Program. (Melanie Montoya, Program Manager, mmmontoya@santafenm.gov, 955-4761).

d. Request for Approval of Professional Services Agreement with HEI, Inc. for Booster Station 3 and Booster Station 4 VFD/RTU Replacements in the Amount of $774,604 Plus NMGRT. (Jonathan Montoya, Source of Supply Manager, jmmontoya@santafenm.gov, 955-4373)

1. Request for a Budget Adjustment Resolution (BAR) for the Professional Services Agreement with HEI, Inc. in the Amount of $774,604.00 Plus NMGRT.

e. Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity from April 2019 Through April 2020 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2020 Through April 2021. *(*Zoe Isaacson, River and Watershed Project Administrator, zrisaacson@santafenm.gov, 955-6853)

f. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from PM Wine, LLC , for the Following: (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

1. Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at PM Wine Distribution, 3138 Rufina Street, #A, which is Within 300 Feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle.
2. Spirits and Wine Wholesaler Liquor License to be Located at PM Wine Distribution, 3138 Rufina Street, #A.

g. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Sage Concept, LLC for a Transfer of Ownership and Change of Location of Inter-Local Liquor License #2791, with On-Premise Consumption Only and Patio Service from Cajun West Investments, LLC, dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel,

725 Cerrillos Road. (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)

11. **DISCUSSION/ACTION ITEMS**

a. Request for Approval of Amendment No. 2 to Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Public Safety Radio Communications System Solutions Project. The Additional Recording Channels and Associated Software and Services Added by Amendment No. 2 in the Amount of $81,263.13 to be Split 50/50 between the County and the City - $40,631.56 Each. (Paul Babcock, Fire Chief, prbabcock@santafenm.gov , 955-3112)

b. Request for Approval to Publish Notice of Public Hearing on September 9, 2020:

BILL NO. 2020-21: An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Savant X, Inc. for Design Development, and Construction of Tenant Improvements; and Lease Payments, Expansion of a Corporate Research Center, a Local Economic Development Project. (Mayor Webber and Councilor Vigil Coppler) (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 995-6912)

12. **MATTERS FROM THE CITY MANAGER**

13. **MATTERS FROM THE CITY ATTORNEY**

EXECUTIVE SESSION

a. In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(7), Discussion of Pending or Threatened Litigation, Including But Not Limited to, Joining Certain Amici Briefs and a Quarterly Litigation Update. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

b. In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(8), Discussion of the Acquisition of the Santa Fe Estates Property. (Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

14. **EXECUTIVE SESSION ACTION ITEMS**

a. Approval to Join Other Local Governments in Support of the City of Philadelphia in Fulton v. City of Philadelphia in the U.S. Supreme Court, to Defend the Rights of Local Governments to Enforce Nondiscrimination Policies in City Services. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

b. Approval to Join the City of Chicago and County of Santa Clara in a Number of Amici Briefs Opposing a U.S. Health and Human Services Rule that Would Apply the Affordable Care Act's Section 1557's Discrimination Protections to Not Protect Gender Identity, Sexual Orientation, and Sex Stereotyping by Health Care Providers and Entities that Receive Federal Funding (85 Fed. Reg. 37,160); Weakens Protections for Access to Translation/Interpretation Services for Limited English Proficiency Speakers; and Limits the Scope of the Rule so that Health Insurers Would No Longer be Covered at All by Section 1557 in Cases Including, But Not Limited to, Washington v. HHS, Case No. 2:20-cv-01105 (W.D. Wash.); New York, et al v. HHS, Case No. 1:20-cv-05583 (S.D.N.Y.); Whitman-Walker Clinic, et al v. HHS, Case No. 1:20-cv-01630 (D. D.C.); Tanya Asapansa-Johnson Walker, et al v. Azar, Case No. 1:20-cv-02834 (E.D.N.Y.); and Boston Alliance of Gay, Lesbian, Bisexual, and Transgender Youth, et al v. HHS, Case No. 1:20-cv-11297 (D. Mass.) in a Local Government Amicus Brief Supporting a Motion for Preliminary Injunction/Summary Judgment. (Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955-6512)

15. **MATTERS FROM THE CITY CLERK**

16. **COMMUNICATIONS FROM THE GOVERNING BODY**

EVENING SESSION - 6:00 P.M.

17. **PETITIONS FROM THE FLOOR**

18. **APPOINTMENTS**

19. **PUBLIC HEARINGS**

a. CONSIDERATION OF BILL NO. 2020-17. ADOPTION OF ORDINANCE 2020-____. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal)
An Ordinance Amending Section 14-11.4 of The Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person who has Violated the Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987. (Eli Isaacson, Land Use Department Director, eaisaacson@santafenm.gov, 955-6830 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

b. CONSIDERATION OF RESOLUTION NO. 2020-____.
Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Designation for Approximately 8.59 Acres from Institutional to Low Density Residential. The Project Site Consists of Two Parcels Located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136). **(Postponed July 29, 2020)**

c. CONSIDERATION OF BILL NO. 2020-16: ADOPTION OF ORDINANCE NO. 2020-____.
Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to R-5 (Residential- Five Dwelling Units Per Acre). The Properties are Located at 4000 and 4100 Geo Lane and Total Approximately 8.59 Acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136) **(Postponed July 29, 2020)**

d. Land Use Appeal No. 2020-2175-APPL of Case No. 2020-1732-HDRB. Appeal by Christina Halaburka of the May 12, 2020 Decision of the Historic Districts Review Board to Deny a Request to Demolish Thirteen (13)

Horizontal Feet of a Wall Located at 868 East Alameda, which has Been Designated as a Contributing Structure in the Downtown and Eastside Historic District, and to Remove the Upper Stuccoed Portion of the Remaining Wall and Replace with Coyote Fencing to a Height of Five (5) Feet. (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501) **(Postponed July 29, 2020)**

e. CONSIDERATION OF BILL 2020-11. ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell, and Councilor Vigil Coppler)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for Design, Development and Construction of Tenant Improvements; and Lease Payments for Expansion of a New World Headquarters Facility, a Local Economic Development Project. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) (Postponed July 8, 2020 and July 29, 2020) **(Postponed to October 14, 2020)**

f. CONSIDERATION OF BILL 2020-12. ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilor Cassutt-Sanchez, Councilor Abeyta, Councilor Lindell, and Councilor Vigil Coppler)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for an Economic Development Loan Project for Lease Payments to Provide Assistance for the Negative Financial Impacts of COVID-19. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) (Postponed July 8, 2020 and July 29, 2020) **(Postponed to October 14, 2020)**

20. **ADJOURN**

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

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 955-6521, five (5) working days prior to meeting date.

GOVERNING BODY
SUMMARY INDEX
July 29, 2020

ITEM	ACTION	PAGE
1. Call to Order	Convened at 5:00 p.m.	1
2. Pledge of Allegiance	led by Councilor Villarreal	1
3. Salute to the State Flag	led by Councilor Romero-Wirth	1
4. Invocation	led by Councilor Vigil Coppler	1-2
5. Roll Call	Quorum Present	2-3
6. Approval of Agenda	Approved as presented	3
7. Approval of Consent Calendar	Approved as presented	3
8. Approval of Minutes- June 24, 2020	Approved as presented	3-4
9. Presentations	None	4
10. Consent Calendar Listing	Listed	4-5
11. Discussion/Action Items		
a) Alpha Southwest Amendment	Approved	6
b) Carollo Engineers PSA	Approved	6
c) Hazen & Sawyer PSA	Approved	7
d) Shoemaker & Associates PSA	Approved	7
e) Financial Consulting Amendment	Approved	7-8
f) Sub Surface Change Order	Approved	8
g) Office or Archaeo. Services	Approved	8-9
h) TLC Contract - Water Paving	Approved	9
i) Priority Line Replacement	Approved	9-10
j) Resolution re KDC-Cienda	Approved	10
k) Mayors Compact	Approved	10-11
l) Start Time Resolution	Approved	11-14
m) Reorganizing Resolution Notice	Approved	14-16
n) Community Health & Safety Task Force	Approved	17-22
o) Emergency Proclamation Extension	Approved	22-24
p) Retroactive Approval Resolution	Approved	24
12. Matters from the City Manager	Comment	24
13.Matters from the City Attorney	Comment	24
14. Matters from the City Clerk	None	24
15. Communications from Gov. Body	Communicated	25
Evening Session	7:13 pm	25
16. Roll Call	Quorum present	25-26
17. Petitions from the Floor	Petitions heard	26-27
18. Appointments	None	27
19. Public Hearings		
a. Nuisance Abatement Ordinance	Approved	27-32
b. Economic Development Plan	Approved	32-34
c. Operating Budget/ Org Chart	Approved the budget only	23-51
d. 4000-4100 Geo Park Lane GPA	Postponed to August 12	51
e. 4000-4100 Geo Park Lane Rezoning	Postponed to August 12	51
f. Agreement with Descartes Labs	Postponed to August 12	52
g. Loan with Descartes Labs	Postponed to August 12	52
h. Appeal of Case 2020-1732 HDRB	Postponed to August 12	52
20. Adjournment	Adjourned at 11:16 pm	52-53

MINUTES OF THE
REGULAR MEETING OF THE GOVERNING BODY
Wednesday, July 29, 2020
Virtual Meeting

AFTERNOON SESSION

1. CALL TO ORDER

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, July 29, 2020, at approximately 5:04 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Villarreal

3. SALUTE TO THE NEW MEXICO FLAG

The Salute to the New Mexico Flag was led by Councilor Romero-Wirth

4. INVOCATION

The Invocation was led by Councilor Vigil Coppler. She remembered Henry Pick - brother of Sam Pick at his passing. And Dorothy Grosvenor. Charlotte Roybal's mother also died. Christina Varela also.

Councilor Romero-Wirth remembered Henry Pick's family and also her aunt, Ida Romero, who was being interred at the Santa Fe National Cemetery and for Anne Fullerton, a wellness counselor for SFPS, and a board member of many nonprofit organizations. She was the wife of Reese Fullerton.

Councilor Garcia also offered condolences to Charlotte Roybal and noted that her mom lived to 100 years old. We tend to get complacent. We need to get into some good trouble.

Councilor Rivera remembered Paul Frank Maez, who was a good friend and died of cancer. He was the Security Officer at St. Vincent's Hospital and a great man. He gave condolences to his family.

Mayor Webber gave condolences to Martin Heinrich at the loss of his mother.

The Governing Body observed a moment of silence for them.

5. ROLL CALL

Roll call indicated the presence of a quorum remotely, as follows:

Members Present Remotely
Mayor Alan Webber
Councilor Roman "Tiger" Abeyta
Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe I. Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely
Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Eli Isaacson, Land Use Department Director
Marcos Martinez, Assistant City Attorney
Jesse Guillen, Legislative Liaison
Kristine Mihelcic, Constituent Services Director
Alex Ladd Affordable Housing Department Director
Shannon Jones, Utilities Department Director
Randy Randall, Santa Fe Tourism Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

Councilor Abeyta asked to postpone D and E under the Public Hearings to August 12, 2020, since we have a long agenda tonight. And, due to the interest in our budget and given the format, to move up B and C in the agenda and hear the budget after that.

Councilor Vigil Coppler asked if the developer was informed of this.

Councilor Abeyta said Director Isaacson spoke to him yesterday and he agreed, due to length of the agenda.

Councilor Vigil Coppler pointed out, in reviewing the record, the developer went back and forth since January and this is one more delay. Time is money so she hoped someone spoke to the developer.

Mayor Webber added that it would come late at night if they didn't postpone it.

Director Isaacson said he spoke to the developer yesterday and he agreed.

Councilor Villarreal said to clarify, item b, the nuisance abatement ordinance and c, the Economic Development ordinance would be heard first and then the budget.

Mayor Webber agreed.

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve the agenda as amended.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Romer-Wirth, to approve the Consent Calendar as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

8. APPROVAL OF MINUTES:
Regular Governing Body Meeting - July 8, 2020

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve the minutes of the regular Governing Body meeting on July 8, 2020 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR LISTING

a. Request for Approval of Liquor Hearing Officer's Recommendation to Approve the Request from Vinos Bravos Distributing, LLC, for the Following: (Yolanda Y. Vigil, City Clerk, yyvigil@santafenm.gov, 955-6521)
   1. Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcohol at Vinos Bravos Distributing, LLC, 2882 Trades West Road, Unit B, Santa Fe, which is within 300 Feet of the Rios de Agua Viva Church, 2884 Trades West Road.
   2. Wine Wholesaler Liquor License to be Located at Vinos Bravos Distributing, LLC, 2882 Trades West Road, Unit B.

b. CONSIDERATION OF RESOLUTION 2020-25. (Finance Committee) A Resolution Relating to a Request for Approval of Fourth Quarter Budget Amendments and Associated New Mexico Department of Finance and Administration/Local Government Division ("DFA/LGD") Schedules for Fiscal Year 2019/2020. (Andy Hopkins, Principal Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

c. Request for Approval of Professional Services Agreements for On-Call Vegetation Management Services Not to Exceed $600,000 Annually Per Vendor, Exclusive of New Mexico Gross Receipts Tax (NMGRT): (Melissa

McDonald, River & Watershed Manager, mamcdonald@santafenm.gov ; 955-6840)

·San Isidro Permaculture, Inc.
· Proscapes, Inc.
· Seeds of Wisdom, LLC

d. Request for Approval of Amendment #2 to Professional Services Agreement #12-0718 with Cannon Cochran Management Services, Inc. in the Amount of $198,141 for Third Party Administration and Adjusting Services for Our Workers' Compensation and General Liability Claims (Bradley Fluetsch, CFA, Planning and Investment Officer, bjfluetsch@santafenm.gov 955-6885)

e. Request for Approval of Amendment #1 to Professional Services Agreement #12-0405 with Arthur J. Gallagher @ Co. in the Amount of $77,613.32 for Comprehensive Insurance Program Broker Services (Bradley Fluetsch, CFA, Planning and Investment Officer, bjfluetsch@santafenm.gov, 955-6885)

f. Request for Approval of Amendment #1 to Service Contract #20-0027 in the Total Amount of $500,000 Plus Applicable NMGRT for On-Call HVAC, Mechanical, Plumbing and Electrical Services at Midtown and Other City Facilities as Needed; B&D Industries, Inc. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

g. Request for Approval of Contracts Awarded through RFP #P/20/15 to Use Affordable Housing Trust Funds (AHTF) and General Funds to Support Housing Contracts, as Follows: (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 955-6346)

- NMIF Housing Corp - $200,000
- NM Coalition to end Homelessness - $180,000

h. State of the Santa Fe Municipal Court (Virginia Vigil, Municipal Court Judge, vmvigil@santafenm.gov, 955-5110)

11. DISCUSSION

a. Request for Approval of Amendment #3 to Contract #19-0115 with Alpha Southwest for FY 20/21 Emergency Repair On-Call in the Amount of $211,015.63 Inclusive of MGRT. (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 955-4618)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve Amendment #3 to Contract #19-0115 with Alpha Southwest for FY 20/21 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

b. Request for Approval of Amendment #1 to Professional Services Agreement #19-0234 with Carollo Engineers for FY 20/21 On-Call Engineering in the Amount of $250,000 Plus NMGRT. (Bill Schneider, Water Resource Coordinator, Public Utilities, whschneider@santafenm.gov, 955-4203)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Amendment #1 to PSA #19-0234 with Carollo Engineers as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

c. Request for Approval of Amendment #1 to Professional Services Agreement #19-0235 with Hazen & Sawyer FY 20/21 On-Call Engineering in the Amount of $250,000 Plus NMGRT. (Bill Schneider, Water Resource Coordinator, Public Utilities, whschneider@santafenm.gov, 955-4203)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Amendment #1 to PSA #19-0235 with Hazen & Sawyer as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

d. Request for Approval of Amendment #4 to Professional Services Contract #17-0520, John Shoemaker & Associates, Inc. for FY 20/21in the Amount of $197,560 Plus NMGRT. (Bill Schneider, Water Resource Coordinator, Public Utilities, whschneider@santafenm.gov, 955-4203)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve Amendment #4 to PSA #17-0520 with John Shoemaker & Associates as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

e. Request for Approval of Amendment #3 Financial Consulting Solutions in the Amount of $108,000 Plus NMGRT for FY 20/21 Public utilities Financial Planning Services in the Amount of $108,000 plus NMGRT. (Shannon

Jones, Public Utilities Department Director, swjones@santafenm.gov, 955-4267)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Amendment #3 with Financial Consulting Solutions as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

f. Request for Approval of Change Order #3 Sub Surface for FY 20/21 Priority Line Replacement in the Amount of $1,626,562.50 Inclusive of NMGRT. (Bill Huey, Engineer, Public Utilities, bchuey@santafenm.gov, 955-4273)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve Change Order #3 with Sub Surface as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

g. Request for Approval of Amendment #3 with MNM Office of Archaeological Services for FY 20/21 in the Amount of $100,000 Plus NMGRT. (Paul Duran, Archeological Technician, Public Utilities, paduran@santafenm.gov, 955-4234)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Amendment #3 with MNM Office of Archaeological Services as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

h. Request for Approval of Award of Bid 20/14/B for FY 20/21 City Wide Water Utility Pavement Restoration Contract, CIP #3056 to TLC Plumbing & Utility, Inc. in the Amount of $200,000 plus NMGRT. (Bill Huey, Engineer, Public Utilities, bchuey@santafenm.gov, 955-4234)

Ms. Vigil read the caption.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell, to approve Award of Bid 20/14/B to TLC Plumbing & Utility as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

i. Request to Award Contract to Bosque Natural Company in Response to Request for Proposal #'20/18/P for On-Call Services for Dam Vegetation Management in the Amount of $240,000.00 Exclusive of NMGRT. (Bill Huey, Engineer, Public Utilities, bchuey@santafenm.gov, 955-4234)

Ms. Vigil read the caption.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Rivera, to award a Contract with Bosque Natural Company for on-call services as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

j. CONSIDERATION OF RESOLUTION NO. 2020-26. (Councilor Vigil Coppler and Councilor Cassutt-Sanchez)
A Resolution Requiring that the City Manager Seek Governing Body Approval Before Extending the Term of the Exclusive Negotiation Agreement with KDC Cienda SF Investments One LP ("KDC/Cienda") Beyond its Initial One-Year Term and Requiring that the 30-Day Progress Reports from the Midtown Development Team be Submitted to the Governing Body (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

Ms. Vigil read the caption.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve Resolution No. 2020-26 concerning the agreement with KDC Cienda as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

k. CONSIDERATION OF RESOLUTION NO. 2020-27. (Mayor Webber)
A Resolution Supporting the United States Conference of Mayors Compact to Combat Hate, Extremism, and Bigotry to Promote the Fundamental Principles of Justice and Equality that Define America.

Ms. Vigil read the caption.

Councilor Romero-Wirth explained to Ms. McSherry that the amendments were approved at the QOL Committee verbally and later in writing.

MOTION: Councilor Villarreal moved, seconded by Councilor Lindell, to approve Resolution No. 2020-27 in support of the Conference of Mayors Compact as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

I. CONSIDERATION OF RESOLUTION NO. 2020-28. (Councilor Villarreal) A Resolution Changing the Start Time of Afternoon Sessions of Governing Body Meetings to 4:00 PM. and Evening Sessions of Governing Body Meetings to 6:00 PM. Beginning with the August 12, 2020 Meeting and Continuing through the December 9, 2020 Governing Body Meeting. (Jesse Guillen Legislative Liaison, jbguillen@santaenm.gov. 955-6 518)

Ms. Vigil read the caption.

Discussion on the Resolution:

Councilor Cassutt-Sanchez explained that starting earlier would not necessarily mean a longer meeting. So she asked if the Governing Body needs to look at the stop time as well when we consider suspending the rules.

Councilor Villarreal responded that it was discussed in the PWC meeting. This is to try it out so we can start public hearings on time. Everything takes longer with virtual meetings and roll call voting. She is requesting that we try it out through the December meeting and, if we are still going until the 11:30 deadline, to adjust it accordingly.

Councilor Abeyta said in the PWC meeting, Councilor Rivera had raised something he would like more information on - that Robert's Rules of Order could be invoked to limit discussion. He asked if that was legal and wanted more information.

Councilor Villarreal said she was the one who brought that up. It was something Carmichael Dominguez had brought up on time limits for elected officials that was written in Robert's Rules of Order. It is not

intended to censure people but provides for limits for certain sections of the agenda.

Mayor Webber said the notion of self-regulation is at the heart of the matter.

Councilor Romero-Wirth didn't think there was any blanket rule and we certainly could impose rules to police ourselves. We could limit the number of times each Councilor may speak on an issue or whatever it takes as necessary to get to a vote. There are things we can explore but she didn't think the Governing Body was ready to enact such rules now.

Councilor Abeyta explained that was not his intent. The reason many meetings go late is because of us. He just wondered what that rule was.

Ms. McSherry said she sent out some possible limitations for this meeting without passing a formal rule. We can make it a rule to look at each agenda. You could put in a rule for certain things. procedural rules are worth doing.

Councilor Villarreal supposed she might have to talk again with Carmichael Dominguez, but she didn't want to go there. It is self-regulation, to be concise, and for members of the Governing Body to do their homework to be prepared ahead of time.

Councilor Rivera recalled at one time the meetings started at 4:00. He thought it would work now. But when we start meeting live again, we should consider those who work, especially from District 4 where some residents commute from Los Alamos. There are also duties at home like homework, etc. Those are things to consider. He will support this now and when it sunsets, we might need a live trial to see how it works.

Councilor Romero-Wirth, just like Councilor Rivera, will support it now but she feared it would just add another hour to the meeting. It is incumbent on us to come prepared and self-regulate. We need to continue in the agenda setup to consider how much time things take. Some just have to be heard. We can pay attention to how we conduct ourselves. She was not thrilled about it but willing to try it out.

Councilor Vigil Coppler said they were actually adding an hour in PWC and thought it was so it would end earlier, and we should cap it at 10:30 for the end of the meeting as well. She didn't see this does anything except add another hour to our meetings. We should look at the tail end which can always be extended.

Councilor Cassutt-Sanchez was willing to support it but was a little hesitant on the start of evening session at 6:00.

Councilor Villarreal was not thrilled at starting at 4:00 either but she was not willing to go so late and was willing to put a new end time on it. Whatever is not done will just roll over. She was okay with that too.

Councilor Romero-Wirth wished we could have a meeting start at 4:00 and end at 10:00, but sometimes our agenda is jam packed with time sensitive stuff when there are items that have to be heard and we talk too much. We can't just run it over to the next day.

Councilor Garcia noted that he brought up on Monday the size of our agenda. The real challenge is not the start time but the agenda length. How much did we remove today? He bet we would have ended the meeting at 1 am without those postponements. Even with these items removed items, this meeting will probably go to 11 pm. The Governing Body just needs to be responsible for what can be addressed in the time frame allotted.

Councilor Garcia pointed out he had suggested increasing the frequency of Council meetings. It is either that or have 7-9-hour meetings. If some can be moved to the next meeting that is fantastic. 6:00 is right in the middle of dinner time. He knew we could get it all done in one night but is not the best approach.

Councilor Rivera agreed. The difficulty with a set end time is having someone wait for four hours and then the Governing Body must cut it off. That is the difficult part.

Councilor Abeyta recalled the intent on the Good Government Initiative we worked on before COVID included the size of the agenda. It was his attempt maybe not for more Council meetings, but for better meetings.

Councilor Villarreal added that the other intention in starting at 4 pm was to limit the overtime of staff. Las Cruces starts at 1:00 pm and goes to whenever they finish.

Councilor Romero-Wirth - moved to approve/Councilor Garcia -

Mayor Webber - we need to explore Robert's Rules of Order and look at ways to discipline ourselves. Maybe an informal working group to help us self-regulate. We want meetings that don't last forever.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Garcia, to approve Resolution 2020-28, changing the afternoon session to 4:00 pm and the evening session to 6:00 pm.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

m. Request for Approval to Publish Notice of Public Hearing on August 26, 2020

BILL 2020-20: An Ordinance Creating Efficiencies, Enhancing Effectiveness, and Eliminating Silos by Reorganizing the Economic Development Division, Affordable Housing Office, Land Use Department, Tourism Santa Fe Department, and the Arts and Culture Department as Divisions of a Community Development Department; Organizing the Community Services Department, Police Department, Fire Department, and Office of Emergency Management as Divisions of a Community Health & Safety Department; and Placing the Constituent and Council Relations into the City Clerk's Office; Replacing Section 2-8 SFCC 1987 with a new Section 2-8 SFCC 1987 that Establishes all City Departments; Reorganizing Existing Sections 2-8, 2014, 2015, 2019 and 2019 as subsections of the New Section 2-8; Establishing in Ordinance the Existing Information Technology and Telecommunications Department and Constituent and Council Services Department; and Repealing the Sections of Chapter 2 that Establish Departments that are Either Becoming Divisions or No Longer Exist. Sections 2-9, 2-10, 2-11, 2-12, 2-13, 2-16, 2-19, 2-21 and 2-23 SFCC 1987; Amending Section 2-22 SFCC 1987 to Provide Contract Internal Audit Functions; and Amending Sections 26-1.6 and 26-3.5 Regarding the Office of Affordable Housing. (Mayor Webber) (Jesse Guillen, jbguillen@santafenm.gov, 955-6518; Erin K. McSherry, City Attorney; ekmcsherry@santafenm.gov, 955- 6512)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve publishing notice for Bill 2020-20 for a public hearing on August 26, 2020 as presented.

Discussion on the Motion:

Councilor Rivera asked Ms. McSherry how this works in conjunction with item "a" in the evening session and how it would work moving forward.

Ms. McSherry explained that if the reorganization is adopted in August then things could be adjusted in the budget.

Councilor Rivera assumed the notice would not be affected at all by this. He asked how the notice would be affected if we make changes.

Mayor Webber clarified his question and asked if the caption is an issue if it is not in sync with budget approval.

Ms. McSherry explained that the Governing Body could make changes to the Bill, if needed.

Councilor Vigil Coppler pointed out that the budget contains measures linked with reorganizing. The way she rationalized that, was if we approve the budget tonight, and later make changes, the budget could be changed. But she added that this seems to be the cart before the horse because we submit the budget to DFA first. If we change the budget, do we renotify DFA?

Ms. McSherry said yes.

Councilor Vigil Coppler observed it would not be the same budget we submitted to DFA and she wondered how DFA would receive that.

Mr. Andy Hopkins said he is the one who reports to DFA and noted that DFA doesn't care how we organize our budget. They care about the amount of the budget and translate it into their language. So if there are BARs later, that will be part of our first quarter report.

Councilor Rivera recalled that past Financial Directors have told the Governing Body that the org chart has to be part of the budget.

Mr. Hopkins said there is no statutory requirement for including an org chart.

Councilor Rivera understood we are not presenting an org chart as part of this submission.

Ms. McSherry agreed. We are taking it out.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

n. CONSIDERATION OF RESOLUTION 2020-29. (Mayor Webber, Councilor Villarreal, and Councilor Rivera)
A Resolution Creating a Community Health and Safety Task Force. (Jesse Guillen, jbguillen@santafenm.gov, 955-6518 and Jeff Norris, jtnorris@santafenm.gov, 955-5610)

Ms. Vigil read the caption.

A copy of the substitute resolution is incorporated here with to these minutes as Exhibit 2.

MOTION: Councilor Abeyta moved, seconded by Councilor Lindell, to approve Resolution 2020-29, as amended.

Discussion on the Motion:

Councilor Villarreal saw no amendment in the packet. She said there was a substitute motion, and another presented today. She was in favor of those changes but didn't know if anyone has seen them.

Councilor Abeyta said his motion referred to the amendment at PWC. He saw the email and his motion included those too.

Ms. McSherry said those were afterward.

Councilor Villarreal suggested some new language today. She thought the Governing Body should see that.

Councilor Rivera added that Mr. Guillen sent something out at 5:00 that had those amendments and they are pretty brief.

Councilor Romero-Wirth noted that the 5:00 email has a new resolution that incorporates the amendments from the PWC meeting and a separate

amendment by Councilors Garcia and Councilor Vigil Coppler which were not approved at PWC.

Councilor Vigil Coppler said the new item H provides for periodic reports to Governing Body on other entities and recommendations that may require Governing Body approval prior to implementation. It is to give the Task Force implementation quickly with various organizations in City Government and whenever it requires approval, would come before the Governing Body.

Councilor Abeyta clarified that his motion included the PWC amendments and the new item H. Councilor Lindell seconded that motion.

Councilor Villarreal noted one correction on the substitute motion. It should not say "whether/or." That is an amendment to the resolution.

Councilor Romero-Wirth said they must be considered individually. It is complicated. She also had a question on Councilor Garcia's and Councilor Vigil Coppler's substitute motion.

Original Motion withdrawn:

Councilor Abeyta and Councilor Lindell withdrew their motion and second.

Substitute Motion:

MOTION: Councilor Villarreal moved, seconded by Councilor Rivera, to approve the substitute motion for Resolution 2020-29 as amended.

Discussion on the Substitute Motion:

Councilor Romero-Wirth said on page 3, line 22 - "and/or" should not be there. Delete the first one and keep the second "and/or."

Mr. Guillen explained that the confusion is that the "and/or" is in brackets which, in effect, eliminates it as if it were struck through, so the Governing Body does not need to take action on that.

Councilor Romero-Wirth understood that in the resolution right now, there are changes that were made at the PWC meeting.

Councilor Villarreal agreed. And there was discussion on a second amendment.

Councilor Romero-Wirth recommended we should first move to approve the substitute resolution and then move to amend it.

Substitute Motion Withdrawn:

Councilor Romero-Wirth asked Councilor Villarreal and Councilor Rivera to withdraw their motion and second.

Councilor Villarreal agreed to withdraw her motion. Councilor Lindell withdrew her second.

Motion to Approve Substitute Resolution:

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the substitute Resolution 2020-29.

Discussion on the Substitute Resolution Motion:

Ms. McSherry clarified that now, whoever wants to amend it should move to amend.

Councilor Romero-Wirth asked what action was taken at the PWC meeting.

Councilor Rivera said the PWC approved what Councilor Villarreal brought as a substitute resolution. The second amendment by Councilor Vigil Coppler and Councilor Garcia was discussed and is on the amendment sheet before the Governing Body now. It was not voted on at PWC.

Councilor Romero-Wirth concluded that the "substitute resolution was already voted on with the amendments so now, it is only the amendment being offered. so we can just consider the amendment by Councilor Vigil Coppler and Councilor Garcia.

Motion to Amend the New Substitute Motion:

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Garcia, to amendment to the Substitute Resolution by inserting the new Section H.

A copy of the amendment to the substitute motion is incorporated here with to these minutes as Exhibit 3.

Discussion on the Motion to Amend:

Councilor Romero-Wirth quoted from Section H that said, "Provide periodic reports to the Governing Body on recommendations made to other entities for implementation." She asked who these other entities would be.

Councilor Vigil Coppler said, "We don't know. They are both internal departments and external, with all the parties that were potentially mentioned in the substitute resolution. Some could be within and some could be external. The purpose is to not require Governing Body approval for everything the Task Force says, to give them more freedom to act and start implementing good changes. But if they pass a resolution or ordinance that requires Governing Body approval, then it comes to the Governing Body.

Councilor Romero-Wirth pointed out that with a resolution or an ordinance, by its very nature, it must come to the Governing Body. No resolution or ordinance could be done without coming to the Governing Body.

Councilor Vigil Coppler said they wanted to provide a little more clarity because this is a new Task Force with new members, guided by two able Councilors. That was the discussion at PWC wanting a little more direction on it within the resolution and they didn't vote on it because they had not yet written it.

Councilor Romero-Wirth asked if it would be satisfactory to say, "Provide periodic reports to the Governing Body on recommendations for implementation."

Councilor Villarreal said the PWC felt like there were some things the Governing Body would want to approve.

Councilor Romero-Wirth said anything that could be a resolution or ordinance must be approved by the Governing Body. So what is wanted is periodic reports to the Governing Body about recommendations they have, no matter their nature.

Councilor Vigil Coppler said that was not the discussion at PWC and she would defer to the sponsor.

Councilor Villarreal thought the reason why it was written in this way is that there could be things the Task Force comes up with that could be implemented by a Department automatically because it adjusts their procedures. It would not necessarily need to go through the process by formulating a resolution or an ordinance. Actual recommendations could be

pushed forward unless they have to be resolution or ordinance. Bigger policy changes could require a resolution or ordinance which would go through the Governing Body.
She thought that was not clear in the original resolution and they were trying to find language that would show that the entity will make recommendations and not just a "feel good" recommendation but actually has goals that will push it along.

Councilor Rivera thought Councilor Villarreal summed it up nicely. Some of the outside entities the Task Force might make recommendations for are like the Santa Fe RECC or the Law Enforcement Training Academy run by the State Police.

Ms. McSherry explained that all of the Task Force recommendations are recommendations to the Governing Body and adopted as a resolution or an ordinance or not adopted.

Councilor Rivera said, "So according to policies, if a department can change internally, without having to go through the Governing Body process, which might take two to four weeks, why would we not allow the Task Force to do that administratively?"

Ms. McSherry explained that the Task Force will not have any administrative oversight over any personnel. That needs to go through the City Manager. The Task Force is an advisory committee. And such advice that must go to Governing Body for implementation. They can participate but only a few Councilors are members of the Task Force

Councilor Rivera thought that just seemed like an extra layer of bureaucracy. Some things need to be done immediately.

Ms. McSherry said the Task Force can accomplish work if there is no requirement for a resolution or ordinance but, for instance, the Task Force cannot directly advise the Police Department.

Councilor Romero-Wirth completely agreed with the City Attorney. But she was hearing some things needed immediate implementation and suggested alternate language to say, "The Task Force will make preliminary recommendations within a month (or whatever is appropriate) and issue a final report at the end of three months. But if they need a resolution or an ordinance, that must be done by the Governing Body.

Councilor Cassutt-Sanchez thought regarding the need for expediency, the Governing Body could suspend regular committee stops and come directly to the Governing Body.

Ms. McSherry said it would have to be an emergency or something unusual about it to justify that.

Mayor Webber agreed. Many things in the amendment are doing business normally according to our laws and regulations. Those have to come to the Governing Body.

Ms. McSherry added that it would have to go through the normal process.

Councilor Romero-Wirth was hearing that the Task Force could come forward with all of their recommendations. But this Task Force has things they could do right away. What would happen then, is that they could make recommendations about a particular subject area which would come to the Governing Body and the Governing Body would have to decide. So we need language that the Task Force makes recommendations to the Governing Body as necessary to change policy. We cannot have the Task Force making recommendations to other entities on their own. That is not within their authority.

Ms. McSherry clarified that the language on the table, if their intent is to advise entities like the Police Department and the RECC, the language must not reflect that.

Councilor Villarreal explained this amendment is merely to add language that the Task Force assesses, examines, explores, provides for a broad section of the public to weigh in but there is not any specific language that says to provide recommendations to whomever but ultimately to the Governing Body. That is what they all thought about.

Councilor Romero-Wirth suggested then to add "makes recommendations periodically to the Governing Body."

Withdrawal of previous Motion:

Ms. Vigil pointed out that the previous motion and second must be withdrawn before a new motion can be made.

Councilor Vigil Coppler withdrew her motion. Councilor Garcia withdrew his second.

Amendment to the Motion:

Councilor Garcia changed it to "make periodic reports to the Governing Body." He moved that change.

Councilor Romero-Wirth asked him where to include that insertion.

MOTION: Councilor Garcia moved, seconded by Councilor Vigil Coppler, to amend Item H by changing the language on page 3, line 18, to "makes periodic reports and recommendations to the Governing Body."

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

Amended Motion:

MOTION: Councilor Garcia moved, seconded by Councilor Villarreal, to approve the Substitute Resolution 2020-29 as amended.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

o. CONSIDERATION OF RESOLUTION 2020-30. (Mayor Webber)
A Resolution Extending the State of Emergency Proclaimed by the Mayor on July 27,2020 by Sixty (60) Days, Pursuant to Section 20-1.2(C) SFCC. Erin K. McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512)

Ms. Vigil read the caption.

MOTION: Councilor Abeyta moved, seconded by Councilor Romero-Wirth, to approve Resolution 2020-30 as presented.

Discussion on the Motion:

Councilor Villarreal wanted to make certain that certain encampments ... that people should not stay in the arroyo or other waterways for health and safety; that we are not considering that it is a potential safety hazard for them and she was not supportive of those being included.

Mayor Webber said it was a good insight and well noted. He said that is exactly what is being worked out.

Councilor Garcia said in the original proclamation, we included allowing the City Manager to approve expenditures up to $200,000.

Ms. McSherry corrected that. The $200,000 was actually in an ordinance change and not part of this proclamation.

Mayor Webber agreed that was not in the proclamation itself.

Councilor Garcia understood but believed that extending this proclamation also extends that authority.

Ms. McSherry said she could verify that.

Councilor Garcia asked what contracts have been signed since that new ordinance was approved.

Manager LaPan Hill did not have a full accounting of it now but said it was not much and she could provide it.

Councilor Garcia asked that an accounting of it be distributed to Council. He didn't remember getting one.

Ms. McSherry said the declaration is a state declaration of a public health emergency, so it is not coupled with our proclamation.

Councilor Cassutt-Sanchez asked if all of those contracts authorized by the City Manager are in the new budget.

Ms. McSherry said those that have changed are in the budget.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

p. CONSIDERATION OF RESOLUTION 2020-31.
A Resolution Permitting City Departments to Seek Retroactive Approval of Contracts for Fiscal Year 20/21 for Up to Ninety (90) Days. (Fran Dunaway, Chief Procurement Officer; fadunaway@santafenm.gov. 955-6432)

Ms. Vigil read the caption.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Rivera, to approve Resolution 2020-31 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

12. MATTERS FROM THE CITY MANAGER

Manager LaPan Hill publicly acknowledged the enormous work on the budget by City Staff. The work will continue but the Governing Body owes a debt of gratitude to them for this budget document.

13. MATTERS FROM THE CITY ATTORNEY

Ms. McSherry said a litigation update will be a written quarterly update and maybe presented at the August 12 meeting. It might need an executive session and depends on the agenda for that meeting.

14. MATTERS FROM THE CITY CLERK

Ms. Vigil had nothing to communicate at this time.

15. COMMUNICATIONS FROM THE GOVERNING BODY

Councilor Garcia identified the background behind him as Young Park right down the street. Right behind him was Johnny's Market. It was a place he went to as a kid. We could run down the street to get a can of goods or whatever. He missed having Johnny's Market

Councilor Villarreal introduced an ordinance amending Section 24-2.6 to restrict certain vehicles from traveling on a portion of Sabino Street running east/west between St. Francis Drive and DeVargas Mall.

Councilor Vigil Coppler introduced a resolution supporting the 9th Annual Neighbor-to-Neighbor Food Drive.

There were no other communications from the Governing Body.

BREAK: The Governing Body recessed at 7:00 and resumed at 7:13.

EVENING SESSION - 7:13 P.M.

Mayor Webber reconvened the Governing Body at 7:13 p.m.

Mayor Webber announced the agenda changes to the public: Both Geo Lane cases (originally d and e) have been postponed to August 12. And the agenda items for Nuisance abatement and the Economic Development Ordinance involving La Puerta (originally b and c) were moved up before consideration of the budget (which was originally a).

Ms. Mihelcic provided instructions regarding petitions and public hearing participation that persons from the public speaking must state their full name after unmuting their microphone, state the topic of their statement, speak for one minute, and then watch the rest of the meeting on Youtube.

16. ROLL CALL

Roll call indicated the presence of a quorum remotely, as follows:

Members Present Remotely
Mayor Alan Webber

Councilor Roman "Tiger" Abeyta
Councilor Jamie Cassutt-Sanchez
Councilor Michael J. Garcia
Councilor Signe I. Lindell
Councilor Christopher M. Rivera
Councilor Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Other City Participants Attending Remotely
Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Yolanda Y. Vigil, City Clerk
Jennifer Faubion, Council Liaison
Michael Prinz, Assistant City Attorney

17. PETITIONS FROM THE FLOOR

Mayor Webber advised all petitioners to refrain from speaking to items on the agenda for public hearing.

Kate Latell said she is a taxpayer and civil servant, living in Santa Fe. She reminded the City Leadership in general that and reminding >>> thanks to city leaders who communicate clearly. I appreciate you tonight. Thank you.

Stefanie Beninato said the obelisk marker "rebel" cannot be found. Emergency Powers are used without much foresight. The proliferation of proto parties should be located on the construction site. One held on her street was there for 10 days. She asked why there are no plans to open Salvador Perez pool and pointed out that the Bicentennial Pool is not open.

Dani Katz encouraged our compassionate leadership and in pandemic - see you exercising yours. Excited for living proposal to help us live >>> lead with a vision - and fight back to the cascade of emergencies. Should hold SF sovereign and lead with compassion in highest level ...

Michael Blanshan - read a statement - repeat something enough and obliterating other views and listeners are incapable of changing their mind. e g WMD ->>>

Over 60 % of Americans believed there were. >>> Why Texas >>>?

Oshana Spring said, "I'm sure you want to be on the winning side. >>> You know ?? has already lost. In some cities, people have duped the leaders to think they have won. But we, the people, have won the show. We are on the winning side that gives freedom and truth to the people. Really, don't you want to be on the winning side?

Michael Baca said Mayor Webber said in a radio broadcast about statistics going up. The hospitals are not revealing that in any way. We are still under 2% on tests and extremely low and the statements are extremely questionable. Hospitalized patients are tested daily. There is no way for citizens to get this information.

Andrew Hunt - business owner. said Santa Fe has been his livelihood for 23 of 27 years. He helped build Railroad Park. He wondered if Germany and Japan could be models for us. Meow Wolf started on Second Street. We are a sanctuary city and part of world consciousness. Let's get back open and get tourists back. Thanks.

There were no other petitions from the floor at 7:29 pm.

18. APPOINTMENTS

There were no appointments.

19. PUBLIC HEARINGS

[Amended Order]

a. CONSIDERATION OF BILL 2020-18. ADOPTION OF ORDINANCE NO. 2020-16. (Councilor Lindell, Councilor Villarreal, Councilor Romero-Wirth, and Councilor Vigil Coppler)
An Ordinance Relating to the Nuisance Abatement Ordinance, Section 10-9 SFCC 1987, Amending Section 10-9.2 to Align the Intent with the Purpose of the Bill; Amending Section 10-9.3 to Amend and Add Definitions; Amending Section 10-9.4 to Make the Intent with the Property Owner Responsible; Repealing and Readopting a New Section 10-9.5 to Establish a Process for a Nuisance Investigation and Abatement Process; Repealing and Readopting a New Section 10-9.6 to Establish Tenants Rights; Amending Section 10-9.7 to Establish Enforcement Provisions to Hold the Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 to Remove Extraneous Language; Repealing Section 10-9.11 Regarding Supplementary Remedies for Public Nuisances; and Amending Section 10-9.13 Regarding the right of Entry. (Michael Prinz,

Assistant City Attorney, mnprinz@santafenm.gov, 955-6554 and Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov, 6996386)

Ms. Vigil read the caption.

Mayor Webber asked if there is a brief summary.

Ms. Faubion said she just wanted to make the ordinance more workable. It allows the City to be more proactive in neighborhoods where these properties are. It will result in stronger enforcement processes in partnership with homeowners and help them come into compliance.

Councilor Lindell commented that we have worked on some properties for over a year and they caused great harm in their neighborhood and the owners did not have a means to effect change. We got together with help from Ms. Faubion on this. It may need tweaking later on but it is a great improvement.

Councilor Villarreal said it triggers a way for police responses to calculate the number of instances. it would trigger an investigation and gives owners a chance to respond. This is not the end all but a response to what is long overdue. Thanks to Ms. Faubion for all her work, research, etc. Her review of different versions has been very helpful.

Councilor Vigil Coppler said it is no secret that these properties are big problems for the neighborhood. Lack of upkeep on properties affects property values. Those who have to live nearby is the least of their concerns. They are more concerned with their own safety. We give permission for transients and druggies in vacant properties. My interest is in expediency because it takes a long time to correct them. I hope with this we can address them quickly and see how it will work. If more is needed, we will undertake it. This is a real problem in our city.

Councilor Romero-Wirth was thrilled this is on our agenda. It is something I went door to door during my campaign and heard their responses of concern. We will be better able to respond with this and work with property owners and if that doesn't work, we will have other avenues to help. We never could have done it without Ms. Faubion's help.

She proposed one quick change on page 4, under definition of persons. She said the definition is quite broad and it is not a complete list, but she wanted to add "trust" after LLCs on line 8. that would be an amendment if the Governing Body would accept it.

Councilor Romero-Wirth moved to add "trust" there and Councilor Vigil Coppler seconded it.

But Ms. Vigil spoke up to ask if we should have the public hearing first.

Ms. McSherry agreed.

Councilor Romero-Wirth said she will move it at the appropriate time.

Councilor Rivera said he has gotten lots of calls wanting anonymity added.

Ms. McSherry suggested that questions should be asked after the public hearing.

Public Hearing

Stefanie Beninato was concerned on having the emphasis just on the property owner and not the tenant or where there are transient occupants. That needs to be addressed. The owner should not be the only one responsible, but it should be shared with tenants.

Quivira Coalition - Leah Pioly was disturbed about the way you speak about transients, alcoholics, etc. There is a long history of people in upper class areas feeling unsafe. We are talking about people's lives.

Poppy Wilder said she knew some of the Councilors are upper class and it is inappropriate to talk the way you talk about transients. Not everyone has mental health and not all have access to health. Property owners who are letting their properties out for profit could have been mentored out homeless. It is an opportunity to help people instead of making them feel horrible. It sounds like classism and money just to talk about property rights.

Eleanor Stevens - 2300 West Alameda, said the previous two speakers spoke my mind on public safety and who is where. Please try to center on humanity and remind yourselves about our crisis and affordable housing.

There were no other speakers for this case.

Mayor Webber closed the public hearing portion.

Motion to Amend:

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Vigil Coppler, to amend the ordinance to insert on page 4, line 8, after Limited Liability Companies, to insert the word "trust,".

Discussion on the Motion

Councilor Vigil Coppler wanted to address some of the comments that were made in the public hearing section.

Mayor Webber asked in the Governing Body to limit this to discussion on the motion.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

Further Discussion:

Councilor Rivera asked Ms. McSherry or Mr. Prinz about anonymity. He wanted to know if the person making the complaint who is afraid of retaliation from the neighbor can remain anonymous.

Mr. Prinz explained that there is nothing in the ordinance on anonymity. but he was aware of it. Under the state statute, we are obligated to release that name upon request. We take complaints now. We can discuss making people aware of that. A person could make the complaint and say their name is anonymous. But if we do have a name, and that record is requested under IPRA, we would have to release it.

Councilor Rivera asked if the subject of the complaint is entitled to know that.

Mr. Prinz said yes but explained that this is not a criminal statute; it is civil matter with administrative use for properties in the City. He didn't think we would be obligated to identify who lodged the complaint. He would have to think about it. but didn't think so except under IPRA. The complaint triggers an investigation. We would have to contact the property owner but would not have to reveal the source of complaint.

Ms. McSherry concurred. A case could have witnesses in an appeal. If we got an anonymous complaint on dumping, we go see the evidence but with

noise, we would have to witness that. Some things are obvious and other types of things that occur late at night would be more difficult to have a witness.

Councilor Rivera thanked them.

Councilor Vigil Coppler apologized for terms that were considered offensive to the public speakers. That was not her intent. She was speaking to calls she has received from those who have properties next door that are not maintained. She said she could play a voice message she just got today about the property next door that is driving her nuts.

"I totally support programs for homeless, alcohol and drug rehabilitation, etc. The real issue is that properties are going unchecked. There are homes that have already been burned down because the owner didn't supervise the work going on and some never got rebuilt. Neighbors are very concerned about Those things affect our quality-of-life. Our ordinance had no teeth in it. It is the responsibility of the homeowner to keep the property in safe condition. I am totally supportive of this ordinance. It is something we desperately need."

Councilor Romero-Wirth noted that some properties in my district are owned by an estate and not cleared to be owned by a person. Some are owned by a bank that were foreclosed on. This could potentially help our housing situation because these properties will be able to just languish. With tis ordinance, we could work with the owner and have other avenues to get it into a habitable status. So it could be very helpful to our housing issue.

Councilor Villarreal pointed out that we were very sensitive to not make it adversely affect people in an unjust way. People can still call the police and it doesn't always trigger the nuisance ordinance. In District 1, we had places where children could not play outside near them and drug trafficking going on. This is about people not caring about the people around them.

Councilor Cassutt-Sanchez thanked those who worked on this ordinance. One thing that came to mind is the opportunity to look at a lot more in these programs and it can be an opportunity to identify individuals needing helpful services. That was part of the development of the ordinance and looking how we can identify those opportunities. Some are scary situations.

Ms. Faubion to Councilor Cassutt-Sanchez, said we can build in an internal process if there is a drug issue or homeless issue to work with the people who are there and that can be built in.

Mayor Webber thanked those people for their hard work, for listening to the community and engaging in dialogue for real-life stories and creation of a Task Force around it. It is a model for how government works well. He noted that the Police keep intervention sheets on how they responded. From personal experience, we have been at meetings where the people have been asked to endure for numbers of years with neighbors not behaving as neighbors. We've had roundtable discussions with police and landlords who promised to make amends. It is an unbiased attempt to improve the livability of our City. This is trying to craft something constructive and evenhanded.

Councilor Romero-Wirth moved to approve 2020-16 as amended /Councilor Lindell.
vote - at 8:07 - unanimous by roll call.

MOTION: Councilor Romero-Wirth moved, seconded by Councilor Lindell, to approve Ordinance 2020-16 as amended.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

b. CONSIDERATION OF BILL 2020-19. ADOPTION OF ORDINANCE NO. 2020-17. (Mayor Webber, Councilor Lindell, and Councilor Vigil Coppler)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Section 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Loan Agreement Between the City of Santa Fe and La Puerta Originals, LLC for an Economic Development Loan for Lease Payments to Provide Assistance for the Negative Financial Impacts of COVID-19. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912)

Mr. Trujillo provided an overview and described La Puerta Originals as a local family-owned company. He introduced the CEO, Ms. Melissa Coleman and also introduced Mr. Peter Mitchell, the representative from the New Mexico Economic Development Department. The company is an artisan company that manufactures custom made doors, cabinets, dates, furniture, and other wood products. They have been a Santa Fe business for 25 years. They have 13 employees on payroll of $130,000. They have had significant contraction; laid off employees and tonight they ask for assistance from the

COVID loan program at 0% interest and of agreed to maintain a minimum payroll of $130,000 and repay the loan within two years. Impacts to the City are a possible $3.2 million generated. We believe this will help stimulate the industry and keep it growing as we go forward.

Ms. Melissa Coleman, on behalf of her company, appreciated the Governing Body's consideration. She spoke about the background, having started 32 years ago by her husband in their garage and she became the owner and since then has turned the facility and property into a viable and important manufacturer of custom doors and cabinetry that are shipped all over the country. The loan is gratefully appreciated to keep our employees employed. She was also grateful to the State and the City for supporting them.

Mr. Peter Mitchell thanked Mr. Trujillo and Mr. Brown for their work. The had some difficulty getting the County on board. Ms. Coleman got all the paperwork in and got people on board. This is important, even though delayed. It is equally valuable now to keep the 15 employees working in our community. He appreciated the Governing Body's consideration.

Councilor Villarreal pointed out that this is not a grant from us. We are the fiscal agent and Mr. Mitchell is with the State.

Mr. Mitchell agreed and explained that this is a LETA loan to provide funding for businesses. We had one to the College. This is different. It is not a LETA grant which was based on job creation. Here, the focus is on job preservation. That is equally important in these times.

Councilor Villarreal asked if others could contact him for a loan.

Mr. Mitchell said we won't be doing them any longer. The Legislature allocated $4 million in small business loans, so we are not doing LETA loans any longer.

Public Hearing

Stefanie Beninato was happy to hear of the program and knew of La Puerta. She was glad they are being supported and sad that no others can participate. She also appreciated Councilor Villarreal's attempt to inform the public. She wondered how many loans will be given out in this new program from the State.

There were no other speakers from the public and the public portion was closed.

Discussion of the Governing Body.

Councilor Vigil Coppler said La Puerta came to the Economic Development Advisory Committee and they were great. It is a long-time business and manufacturing great products. The application was very well done. The Committee voted unanimously for them.

Councilor Rivera was curious and asked if we have ever acted as fiscal agent for a business located outside the city limits.

Mr. Trujillo did not believe so, but the City Attorney approved us acting as fiscal agent for this company.

Councilor Rivera asked why the County did not want to act as fiscal agent.

Mr. Trujillo said the best answer is that it would have taken an inordinate length of time to get approval. It was more efficient to have us take care of it at this time.

Councilor Rivera assumed the County is aware of it and they are okay for us to be fiscal agent for an entity in the County.

Mr. Trujillo agreed the County was aware of it and, as far as he knew, they were okay with it.

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Ordinance 2020-17 as presented.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

c. CONSIDERATION OF RESOUTION 2020-25. (Finance Committee)
A Resolution Adopting the City of Santa Fe Fiscal Year 2020-2021 Annual Operating Budget and Organizational Chart. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov (955-6171)

Ms. Vigil read the caption for the budget resolution.

Mary McCoy deferred to Councilor Abeyta.

Councilor Abeyta commented that over the course of the last seven days, the Department Staff presented to the Finance Committee 22 individual budgets as the recommended budget for the Committee to consider. The Committee unanimously approved all 22 individual budgets that were presented. The FY 21 approved finances total $313.9 million which is a decrease of $71.6 million or 18.3% across all funds, compared with FY 20. The General Fund budget as approved by the Committee total $92.6 million which is a decrease of $10.8 million or 10.4% from last year's budget.

Staff provided budget summaries and those summaries were approved by the Finance Staff. Changes at the Finance Committee made to the budget were: Public Utilities Department, Water Division budget increase by $432,170 and other operating costs in order to support additional funding for the Buckman Direct Diversion operation. The Buckman Diversion operating expenditure budget was approved at $8.6 million, which was a decrease of a little over $1 million from the original budget their Board had presented to us. The City Clerk budget decreased by $147,924 and the transfer out category to reduce the transfer from the General Fund to the Public Campaign Finance Fund.

He provided some highlights from the FY 21 budget. The budget did not intentionally reduce the Community Services budget in order to support our community during this public health emergency and economic crisis when our residents need it most. The Committee increased that budget significantly to allow for the work of the Public Safety Task Force and any changes that may be required or come out of the results of that.

The budget also prioritizes protecting jobs for our workforce. As recommended by the Finance Committee, it did not include furloughs past September for and does not lay off any city employees.

At the time of a motion, he suggested an amendment to not include the proposed organizational chart as it is something, we want to consider for the next 30 days or beyond. He thanked the members of the City Staff, the members of the Finance Committee, and also the members of the Governing Body that were able to participate in the budget hearings.

Mayor Webber saluted those who went through the hard work on this budget. It was extraordinarily hard. Back in February we had a great budget with surpluses and good items and then the world changed with the COVID era. Our Staff started from scratch and prepared for a 42% budget cut. It

continues to evolve to this day. When we closed it out, the budget is as much a process as a plan and coming back to Governing Body for any changes needed or adjustments needed.

The budget is an optimistic budget that says we should plan for bad times but plans for good times. There are no furloughs and no pay cuts in the budget going forward so we are doing everything we can to maintain central services with flexibility and resilience during this time, continuing to invest in people, Community Services was increased by 2% rather than decreased.

There is a lot in the budget and probably requires cuts and sacrifices but a path toward full city government service.

Public Hearing

The three unions represent the bulk of our employees and Mayor Webber invited them to speak first if they are present, with 5-minute slots, and then individuals for 1-minute each.

Fire Union - Ed Lopez, President, said, "We appreciate the opportunity to speak tonight. We understand the concerns with this budget that, because of the pandemic, has affected the City Different. Many men and women that work for the City have been affected by this economic downturn and we understood the sharp cuts and furloughs to the fire Department and other budgets in the City have been due to this pandemic. But we are concerned that the City administration is going to create more administrative positions rather than filling vacant positions within the Fire Department at the same time. We are loyal public servants working at Ground Zero with increased stresses presented by this pandemic. We feel the City needs our help financially. The union is never in favor of foregoing articles in our contract and we have every intention retracting these offerings and retrieving them by the next fiscal year. Or, if the if the City is fiscally capable before that. After aiding the City, we took on our own uniform costs. The amount of our contribution is over $240,000. So our members feel that this is not the time to pull more from the Fire Department budget. Firefighters are no strangers to making our decisions and we want the best for our City. We know you have hard decisions to make and hope you will reconsider the additional management position during this epidemic. I hope we can all come together and help the City prosper for years to come. "

AFSCME - Terese Martinez, Recording Secretary, said, "We have prepared a closing statement for review of the financial budget 2021. Our union requests an extension on the budget for 2020-2021 approval. We feel very

strongly that this budget relies heavily on the proposed reorganization which is forcing a reorganization under the guise of a budget approval. This budget needs to stand on its own without departments, divisions and employees relying on the proposed reorganization with changes in classifications, positions and duties. We don't even know what is expected of them. How is it justified reorganizing with new hires and allocating many in other directions to support this budget? And with internal parts of this budget when the city's workforce is on a 4-hour furlough and pay cuts. This is the fourth time. There is a rush to get something hurriedly approved. The first was negotiated furloughs. The second was insurance benefit review and changes. The third was the bridge plan. And now the fourth is this budget. We understand that there is a pandemic. The whole world is experiencing the pandemic. The money needs to take care of the pandemic situation. This is the new normal - it is now, today and tomorrow. And this is the fallout from the pandemic, the aftermath. There is no rush. There should be logic and reason, understanding and cooperation and more communication instead of rushing, spreading confusion and doubts. We say take care of the four walls, the roof and foundation of this house - the City structure. And make changes in organization later. Now is not the time. There needs to be a more solid financial foundation before even thinking about changing the organization, restructuring, reimagining and all the things mentioned during the recent hearings. If we are reimagining, let's reimagine taking care of our financial health first before we accept the budget with strings attached. We are not fiscally prepared for reorganization. Take on this budget and separated from reorganization. Remove those items with strings attached to the reorganization. Step back and take a good look at everything before plunging us into perilous waters. We thank you for considering some of our suggestions from earlier this week. Thank you."

There was no one in the room to speak for the police union.

Drew Lenihan thanked the City for hearing him. He expressed a feeling of cowardice towards the police union. He didn't understand why they thought they could brush off a City Council budget hearing. They are not here talking. Please take that into account as the Honorable members of other unions have come to speak up for their members. The largest thing is that a lot of people feel unsafe in the city and please take that into account with this budget and try to think outside the box and get away from the funding for our police dept. let's bring our money back into the community ...

Poppy Wilder asked the Council to vote no and please reconsider the budget. There are a multitude of reasons. There is a house listed at $13.65 million for sale in the City and our entire affordable housing budget is $2.4 million in this proposed budget. That makes no sense. It doesn't add up with

the police department having 10 times that amount. In 2018, there were 20, 683 homeless children in NM public schools. That number is going to go up and the money for those programs should be going to house people in school this year, especially with the pandemic and lack of Internet.

Sophie von Rohr wanted to see increased funding for affordable housing in the budget proposal. The next is schools and public safety.

Stefanie Beninato was really concerned to pass a budget before the reorganization. It sounds like a done deal whether it is a good idea or not. Navigation at City Hall is more opaque by having community this community that and hiding things or not being logical that constituent services, for example, is in the City Clerk's office. The Council should cut administrative salaries across the board. There are other duties that have been shifted around and salaries have not been renegotiated before. ...

Alysha Shaw thanked the City for your budget work. These extraordinary times call for courageous innovation and responsiveness to community concerns. She mentioned a group who submitted 3,000 petitioners asking to defund the police, to create a citizens oversight and review Board, to respect the liberties of protesters and to declare a moratorium on evictions until January 2021, and to create a Department of racial equity and justice. She asked that the Council listen to the voice of their constituents. The police budget is funded more than affordable housing, Senior services, library, youth, and family community services administration combined. She thought we could do more by reallocating funds in the police budget for community assistance and housing help.

Allison Fabara said thanks for your work on the budget. She was concerned with not helping the most marginalized of our community. Citizens have called for a 50% reduction in the police budget and a significant investment in community services. What we see in this budget is only an 11% decrease in the police budget when you are cutting the overall budget by 18%. There is only $391,000 in community services and $291,000 in affordable housing. Our affordable housing budget makes up only 0 .7% of total spending while the average and other communities is 5% of the budget as recorded in the New York Times recently on June 12. This is not visionary leadership in this time of crisis for our community. I hope you would reimagine community safety in this budget rather than putting a new label on the same old package that we know doesn't work. Please vote no on this budget.

The next person's name was inaudible who also asked the Council to do more to defund the police and do more for housing and community services.

Rebecca Roberts-Smith echoed previous comments. The current budget has police as the largest budget by a large margin and only a small fraction of that budget is for housing and community services. It really sends a message about how the City is approaching community services. It is well proven by research that community services are proven to be a more efficient and effective way to reduce crime. Other cities are doing amazing and creative things, and this is the time to not be stuck in the box of broken things in the past. I encourage you to vote no on this budget.

Daniel Strongwater echoed defunding police and questioning the utility and use of the Buckman Direct Diversion project he thought the City should be investing directly in cleaning our water and exiting the systems that are not performing well instead of a sleight-of-hand sending water into the Rio Grande River where it will not be cleaned as effectively as engineers have suggested. We need to reallocate the funding for the police for community services and more water harvesting. The budget does not go far enough. Please vote no on the budget, especially my Counselors in District 2.

Miguel Licona asked the Council to vote no. Safer communities have more resources, not more policing. He would like to see more funds diverted to community services and affordable housing. Unhoused people are not transients but members of our community. Please divert funds toward mental health, addiction treatment, and early childhood.

Alan Pedrosia said this is a special place. We have a long way to go regarding racism. Please vote no on the budget. We could reduce crime in other affordable ways than what the police are right now.

Alana Faust said I am here to reiterate what a lot of others have said and would like to see you reallocate funds. Thanks for considering the way we spend our money.

Calixte Raifsnider thanked the Council for their hard work on the budget. "I don't envy your position at this very challenging time. I echoed the sentiments of others that have spoken and encourage you to vote no to the proposed budget. There was a statement that accompanied the budget about embracing innovation and respecting the fundamentals with this budget. I believe that we are operating on the assumption that the police department is a fundamental, perhaps more of a fundamental and things like housing and social services that offer compassionate care to those struggling with addiction and mental health issues. I would like to encourage you at this point to do more. There are innovative solutions. There are other cities that are already employing this. Thanks.

Alina Pontius also believed in investing our funds in special services - library, housing, service centers - invest in our people.

Max Satkeller noted, "In the preamble, you say it is the best of times and worst of times, but I think it is the worst of times and only getting worse as the federal government ends unemployment payments. Thanks for your work on this budget. I know it is extremely unprecedented to have this shortfall. This budget is a far cry for caring for Santa Feans and urge you to care for them in the best way you can."

Darryl Wellington echoed defunding police.

Doris is president of the local NAACP and wanted to know how the Mayor and the budget could go more to defunding the police.

Mikiko Ellis, educator, echoed a lot of the sentiment on voting no. "Please take more time to help those most impacted.

Nathan Hollis echoed others. We need more money going to community services and less to police.

Dionne Disability wanted to echo particularly around community involvement. This budget is moving quickly but there is not enough engagement with community. We are struggling to do better. The reorganization is sweeping and should be done more in conversation with the community and helping people with the basics - housing, mental health, etc.

Grietje Laga said she would not say anything already said by others. This is an extraordinary opportunity for making a solid change in place what Bianca said about community engagement. We have to engage in programs that are beautiful for young people, immigrants, working people. Please work on it more. We can do a lot better. Please. Thank you so much.

Fei Xie said, "Thanks for your work on the budget and I echo what the others have said. I ask you to vote no and put more money in community care."

Brandon Paris asked for defunding police essentially.

Christopher Hassel said, "Those of us paying attention know that defunding police has worked in some very unsavory places. We need police to be funded and upheld and are supported by the community. It is very difficult job that they do. What follows defunding of police is technology. So imperfect

persons get replaced by perfect robots and drones. Policing needs to be human, personal and related to the community and not defend the police."

There were no other speakers from the public regarding this case and the public portion was closed.

MOTION: Councilor Abeyta moved, seconded by Councilor Romero-Wirth, to approve Resolution 2020-25, adopting the City of Santa Fe fiscal year 2020-2021 annual operating budget with amendment to strike an organizational chart on page 1, line 13 and on page 2, line 3 and 4, strike the "further resolve that the Governing Body also hereby adopts the organizational chart included as an addendum to the fiscal year 20-21 budget."

Discussion on the Motion:

Councilor Garcia thanked those who went through the week and a half work and the sleepless nights and a great thank you for those who provided feedback and what they think their government should be spending the money on. He had a couple of questions. We just struck the org chart. Why was that not done prior to budget being approved? Why did we not do the reorganization first?

Manager LaPan Hill said it was for a couple of reasons. When the pandemic hit, DFA gave us more time (July 31) to submit it and we were able to submit a placeholder for the budget. When we had the conversations around the furlough and closing out FY2020, there was Governing Body direction to bring back any org changes within the budget process to see the whole picture. So it was to bring that as part of the budget process. We proposed a balanced budget and proposed reorganization but there is additional time. We have worked really hard in these unprecedented times and we needed to reimagine the budget and break down our silos to present as much for taking care of our residents and our employees.

Mayor Webber added that all department heads were grappling with the fiscal reality and used the opportunity to make a difference and not just lop off parts of city government but to use it as a mind-frame to be bold. The status quo is always easier to maintain because it is what we are accustomed to. So in our discussions, we consider the most creative way to restructure city government from residents' input. This gives us a vehicle in an ongoing way to think differently on just a "rake" type org chart but new groupings that would collaborate and potentially be a partner in a different way in health and safety and community services. It eliminates redundancies

that waste funds and allows things to fall into the cracks. It is closing gaps and it will continue to be a process. It is about the people who have to work together.

Councilor Garcia understood that, and he would have organizational questions at the appropriate time.

His next question was how this budget will be impacted if the reorganization is not approved.

Mayor Webber recalled that Ms. McSherry spoke to that earlier in the meeting. He didn't think the budget depends on the reorganization.

Ms. McSherry added that there could be adjustments for that.

Councilor Garcia asked Chief Padilla about resource value and if there are any resources used for militarization purchases for our police force.

Chief Padilla said they have participating in the program for receiving some military equipment. He described some of them including boxes of storage. one Humvee and large armored vehicles that we are returning to the State. He provided a full list to Director McCoy.

Councilor Garcia asked if there are in this budget any resources requested that would fall into that category.

Chief Padilla said there are none.

Mayor Webber pointed out that, in effect, we are demilitarizing by returning military equipment to the State. Our police dept is decreasing that profile.

Councilor Garcia noted that we have gotten comments on what our police department should look like. He asked Chief Padilla what a 50% reduction would mean for the police department.

Chief Padilla said his budget is mostly salaries and benefits. It is hundred and $69,000 out of $229,000 budget. The rest of the money pays for fuel, the jail bill (daily fees) and support services to pay utilities and contracts and tow companies There is no fluff in our budget.

Councilor Garcia understood that our force has been a bit stretched and we've seen delays in responding to calls and there are priorities in the nature of the calls. He asked how Chief Padilla would see an impact on the response times with a reduction of resources.

Chief Padilla said the City has 60-70 patrol officers now for about 20 on each shift and if reduced, the response times would increase, and we do prioritize the calls.

Councilor Garcia asked what percentage of responses to calls were for social responses where you are dealing with a substance abuser or one that might need a social service advocate more than a police officer.

Chief Padilla said the average response time over the years was not broken down that way.

Deputy Chief Paul Joye commented that over the last three years, the highest call volume was for intoxicated individuals, people fighting at a bus stop or yelling in the street. Those could come in in a variety of ways. Going through those, welfare checks were 224 calls, suspicious person calls were 1,438, assisting ambulance calls were 1,180 from January to the end of May. It also gives statistics for 2019 calls.

Councilor Garcia thank thanked him for that information. If we put more into social service programming, would that be a benefit to the police and help with response times?

Chief Padilla said it would. We could agree on that. Having social workers out and about would save us from them and help improve response times. That is the end goal and to have it up and running by the end of October. That would help us relate and get to know the community.

Councilor Garcia asked Director Ladd if we saw an increase for Affordable Housing.

Director Ladd explained the increase in the budget was related to grant and trust funding. With the federal grant from HUD it just happened that we had more funds.

Councilor Garcia understood.

Mayor Webber said one thing Director Ladd spoke about recently was the amendment to inclusionary zoning that accounted for over $800,000 after the ordinance was passed.

Director Ladd agreed. In a perfect world, we would want more reliable funding and consistent funding.

Councilor Garcia commented that our budget is not perfect. We must remember our fiscal impact was turned upside down. He saw the City making progress with this budget. The impact is already being experienced in this budget. With it also begins a process to modernize and improve our police force so we can move in a direction of community input to meet the needs of our community with sustainable social service programs. Investing in these programs have helped reduce crime. It also improves our overall outlook. We were in the hole and still are. This budget is only the starting point, not the finish line. It will require patience and trust. We have to work toward a better future for upcoming generations.

Councilor Villarreal thanked the public for weighing in. She read all the emails from the public on the budget. We spent seven days and 35 hours and scrutinized all the departments to understand all parts of it. Two points she didn't get answered. We talk about cash reserves being used to make up deficits. There are 18 such funds. Some are restricted and others are not. You gave a good breakdown on the fund balances, but which funds are restricted and which funds are not restricted?

Director McCoy said the majority are revenues received as indicated by city ordinance which are the sources of the funds. A large number of the 18 funds are governed by city ordinances. We continue to follow the uses as outlined by city ordinance.

Councilor Villarreal understood how it worked. Some of whom so funds received for transit are spent by the transit department

Director McCoy agreed. She pointed out that the revenue was reduced at GCCC when they were closed for three weeks.

Councilor Villarreal asked if there were sources other than GRT.

Director McCoy said that other sources included Lodger's Tax and there are others. They are from grants, fees, taxes, and fines.

Councilor Villarreal asked about the authority of Lodgers Tax and restrictions.

Director McCoy said she received the information yesterday and she will provide an outline governing the possible uses of those revenues. We will share an outline of the different percentages on each of the seven uses and how it is allocated.

Councilor Villarreal asked for it to be sent again to her. There will be variations in those, and adjustments made, and we will see it improve when the virus restrictions are lifted. She was particularly happy with continuation of the renter assistance program. She understood the CARES Act will help with that also.

Councilor Villarreal commented that the Police Department budget review was the longest and most scrutinized. We spent about three hours on it. It helped clarify the priorities of the Department. What you got out was a commitment from the Police about budgeting for anti-bias training. What the Chief just mentioned was returning armored vehicle to state and noted tasers were not included There are vacancies in their force. They have 23 right now, and with the Health and Safety Task Force, what the 23 vacancies to get social workers in the staff.

Chief Padilla said the still have 23 vacancies and 10 new officers we hope to hire. But two officers today told him they are looking to go elsewhere. 13 is still a good number but we need to fill our patrol shifts. Some events need two officer response. We could explore converting some to social worker positions and have that collaborative effort.

Councilor Villarreal suggested we require regular updates on those call types. It would help us understand the restraints and what you are up against and the things we really need to shift. It is very important to have that response going forward.

Also, most of the State Homeland Security is managed through another department and what it creates is a more militarized focus since they are offered free. So she will be looking at those requests and will not approve unnecessary "toys" for things that help provide a better community presence.

Now we are moving forward with the Task Force, she has heard from many that the City must have accountability and build trust with community people to reimagine what safety might look like. We will have regular updates. She would also like to see things about reorganization.

Councilor Vigil Coppler thanked everyone who worked on this budget from lowest to highest. She asked Director McCoy what happened to the golf course contract. Do we have someone to run the golf course?

Director McCoy said that is one or our priorities to work through in a short time frame to continue operations. We are working on it now and expect to have it done shortly.

Councilor Vigil Coppler asked when the budget will go into effect.

Director McCoy clarified that if it is approved now, it will be submitted by July 31. We have a placeholder budget in place and using it now. This will begin as soon as signatures are on the resolution

Ms. McSherry said she has seen the DFA rule on it.

Director McCoy added that we are working with New Mexico Golf to continue managing the golf course.

Councilor Vigil Coppler next asked about the MRC marketing position and whether it was moving to the post office location. That was a mistake and it was supposed to be the Parks and Recreation Marketing person who was moving. But the budget was moved. She asked if that got screwed up.

Director McCoy said the marketing person she was referring to is staying with the MRC. The Parks and Rec Marketing person is moving to the City Clerk's Office.

Councilor Vigil Coppler understood we are behind the eight ball with budget overlap and not having the resources we had in the past. The roadmap defines where we want to go. She was between a rock and hard place with no good choice. She attended every budget hearing and heard many comments about the police department. She is behind the police department but there are different philosophies chosen around the country. Not all of the calls are related to safety and security but to other things including homelessness and addictions. But she has seen a lack of urgency in the Police Department. They don't need reorganization to solve the problem because the philosophy comes from the Police Chief and unions for community policing. But with this proposal, we are adding another layer. Our Police and Fire Departments can collaborate and work together with the social agencies we have already.

She was very conflicted about this budget. The budget presentation was as if the reorganization was already in place. There was lots of discussion about transfers in, transfers out, moving contracts, moving staff, where staff would go. A lot of documentation in the budget showed lots of discussion on the positions and such. But she was disappointed that it was prepared in that manner. We haven't even gotten to that point. What it does is to not provide for the public scrutiny and the transparency for the public that it should have.

We need to let the public know what we are modeling our budget after. There is great concern among our employees also - where they will get housed, their job classification, and she has gotten lots of calls with anxiety and stress about it. She didn't think reorganization during a pandemic is the best time for it. The work on reorganization was not as much done as it should have been. Anxiety was created from it.

He also asked what kind of Councilor budget we have. She had not been asked anything about it. What is on the road map for the City to go forward? She was not sure we have the necessary information we need. We did get something which was better than nothing. But we cannot tell from the budget where we sacrificed employees. She didn't want to vote on a budget that already has reorganization as part of it.

Councilor Cassutt-Sanchez thought it would be best not to address public safety and the feeling that there was not enough change in this budget. She believed that Public Health and Public Safety are tied together and appreciated the work of the Task Force. We spent three hours with the Police Chief and looking how their budget covers their needs. We need to look at Public Safety some more. There are pieces going well but we are doing a disservice to community and to the Police to continue the way we are going. The groundwork needs to be done first. She agreed that our police department can be a more effective department. The Task Force was just approved, and she wanted to be on it. And she highly encouraged those who have that passion to apply to be on it.

There are changes we cannot foresee. The budget will continue to evolve for how the City needs to be structured.

Thanks to the Finance Team and Staff who have presented us with more information.

She wanted to hear more about the CARES Grant. It is a pretty large number. Please share that with the community.

Director McCoy said she is eagerly awaiting guidance from DFA for the CARES Act and funding from it. They have allowed for apportioning of the state's money in that Act to be for the local level. The staff will make an application using the parameters required by this Act. Also, the Governor in the Legislature have approved making a loan fund available. We also expect to be making a loan application to the New Mexico Finance Authority. Both of them will be helpful given the uncertainty of our revenue going forward and our ability to be able to respond to the pandemic in our community.

Mayor Webber said Director McCoy was clear on what she said she would seek. We have to get by with much less funding and our people need money just to get through the urgent needs of our community to maintain the shelter and basic needs each day. That is where we hope the State will give funding.

The bad news we continue to get is that the federal government continues she was a cold shoulder. They should be providing for cities and local governments. The Governor and Legislature have been much more helpful.

Councilor Lindell said everyone deserves a thank you for this, including the Council and the Finance Committee. Councilor Abeyta did an excellent job directing us through this. Director McCoy and her staff worked tirelessly for us. The overall picture is COVID 19 because we had a budget ready to go and this is very different. The work was not simple. We should be happy we were able to pivot as quickly as we did with a balanced budget and it is astounding no one got laid off.

No doubt we all have some disappointments about this budget. For those who had asked questions that she has not answered yet, she apologized. The police budget has been a subject of a lot of emails. She had suggested that when we get to reorganization and the Task Force does their work, we will realize that police have thousands of calls that are not what police are trained to answer. They are not social workers or case workers but those are calls they have to respond to. Having a new department could be tried now. With a 50% reduction in the police budget and they get 97,000 calls for service, and people complain that no one showed up for as much as four hours, we will need to refocus and create a different culture for what we call the police force. 97,000 calls are astounding. That is more than one for each resident in the year.

Councilor Lindell said she is willing to move forward with what people spent hundreds of hours on and they presented their very best work and she trusts them. She knew everyone is on their toes to change it. It is based on our best prediction. It is going to change. "I trust us to do it and to support each other and do the best we possibly can for all of our constituents."

Councilor Rivera asked Chief Padilla when they received military equipment.

Chief Padilla said the Police Department has participated for about ten years. He prepared a report on everything the Department has received.

Councilor Rivera knew we got quite a bit in 2002 or 2003 and having that equipment out in front of City Hall before a Governing Body meeting of things received from the military. I don't want to e here 20 years wishing we had

not acted on where things were for the moment. We probably should not have received that equipment, but it is hard to see that within the moment.

He asked Chief Padilla if there is anything if the ten are new hires or laterals.

Chief Padilla responded that they had to turn away five of them. He wanted the City to allow the Department to hire all ten. They are all lateral transfers. We would have to find the money to hire the other five and would like to hire them by September. They would need about $40-50,000 to hire all of them but today he found out that two other officers are leaving us.

Councilor Rivera asked the length of the training schedule.

Chief Padilla said it requires 10-11 months for new hire and less than that for lateral transfers.

Councilor Rivera opined that overall, it is a pretty good budget. It is hard to predict how things will change over the year. We will just adjust to it.

Councilor Romero-Wirth said most of what she would say has been said. Thanks to my constituents for calls and emails over this process. I don't reply to all of them. Thanks to Chair of Finance, Councilor Abeyta him in. I don't know what to do tomorrow at 1:00. It has been our life for almost two weeks.

Thanks to Director McCoy and your team and department heads and staff. It is remarkable what happened.

She asked Director McCoy to talk about the uncertainty under which this budget was established and what she did to have a methodology for projecting revenues.

Director McCoy said they started talking about the uncertainty back in April with social distancing, etc. We rely on GRT primarily in our City for our revenue. At that time, we didn't realize this would be a different year financially. We were in final stages then of our budget and realized a revision was in order. So DFA allowed us an extension control the end of July to submit. We knew we had to dip into reserves. No historical data could help us understand what to do.

GCCC was closed for first several weeks. Our GRT revenue had its own complexity. Unemployment has risen and is also affecting consumer spending in several ways. The Dept. of Workforce Solutions sends us weekly updates and regular reports on Tourism to see how our community

is reopening or not. The GRT shrunk by $150 million. The impact is larger than in 2008 and much quicker.

Councilor Romero-Wirth said she look looks forward to the continual work. We have worked hard and asked the right questions and staff have helped us get the right answers. Every year I learn more how the machine works.

Mayor Webber commented that under our charter, the Mayor presents the budget. Thanks to all who worked on it and attended those meetings hour after hour. He applauded the Leadership Group and every department who had to go through new learning experiences to deal with constantly changing landscape. It was a remarkable job.

The centerpiece has been public safety and public health. Thanks for all who spoke out and sent emails. You have educated us with your passion and breadth of knowledge on the historic movement across America. 2020 is a unique time unlike anything we have ever seen, and we invoked the name of Congressman Lewis earlier. A call to come to account for longstanding systemic blame and racial prejudice, bias, systemic racism in our country and here in our own community. We have had crimes here in Santa Fe that none of us thought we would ever see. We had people accosted as individuals and private citizens of Santa Fe and they have been called names in our parking lots. We want to pretend it doesn't happen, but we are called to account. The Task Force he proposed and, thanks to Councilor Villarreal and Councilor Rivera for being cochairs, we will address the deep-seated ways in which we don't show compassion and love as we should in a community like ours.

This budget is based out of extraordinary need but also extraordinary opportunity for as to examine our processes. And it is wonderful to have a Police Chief who is willing to say yes to internal scrutiny to make things work better.

United people who are interested in public safety and these processes to read the material which every member of the City Council have read which include our paperwork on use of force and ethics oath and use of peace policy. No city in America has a "use of peace policy" and could have peace officers who respect life and human dignity. Ride Along with police to see what goes on in our community. We are positioned to have conversation on racial and social justice and the budget, and the Task Force and reorganization are all part of this movement in America. It is nothing we should shy away from and should welcome it to make a difference to the lives of every resident in Santa Fe and be a shining light across the country.

Councilor Lindell called the question which passed by unanimous roll call vote.

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

For: Mayor Webber, Councilor Abeyta, Councilor Cassutt--Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler and Councilor Villarreal.

Against: None.

During the vote, Councilor Garcia said, "We are beginning a marathon. I will continue to advocate for demilitarization of our police. We can do better."

d. CONSIDERATION OF RESOLUTION NO. 2020-____.
Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent for GEO Park, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Designation for Approximately 8.59 Acres from Institutional to Low Density Residential. The Project Site Consists of Two Parcels Located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

This agenda item was postponed to August 12, 2020 under Approval of the Agenda.

e. CONSIDERATION OF BILL NO. 2020-16; ADOPTION OF ORDINANCE NO. 2020-____.
Case #2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent for GEO Park, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to R-5 (Residential- Five Dwelling Units Per Acre). The Properties are Located at 4000 and 4100 Geo Lane and Total Approximately 8.50 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

This agenda item was postponed to August 12, 2020 under Approval of the Agenda.

f. CONSIDERATION OF BILL 2020-11 ADOPTION OF ORDINANCE NO. 2020-____. (Mayor Webber, Councilors Cassutt-Sanchez, Abeyta, Lindell, and Vigil Coppler)

An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance. Article 11-11 SFCC 1987; Approving and Adopting an Amended Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for Design, Development and Construction of Tenant Improvements, and Lease Payments for Expansion of a New World Headquarters Facility, a Local Economic Development Project. (Mayor Webber and Councilor Cassutt-Sanchez) (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) (POSTPONED JULY 24, 2020) **(POSTPONED TO AUGUST 12, 2020)**

g. CONSIDERATION OF BILL 2020-12 ADOPTION OF ORDINANCE NO. 2020-___. (Mayor Webber, and Councilors Cassutt-Sanchez, Abeyta, Lindell, and Vigil Coppler)
An Ordinance Relating to the City of Santa Fe Economic Development Plan Ordinance, Article 11-11 SFCC 1987; Approving and Adopting a Local Economic Development Project Participation Agreement Between the City of Santa Fe and Descartes Labs, Inc. for an Economic Development Loan Project for Lease Payments to Provide Assistance for the Negative Financial Impacts of COVID-19. (Fabian Trujillo, Office for Business Growth Manager, ftrujillo@santafenm.gov, 955-6912) POSTPONED JULY 24, 2020) **(POSTPONED TO AUGUST 12, 2020)**

h. Land Use Appeal No. 2020-2175-APPL of Case No. 2020-1732-HDRB. Appeal by Christina Halaburka of the May 12, 2020 Decision of the Historic Districts Review Board to Deny a Request to Demolish Thirteen (13) Horizontal Feet of a Wall Located at 868 East Alameda, which has Been Designated as a Contributing Structure in the Downtown and Eastside Historic District. (Sally Paez Assistant City Attorney, sapaez@santafenm.gov, 955-6501) **(POSTPONED TO AUGUST 12, 2020)**

21. ADJOURN

Having completed the agenda and with no other business coming before the Governing Body, the meeting was adjourned at 11:16 pm.

[Signatures are on the following page.]

Approved by:

Mayor Alan Webber

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted by:

Carl G. Boaz, Council Stenographer

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 08/03/2020
FOR CITY COUNCIL MEETING OF 08/12/20

b) Request for the Approval to Complete a Grant Application, and to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)

COMMITTEE REVIEW

Finance Committee (Scheduled) 08/03/2020

Governing Body (Scheduled) 08/12/2020

FINANCE COMMITTEE ACTION:

Approved on Consent.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS-

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR CASSUTT-SANCHEZ	X		

3-19-18

ACTION SHEET PUBLIC WORKS AND PUBLIC UTILITES COMMITTEE MEETING OF 06/22/2020
ISSUE NO. 7B Request for the Approval to Complete a Grant Application, and to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses; Federal Transit Administration. (Keith Wilson, Division Director of Administration and Grants, kpwilson@santafenm.gov, 955-2223) COMMITTEE REVIEW Finance Committee (Scheduled) 06/29/2020 Governing Body (Scheduled) 07/08/2020
PUBLIC UTILITES COMMITTEE ACTION: Approved on Consent Agenda to forward to 06/29/2020 Finance Committee
SPECIAL CONDITIONS OR AMENDMENTS:
STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

City of Santa Fe, New Mexico

memo

DATE: June 4, 2020

TO: Public Works Committee
Finance Committee
Governing Body

THRU: John Romero
John Romero, Acting Public Works Department Director

FROM: Keith Wilson, Transit Division Director of Administration and Grants
(kpwilson@santafenm.gov; 505-955-2223)
Thomas Martinez, Transit Division Director of Operations and Maintenance
(tamartinez@santafenm.gov; 505-955-2006)

SUBJECT: **Request for the Approval to complete a Grant Application, and to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses; Federal Transit Administration.**

ITEM

Every year the City of Santa Fe receives an allocation of Section 5307 Urbanized Area Funding from the Federal Transit Administration (FTA) through the New Mexico Department of Transportation. These funds are distributed by a formula that includes population, population density and levels of service provided within the Urbanized Area. For Federal Fiscal Year 2020, the amount of $1,750,904 was allocated to the City of Santa Fe.

The Section 5307 funds support the ongoing fixed route and paratransit operations for the City of Santa Fe, and are matched at 50 percent with the gross receipts tax dedicated to transit (Ord. 2016-5) and will be approved as part of the FY2021 Budget process.

With Councils approval, the Public Works Department Director, as the designated CEO for these matters, will execute the Grant Agreement.

BUDGET

During the Fy2021 Budget approval, this source of funding in the amount of $1,750,00 will be budgeted in Fund/Business Unit/Line Item: 540.5400491.490550 (US Dept. of Transportation) and the matching funds were budgeted in Fund/Business Unit/Line Item: 540.5400491.650216.

[1] Finance Committee CR

ACTION REQUESTED

Request for the Approval to Execute a Grant Agreement for the FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses; Federal Transit Administration.

Attachments:

New Mexico Department of Transportation FY2020 Section 5307 Suballocation Letter
Grant Agreement: NM-2020-012-00
Summary of Contracts
Designation of Signature Authority for FTA Assistance Awards

New Mexico DEPARTMENT OF TRANSPORTATION

April 8, 2020

Regina Wheeler
City of Santa Fe
Public Works
500 Market Station, Suite 200
Santa Fe, NM 87501

RE: Federal Transit Administration (FTA) Small Urbanized Section 5307 Suballocation Letter FULL YEAR FY 2020

Dear Ms. Wheeler,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to City of Santa Fe as the Direct Recipient. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The Direct Recipient is responsible for its application to the FTA to receive Section 5307 small urbanized funds and assumes the responsibilities associated with any award for these funds. The timeline for direct recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

Full Year FY 2020 $1,750,904

Designated Recipient

Kevin E Olinger Digitally signed by Kevin E Olinger Date: 2020.04.08 16:34:39 -06'00'

Date: 4/8/2020

Kevin Olinger
NMDOT Transit Manager

Grant Recipient

John Romero Digitally signed by John Romero Date: 2020.04.14 12:01:56 -06'00'

Date: 4/14/2020

Signature

John Romero

Print Name
City of Santa Fe

Michelle Lujan Grisham
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Bruce Ellis
Commissioner
District 2

Hilma Espinoza Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

DOT FTA

U.S. Department of Transportation Federal Transit Administration

Application

Federal Award Identification Number (FAIN)	NM-2020-012-00
Temporary Application Number	2066-2020-3
Application Name	Santa Fe FY2020 Section 5307 Main Operating Grant
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	12/31/2021
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: Santa Fe, City Of

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
2066	City	CITY OF SANTA FE	069420818

Location Type	Address	City	State	Zip
Headquarters	200 LINCOLN AVE	SANTA FE	NM	875041904
Physical Address	200 LINCOLN AVE	SANTA FE	NM	87504
Mailing Address	200 LINCOLN AVE	SANTA FE	NM	87504

Union Information

Union Name	AMERICAN FEDERATION OF STATE, MUNICIPAL AND COUNTY EMPLOYEES
Address 1	P.O. Box 10110
Address 2	
City	Santa Fe
State	NM
Zipcode	87504
Contact Name	Michelle Gutierrez
Telephone	(505) 819-1002

Fax	
E-mail	afscme3999@gmail.com
Website	

Part 2: Application Information

Application Point of Contact Information

Title: Santa Fe FY2020 Section 5307 Main Operating Grant

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
NM-2020-012-00	Final Concurrence / Reservation	Grant	5/21/2020	5/21/2020	No

Application Executive Summary
This grant application represents the FY 2020 Small Urbanized Section 5307 Suballocation of $1,750,904 to the City of Santa Fe. This grant is for operating assistance only. These funds will be used to support the continued fixed route and ADA complementary paratransit services operated by the City of Santa Fe. Local match funds will be provided by the City of Santa Fe, through its 1/4-cent gross receipts tax dedicated to transit.
(Note: the Santa Fe UZA was apportioned $1,881,549. Through the Santa Fe MPO, $1,750,904 was allocated to the City of Santa Fe and $130,645 was allocated to the North Central Regional Transit District.)

Frequency of Milestone Progress Reports (MPR)
Annual

Frequency of Federal Financial Reports (FFR)
Annual

Does this application include funds for research and/or development activities?
This award does not include research and development activities.

Pre-Award Authority
This award is using Pre-Award Authority.

Does this application include suballocation funds?
Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?
No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?
This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review
No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt
No, my organization does not have delinquent federal debt.

First Name	Last Name	Title	E-mail Address	Phone
Keith	Wilson	Transit Division	kpwilson@santafenm.gov	505-955-2223
Tony	Ogboli	Community Planner	tony.ogboli@dot.gov	(817) 978-0566
David	Bartels	General Engineer	david.bartels@dot.gov	817-978-0572

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	$1,750,904
Local			$1,750,904
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$3,501,808**

Application Budget

Project Number	Budget Item		FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NM-2020-012-01-00	300-00 (300-A1)	OPERATING ASSISTANCE	$1,750,904.00	$1,750,904.00	$3,501,808.00	1
NM-2020-012-01-00	30.09.01	UP TO 50% FEDERAL SHARE	$1,750,904.00	$1,750,904.00	$3,501,808.00	1

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: FY2020 Section 5307 Main Operating Grant

Project Number	Temporary Project Number	Date Created	Start Date	End Date
NM-2020-012-01-00	2066-2020-3-P1	5/21/2020	7/1/2020	12/31/2021

Project Description
These funds will be used to support the continued fixed route and ADA complementary paratransit services operated by the City of Santa Fe.

Project Benefits
To support the Santa Fe transit system to provide an efficient and equitable service

Additional Information
None provided.

Location Description
The City of Santa Fe Transit Division provides Fixed Route and Paratransit service within the Santa Fe UZA.

Security
No -- our organization will NOT expend at least 1% of the 5307 funds in this application for security-related projects

Project Location (Urbanized Areas)

UZA Code	Area Name
350000	New Mexico
353790	Santa Fe, NM

Congressional District Information

State	District	Representative
New Mexico	3	Ben R Lujan

Program Plan Information

STIP/TIP
Date: 5/20/2020
Description: Statewide Transportation Improvement Program Page for TS00100 which is this grant.

UPWP
Date: N/A
Description: N/A

Long Range Plan
Date: N/A
Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	$1,750,904
Local			$1,750,904
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$3,501,808**

Project Budget

Project Number	Budget Item		FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NM-2020-012-01-00	300-00 (300-A1)	OPERATING ASSISTANCE	$1,750,904.00	$1,750,904.00	$3,501,808.00	1
NM-2020-012-01-00	30.09.01	UP TO 50% FEDERAL SHARE	$1,750,904.00	$1,750,904.00	$3,501,808.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 30.09.01 - UP TO 50% FEDERAL SHARE

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OPERATING ASSISTANCE (300-00)	30.09.01	UP TO 50% FEDERAL SHARE	OPERATING ASSISTANCE	1

Extended Budget Description
To support the continued fixed route and ADA complementary paratransit services provided in Santa Fe. Local match will be provided by the City of Santa Fe

Will 3rd Party contractors be used to fulfill this activity line item?
No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	$1,750,904
Local			$1,750,904
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$3,501,808**

Milestone Name	Est. Completion Date	Description
Start Date	7/1/2020	Beginning of City Fiscal Year when Operational Expenditures begin.
End Date	12/31/2021	Final Reimbursement will have been submitted and the grant will have been closed out.

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description
Class II(c) consists of projects called categorical exclusions (CEs) which are known not to have, either individually or cumulatively, a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. Class II(c) does not require documentation.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	5/21/2020

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By	Tony Ogboli
Comment Type	DOL Review for Certification
Date	6/4/2020
Comment	DOL Section 5333(b) Certification This grant application Section 5307 for operating assistance to support continued fixed route and ADA complementary paratransit services operated by the City of Santa Fe. Please review this application for labor certification in accordance with DOL Section 5333(b) Certification. The grantee contact is Keith P. Wilson and he can be reached at kpwilson@ci.santa-fe.nm.us or 505-955-2004. Person to notify at FTA: Tony Ogboli, (817) 978-0566), or Tony.ogboli@dot.gov

Application Review Comments

Comment By	Tony Ogboli
Comment Type	FTA Post Review Comments for Grantee
Date	5/29/2020
Comment	Executive Summary Please always identify in the executive summary narrative the actual federal source of funding thats being sought. Just stating this is FY-2020 for operating tells FTA nothing much about the grant application as every funding is identifiable from its specific federal designated source(s). Is it Section 5307, Section 5337, Section 5310 or CMAQ/STP Flexed funding? In Application Details, change the answer to Does this application include sub-allocation funds? to bullet #2. Sant Fe is sub-allocated these funds by NMDOT, who is the Designated Recipient. Selecting this bullet will prompt Santa Fe to upload a copy of the FY 18 Section 5307 small urban split letter from NMDOT.

Part 6: Agreement

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT
(FTA G-26, October 1, 2019)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(26), October 1, 2019, http://www.transit.dot.gov,
(2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
(3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM FTA AWARD OR AWARD IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, AWARD ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: Santa Fe, City Of

Recipient ID: 2066

DUNS No: 069420818

Application Information

Federal Award Identification Number: NM-2020-012-00

Application Name: Santa Fe FY2020 Section 5307 Main Operating Grant

Application Start Date: N/A

Original Award End Date: 12/31/2021

Current Award End Date: N/A

Application Executive Summary: This grant application represents the FY 2020 Small Urbanized Section 5307 Suballocation of $1,750,904 to the City of Santa Fe. This grant is for operating assistance only. These funds will be used to support the continued fixed route and ADA complementary paratransit services operated by the City of Santa Fe. Local match funds will be provided by the City of Santa Fe, through its 1/4-cent gross receipts tax dedicated to transit.
(Note: the Santa Fe UZA was apportioned $1,881,549. Through the Santa Fe MPO, $1,750,904 was allocated to the City of Santa Fe and $130,645 was allocated to the North Central Regional Transit District.)

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: $3,501,808.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): $1,750,904.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): $1,750,904.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): $1,750,904.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): $1,750,904.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5307 - Urbanized Area Formula Grants (2013 and forward)	5307-2A	20507	$1,750,904
Local			$1,750,904
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$3,501,808**

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:
(1) Affirms this FTA Award,
(2) Adopts and ratifies all of the following information it has submitted to FTA:
   (a) Statements,
   (b) Representations,
   (c) Warranties,
   (d) Covenants, and
   (e) Materials,
(3) Consents to comply with the requirements of this FTA Award, and
(4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

Santa Fe, City Of

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

_____

ALAN WEBBER, MAYOR

DATE:_____

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Jun 8, 2020 09:07 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

_____

MARY MCCOY, FINANCE DIRECTOR

Business Unit Line Item:
540.5400491.490550 AL

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, NM 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Peter N. Ives, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Mike Harris, District 4
JoAnne Vigil Coppler, District 4

RE: DESIGNATION OF SIGNATURE AUTHORITY FOR FTA ASSISTANCE AWARDS

The *City of Santa Fe* hereby designates ***Regina Wheeler, Public Works Director*** as authorized to access the Federal Transit Administration's (FTA) Electronic Application/Award Management System, also referred to as the Transit Award Management System (TrAMS), and use a Personal Identification Numbers (PIN) to execute the annual Certifications and Assurances issued by the Federal Transit Administration (FTA), to transmit and submit all applications to FTA for Federal assistance (or amendments thereafter), and to execute all awards of FTA assistance on behalf of the officials named below, thus binding the Applicant/Recipient's compliance with FTA's requirements.

CITY OF SANTA FE:

ALAN WEBBER, MAYOR — DATE 7/10/2018

GENO ZAMORA, CITY ATTORNEY — DATE 7/10/18

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # N/A

Contractor: **Federal Transit Administration**

Description: **FY2020 Small Urbanized Section 5307 Apportionment in the Total Amount of $1,750,904 for Transit Operating Expenses;**

Contract ☐ Agreement ☉ Lease / Rent ☐ Amendment ☐

Term Start Date: **On Execution** Term End Date: **Once Expended**

☐ Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

☐ Approved by Council Date: _____

Amendment is for:

2. **HISTORY of Contract, Amendments & Lease / Rent - Please Elaborate** (option: attach spreadsheet if multiple amendments)

3. **Procurement History:** N/A

Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: _____

4. **Funding Source:** **Federal Transit Administration** **Org / Object:** **540.5400491.490550**

Alexis Lotero

Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: **Keith Wilson** Phone # **505-955-2223**

Email: **kpwilson@santafenm.gov**

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: N/A Grant

Procurement Title: Grant – Section 5307 CARES

Procurement Method: State Price Agreement ☐ *Cooperative* ☐ *Sole Source* ☐ *Other* ☒ *N/A Grant*

Exempt ☐ *Request For Proposal* (RFP) ☐ *Invitation To Bid (ITB)* ☐ *Contract under 60K* ☐ *Contract over 60K* ☒

Department Requesting PW/Transit Staff Name Thomas Martinez & David Chapman

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☐	☒	Approved Procurement Checklist (by Purchasing)
☐	☒	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☐	☒	State Price Agreement
☐	☒	RFP
☐	☒	Evaluation Committee Report
☐	☒	ITB
☐	☒	Bib Tab
☐	☒	Quotes (3 valid current quotes)
☐	☒	Cooperative Agreement
☐	☒	Sole Source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval for exempt procurement
☐	☒	BAR
☐	☒	FIR
☒	☐	Executed Contract, Agreement or Amendment
☐	☒	Current Business Registration and CRS numbers on contract or agreement
☒	☐	Summary of Contracts and Agreements form
☐	☒	Certificate of Insurance
☒	☐	All documentation presented to Committees
☐	☒	Other: _____

Thomas Martinez, Transit Division Director or David Chapman, Technical & Grant Writer 07/09/2020

Department Rep Printed Name (attesting that all information included) Title Date

Jean Dunaway, CPA Tech
Jean Dunaway (Oct 9, 2020 08:15 MDT)

Purchasing Officer (attesting that all information is reviewed) Title Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

*

Signature: Carolynn Roibal
Carolynn Roibal (Jul 30, 2025 08:32 MDT)

Email: clroibal@santafenm.gov

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 08/03/2020
FOR CITY COUNCIL MEETING OF 08/12/20

c) Request for the Approval Execute a Grant Agreement for the FFY2020 Congestion Mitigation Air Quality Funding in the Total Amount of $71,773 for the Riderfinders Program; Federal Transit Administration. (Thomas Martinez, Director of Operations, tamartinez@santafenm.gov, 955-2006)

COMMITTEE REVIEW
Finance Committee (Scheduled) 08/03/2020
Governing Body (Scheduled) 08/12/2020

FINANCE COMMITTEE ACTION:
Approved on Consent.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS-

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR CASSUTT-SANCHEZ	X		

3-19-18

ACTION SHEET PUBLIC WORKS AND PUBLIC UTILITES COMMITTEE MEETING OF 06/22/2020
ISSUE NO. 7C Request for the Approval Execute a Grant Agreement for the FFY2020 Congestion Mitigation Air Quality Funding in the Total Amount of $71,773 for the Riderfinders Program; Federal Transit Administration. (Keith Wilson, Division Director of Administration and Grants, kpwilson@santafenm.gov, 955-2223) COMMITTEE REVIEW Finance Committee (Scheduled) 06/29/2020 Governing Body (Scheduled) 07/08/2020
PUBLIC UTILITIES COMMITTEE ACTION: Approved on Consent Agenda to forward to 6/29/2020 Finance Committee
SPECIAL CONDITIONS OR AMENDMENTS:
STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

City of Santa Fe, New Mexico

memo

DATE: June 4, 2020

TO: Public Works Committee
Finance Committee
City Council

THRU: John Romero
John Romero, Acting Public Works Department Director

FROM: Keith Wilson, Transit Division Director of Administration and Grants
(kpwilson@santafenm.gov; 505-955-2223)
Thomas Martinez, Transit Division Director of Operations and Maintenance
(tamartinez@santafenm.gov; 505-955-2006)

SUBJECT: **Request for the Approval Execute a Grant Agreement for the FFY2020 Congestion Mitigation Air Quality Funding in the Total Amount of $71,773 for the Riderfinders Program; Federal Transit Administration.**

ITEM

Annually the City of Santa Fe Transit Division receives a grant award from the New Mexico Department of Transportation (NMDOT) for the purposes of the operating the Ridefinders Program. These funds are transferred to the jurisdiction of the Federal Transit Administration (FTA) with whom the Transit Division will enter into a Grant Agreement.

The Transit Division has operated the Ridefinder Program since 2008. The goal of the program is to; Assist the public in using alternative forms of transportation, Promote the benefits of using alternative forms of transportation, Educate the public about available transportation options. These goals are met by: Operating a call center to provide transportation information and referrals, conduct marketing and promotional activities to support Ridefinders goals and objectives. The program provides an important service of promoting transportation alternatives in North-Central New Mexico and also, Statewide for the NMDOT Park and Ride Program.

This grant requires a 14.56% local match in the amount of $12,231 which is funded from the ¼ cent gross receipts tax dedicated to Transit.

With Councils approval, the Public Works Department Director, as the designated CEO for these matters, will execute the Grant Agreement.

[1]Finance Committee CR

BUDGET

This source of funding in the amount of $71,773 was budgeted in Fund/Business Unit/Line Item: 2304.21304.490740 (NM Highway & Trans Dept.) and the matching funds were budgeted in Fund/Business Unit/Line Item: 2304.21304.600100 in the Fiscal Year 19/20 Budget approved by the Governing Body. No Budget Adjustment Resolution (BAR) for this item is required.

ACTION REQUESTED

Request for the Approval to Execute a Grant Agreement for the FFY2020 Congestion Mitigation Air Quality Funding in the Total Amount of $71,773 for the Riderfinders Program; Federal Transit Administration.

Attachments:

FHWA/FTA Funding Transfer Letter

Grant Agreement: NM-2020-013-00

Summary of Contracts

Designation of Signature Authority for FTA Assistance Awards

New Mexico DEPARTMENT OF TRANSPORTATION

October 15, 2019

Mr. J. Don Martinez
FHWA New Mexico Division Administrator
4001 Office Court Drive
Suite 801
Santa Fe, New Mexico 87507

Attention: Monica Gourd, Financial Manager

Mr. Robert C. Patrick
Regional Administrator
Federal Transit Administration, Region VI
819 Taylor Street, Room 14A02
Fort Worth, Texas 76102

Dear Mr. Martinez and Patrick:

This letter is a request to transfer of Federal Highway Administration Surface Transportation Program STPG 5 - 200K POP FASTG funds to the Federal Transit Administration. The funds will be utilized by the City of Santa Fe Transit Division to operate the Santa Fe Trails Ridefinder program. After the funds have been transferred, the City of Santa Fe Transit Division will apply to FTA Region VI for the project.

The following is the information needed to initiate the transfer:

NMDOT CN	TS00028
Project Title	Santa Fe Trails: Ridefinders
FTA Grant Number	TBD
Funding Transfer	FFY2020 STPG 5 - 200K POP FASTG
Lead Agency	City of Santa Fe Transit Division
Federal Amount	$71,773

Michelle Lujan Grisham
Governor

Michael R. Sandoval
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner
District 1

Bruce Ellis
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Walter G. Adams
Commissioner
District 4

Vacant
Commissioner
District 5

Charles Lundstrom
Commissioner
District 6

If you have any questions or require further information, please contact Kevin Olinger, NMDOT Transit Bureau Chief at 505-469-3595.

Sincerely,

David D. Quintana

Digitally signed by David D. Quintana
Date: 2019.10.18 14:15:58 -06'00'

David D. Quintana, Chief Engineer

Cc: David Bartels, FTA
David Harris, NMDOT Transit and Rail Director
Kevin Olinger, NMDOT Transit Bureau Chief
Rebecca Maes, NMDOT STIP Manager
Sean Sandoval, NMDOT POD Director

DOT FTA

U.S. Department of Transportation Federal Transit Administration

Application

Federal Award Identification Number (FAIN)	NM-2020-013-00
Temporary Application Number	2066-2020-2
Application Name	Santa Fe Trails - FY2020 Ridefinder Transit Enhancement - (STBG Funds from FHWA to FTA)
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	12/31/2020
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: Santa Fe, City Of

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
2066	City	CITY OF SANTA FE	069420818

Location Type	Address	City	State	Zip
Headquarters	200 LINCOLN AVE	SANTA FE	NM	875041904
Physical Address	200 LINCOLN AVE	SANTA FE	NM	87504
Mailing Address	200 LINCOLN AVE	SANTA FE	NM	87504

Union Information

Union Name	AMERICAN FEDERATION OF STATE, MUNICIPAL AND COUNTY EMPLOYEES
Address 1	P.O. Box 10110
Address 2	
City	Santa Fe
State	NM
Zipcode	87504
Contact Name	Michelle Gutierrez

Telephone	(505) 819-1002
Fax	
E-mail	afscme3999@gmail.com
Website	

Part 2: Application Information

Application Point of Contact Information

Title: Santa Fe Trails - FY2020 Ridefinder Transit Enhancement - (STBG Funds from FHWA to FTA)

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
NM-2020-013-00	Final Concurrence / Reservation	Grant	5/21/2020	5/21/2020	No

Application Executive Summary
This grant application represents the FY 2020 Ridefinders STBG funding transferred from FHWA to FTA by the New Mexico Department of Transportation. There is a total of $71,773 in Federal funds - with a 14.56 percent local match in the amount of $12,231 - for a total project cost of $84,004. The higher (85.44%) federal share is due to the federal lands ratio for New Mexico, and approved by FHWA. These funds will be used to support the continued marketing of local and regional alternative transportation services, in northern New Mexico. Local match funds will be provided by the City of Santa Fe, through its 1/4-cent gross receipts tax dedicated to transit. The STIP title page and page where the project is listed are attached under Project Information.

Frequency of Milestone Progress Reports (MPR)
Annual

Frequency of Federal Financial Reports (FFR)
Annual

Does this application include funds for research and/or development activities?
This award does not include research and development activities.

Pre-Award Authority
This award is using Pre-Award Authority.

Does this application include suballocation funds?
Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?
No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?
This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review
No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt
No, my organization does not have delinquent federal debt.

First Name	Last Name	Title	E-mail Address	Phone
Keith	Wilson	Transit Division	kpwilson@santafenm.gov	505-955-2223
Tony	Ogboli	Community Planner	tony.ogboli@dot.gov	(817) 978-0566
David	Bartels	General Engineer	david.bartels@dot.gov	817-978-0572

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	$71,773
Local			$12,231
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$84,004**

Application Budget

Project Number	Budget Item		FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NM-2020-013-01-00	117-00 (117-A1)	OTHER CAPITAL ITEMS (BUS)	$71,773.00	$12,231.00	$84,004.00	0
NM-2020-013-01-00	11.7L.00	MOBILITY MANAGEMENT (5302(A)(1)(L))	$71,773.00	$12,231.00	$84,004.00	0

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: Ridefinders FY2020

Project Number	Temporary Project Number	Date Created	Start Date	End Date
NM-2020-013-01-00	2066-2020-2-P1	5/21/2020	7/1/2019	12/31/2020

Project Description
Ridefinders is an integral part of Santa Fe Trails efforts to enhance the use of alternative transportation - particularly coordinated regional transportation. With the help of Ridefinders funding Santa Fe Trails is able to promote ridesharing and transportation alternatives in its overall program. The program provides the important service of promoting transportation alternatives in north-central New Mexico and results in the conservation of energy, maintenance of air quality, reduction of traffic congestion, and promotion of the health benefits of using alternative forms of transportation.

Project Benefits
Promotes the benefits of alternative forms of transportation.
Educates the public about available transportation options.
Assists the Public in using alternative forms of transportation

Additional Information
None provided.

Location Description
North Central New Mexico

Security
No -- our organization will NOT expend at least 1% of the 5307 funds in this application for security-related projects

Project Location (Urbanized Areas)

UZA Code	Area Name
350000	New Mexico
353790	Santa Fe, NM

Congressional District Information

State	District	Representative
New Mexico	3	Ben R Lujan

Program Plan Information

STIP/TIP
Date: 10/8/2019

Description: Statewide Transportation Improvement Program Page for TS000028.

UPWP
Date: N/A
Description: N/A

Long Range Plan
Date: N/A
Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	$71,773
Local			$12,231
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$84,004**

Project Budget

Project Number	Budget Item		FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
NM-2020-013-01-00	117-00 (117-A1)	OTHER CAPITAL ITEMS (BUS)	$71,773.00	$12,231.00	$84,004.00	0
NM-2020-013-01-00	11.7L.00	MOBILITY MAN AGEMENT (5302(A)(1)(L))	$71,773.00	$12,231.00	$84,004.00	0

Project Budget Activity Line Items

Budget Activity Line Item: 11.7L.00 - MOBILITY MANAGEMENT (5302(A)(1)(L))

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER CAPITAL ITEMS (BUS) (117-00)	11.7L.00	MOBILITY MANAGEMENT (5302(A)(1)(L))	OTHER CAPITAL ITEMS (BUS)	0

Extended Budget Description

For continued Ridefinders activities in northern New Mexico
- Purchase of Marketing Materials and Advertising
- Pays for 1.5 FTE equivalent staff positions who respond to inquiries about Transit, Rail an alternative forms of transportation and attend multiple events (community events, dump the pump, college enrollments, etc) to educate and promote about Transit, Rail an alternative forms of transportation.

Will 3rd Party contractors be used to fulfill this activity line item?
No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	$71,773
Local			$12,231
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$84,004**

Milestone Name	Est. Completion Date	Description
Start Date	7/1/2019	Start Activities on Project
End Date	9/30/2020	End Activities on the Project
Project Closeout	12/31/2020	Have all reimbursement completed and project closed out.

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description
Class II(c) consists of projects called categorical exclusions (CEs) which are known not to have, either individually or cumulatively, a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. Class II(c) does not require documentation.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	5/21/2020

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By	Tony Ogboli
Comment Type	DOL Review for Certification
Date	6/4/2020
Comment	DOL Section 5333(b) Certification This grant application FY2020 is for Ridefinder Transit Enhancement - (STBG Funds from FHWA to FTA). Please review this application for labor certification in accordance with DOL Section 5333(b) Certification. The grantee contact is Keith P. Wilson and he can be reached at kpwilson@ci.santa-fe.nm.us or 505-955-2004. Person to notify at FTA: Tony Ogboli, (817) 978-0566), or Tony.ogboli@dot.gov

Application Review Comments

Comment By	Tony Ogboli
Comment Type	FTA Post Review Comments for Grantee
Date	5/29/2020
Comment	Please address the comments below. It would be appreciated, if you can make a particular note of this same comments it seems too common now, each Santa Fe new grant application this very same comment is constantly repeated. We have gone through this many times. Santa Fe is not a Direct Recipient of FTA funds, but the State NMDOT. In response to the question in your grant application, please select the appropriate designation. Santa Fe is designated as a Sub-recipient of FTA funding. Please, realize how critical this is. Santa Fe grant applications must identify this and provide the supporting document (split-letter) when prompted on the right selection, and accordingly. In Application Details, change the answer to Does this application include sub-allocation funds? to bullet #2. Sant Fe is sub-allocated these funds by NMDOT, who is the Designated Recipient. Selecting this bullet will prompt Santa Fe to upload a copy of the FY 18 Section 5307 small urban split letter from NMDOT.

Part 6: Agreement

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT
(FTA G-26, October 1, 2019)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(26), October 1, 2019, http://www.transit.dot.gov,
(2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
(3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM FTA AWARD OR AWARD IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, AWARD ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: Santa Fe, City Of

Recipient ID: 2066

DUNS No: 069420818

Application Information

Federal Award Identification Number: NM-2020-013-00

Application Name: Santa Fe Trails - FY2020 Ridefinder Transit Enhancement - (STBG Funds from FHWA to FTA)

Application Start Date: N/A

Original Award End Date: 12/31/2020

Current Award End Date: N/A

Application Executive Summary: This grant application represents the FY 2020 Ridefinders STBG funding transferred from FHWA to FTA by the New Mexico Department of Transportation. There is a total of $71,773 in Federal funds - with a 14.56 percent local match in the amount of $12,231 - for a total project cost of $84,004. The higher (85.44%) federal share is due to the federal lands ratio for New Mexico, and approved by FHWA. These funds will be used to support the continued marketing of local and regional alternative transportation services, in northern New Mexico. Local match funds will be provided by the City of Santa Fe, through its 1/4-cent gross receipts tax dedicated to transit. The STIP title page and page where the project is listed are attached under Project Information.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is suballocated these apportioned funds and can apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: $84,004.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): $71,773.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): $12,231.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): $71,773.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): $12,231.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
FHWA Transfer to 5307 Urbanized Area Formula Grants	5307-3	20507	$71,773
Local			$12,231
Local/In-Kind			$0
State			$0
State/In-Kind			$0
Other Federal			$0
Transportation Development Credit			$0
Adjustment			$0
Total Eligible Cost			**$84,004**

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:
(1) Affirms this FTA Award,
(2) Adopts and ratifies all of the following information it has submitted to FTA:
   (a) Statements,
   (b) Representations,
   (c) Warranties,
   (d) Covenants, and
   (e) Materials,
(3) Consents to comply with the requirements of this FTA Award, and
(4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

Santa Fe, City Of

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

_____

ALAN WEBBER, MAYOR

DATE:_____

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Jun 8, 2020 09:08 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

_____

MARY MCCOY, FINANCE DIRECTOR

Business Unit Line Item:
2304.21304.490740

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, NM 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Peter N. Ives, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Mike Harris, District 4
JoAnne Vigil Coppler, District 4

RE: DESIGNATION OF SIGNATURE AUTHORITY FOR FTA ASSISTANCE AWARDS

The *City of Santa Fe* hereby designates ***Regina Wheeler, Public Works Director*** as authorized to access the Federal Transit Administration's (FTA) Electronic Application/Award Management System, also referred to as the Transit Award Management System (TrAMS), and use a Personal Identification Numbers (PIN) to execute the annual Certifications and Assurances issued by the Federal Transit Administration (FTA), to transmit and submit all applications to FTA for Federal assistance (or amendments thereafter), and to execute all awards of FTA assistance on behalf of the officials named below, thus binding the Applicant/Recipient's compliance with FTA's requirements.

CITY OF SANTA FE:

ALAN WEBBER, MAYOR — DATE 7/10/2018

GENO ZAMORA, CITY ATTORNEY — DATE 7/10/18

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # **N/A**

Contractor: **Federal Transit Administration**

Description: **FFY2020 Congestion Mitigation Air Quality Funding Total Amount of $71,773 for Transit Ridefinders Program;**

Contract ☐ Agreement ☉ Lease / Rent ☐ Amendment ☐

Term Start Date: **On Execution** Term End Date: **Once Expended**

☐ Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

☐ Approved by Council Date: _____

Amendment is for:

2. **HISTORY of Contract, Amendments & Lease / Rent - Please Elaborate** (option: attach spreadsheet if multiple amendments)

3. Procurement History: **N/A**

Purchasing Officer Review: Date:

Comment & Exceptions: _____

4. Funding Source: **Federal Transit Administration** **Org / Object: 2304.21304.490740**

Alexis Lotero

Budget Officer Approval: Date:

Comment & Exceptions: _____

Staff Contact who completed this form: Keith Wilson Phone # **505-955-2223**

Email: **kpwilson@santafenm.gov**

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: N/A Grant

Procurement Title: Grant - Ridefinders

Procurement Method: State Price Agreement ☐ *Cooperative* ☐ *Sole Source* ☐ *Other* ☒ *N/A Grant*

Exempt ☐ *Request For Proposal* (RFP) ☐ *Invitation To Bid (ITB)* ☐ *Contract under 60K* ☐ *Contract over 60K* ☒

Department Requesting PW/Transit Staff Name Thomas Martinez & David Chapman

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☐	☒	Approved Procurement Checklist (by Purchasing)
☐	☒	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☐	☒	State Price Agreement
☐	☒	RFP
☐	☒	Evaluation Committee Report
☐	☒	ITB
☐	☒	Bib Tab
☐	☒	Quotes (3 valid current quotes)
☐	☒	Cooperative Agreement
☐	☒	Sole Source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval for exempt procurement
☐	☒	BAR
☐	☒	FIR
☒	☐	Executed Contract, Agreement or Amendment
☐	☒	Current Business Registration and CRS numbers on contract or agreement
☒	☐	Summary of Contracts and Agreements form
☐	☒	Certificate of Insurance
☒	☐	All documentation presented to Committees
☐	☒	Other: _____

Thomas Martinez, Transit Division Director or David Chapman, Technical & Grant Writer 07/09/2020

Department Rep Printed Name (attesting that all information included) Title Date

Fran Dunaway, CFO Tstfe
Fran Dunaway (Jul 9, 2020 08:14 MDT)

Purchasing Officer (attesting that all information is reviewed) Title Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

*

Signature: Carolynn Roibal
Carolynn Roibal (Jul 30, 2020 09:24 MDT)

Email: clroibal@santafenm.gov

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 08/03/2020
FOR CITY COUNCIL MEETING OF 08/12/20

d) Request for Approval of State of New Mexico, Aging and Long Term Services Department Intergovernmental Agreement (Grant) in the Amount of $304,000 for the Senior Volunteer Programs: Foster Grandparent Program, Senior Companion Program and the Retired Senior Volunteer Program. (Melanie Montoya, Program Manager, mmmontoya@santafenm.gov, 955-4761).

COMMITTEE REVIEW
Finance Committee (Scheduled) 08/03/2020
Governing Body (Scheduled) 08/12/2020

FINANCE COMMITTEE ACTION:
Approved on Consent.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS-

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR CASSUTT-SANCHEZ	X		

3-19-18

ACTION SHEET
PUBLIC WORKS AND PUBLIC UTILITES COMMITTEE MEETING OF 06/22/2020

ISSUE NO. 7D

Request for Approval of State of New Mexico, Aging and Long Term Services Department Intergovernmental Agreement (Grant) in the Amount of $304,000 for the Senior Volunteer Programs: Foster Grandparent Program, Senior Companion Program and the Retired Senior Volunteer Program. (Melanie Montoya, Program Manager, mmmontoya@santafenm.gov, 955-4761).

COMMITTEE REVIEW

Finance Committee (Scheduled)	07/20/2020
Governing Body (Scheduled)	07/29/2020

PUBLIC UTILITES COMMITTEE ACTION: Pulled by Councilor Garcia, Moved by Councilor Lindell, 2nd by Councilor Abeyta to forward to 7/20/2020 Finance Committee

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

City of Santa Fe, New Mexico

memo

Date: June 8, 2020

To: City Council
Finance Committee
Public Works Committee

Via: Kyra Ochoa, Community Svcs. Dept. Director
Gino Rinaldi, Division of Senior Svcs. Director

From: Melanie M. Montoya, Program Manager

Subject: Request Approval of Grant Contract – State of New Mexico, Aging & Long Term Services Department
a. Foster Grandparent Program
b. Retired Senior Volunteer Program
c. Senior Companion Program

Item & Issue:
Request approval and acceptance of the State of New Mexico, Aging & Long Term Services Department Contract and Notice of Grant Awards for the Division of Senior Services' Foster Grandparent Program, Retired Senior Volunteer Program, and Senior Companion Program (all Senior Volunteer Program org code 2410116). These documents reflect annualized appropriations of federal and/or state funding for fiscal year 2020/2021, beginning July 1, 2020. Please note that this process is an annual formality. Listed is a breakdown of amounts received per program from the federal (Corporation for National and Community Services) and state (Aging and Long Term Services Department) agencies:

Program	Federal	State	Total
Foster Grandparent Program	31,902	85,639	**$117,541**
Retired Senior Volunteer Program	47,500	56,900	**$104,400**
Senior Companion Program	7,289	161,461	**$168,750**
Total	**$86,691**	**$304,000**	**$390,691**

For your reference, our Foster Grandparent Program provides opportunities for our senior volunteers to assist children (with special and/or exceptional needs) in classrooms or Head Starts. Our Senior Companion Program arranges for active seniors to visit and assist frail, homebound elderly clients in their homes, helping them avoid expensive institutionalization.

Our Retired Senior Volunteer Program recruits and provides meaningful volunteer opportunities for senior volunteers to help others by sharing their experience, knowledge and efforts. RSVP volunteers work in food distribution sites, soup kitchens, nursing homes, hospitals, libraries, senior centers, shelters, etc.

Recommended Action:
We are requesting your acceptance of these funds. Thank you for your favorable consideration of this request. If you have any questions or require additional information, please call me at extension 4761.

DocuSign Envelope ID: 64295499-F5B2-43E6-B0D4-D604D8867699

STATE OF NEW MEXICO

AGING & LONG-TERM SERVICES DEPARTMENT
INTERGOVERNMENTAL AGREEMENT **#21-624-4000-0024**

THIS AGREEMENT is made and entered into by and between the State of New Mexico, **Aging and Long-Term Services Department**, hereinafter referred to as the "Department," and **City of Santa Fe**, hereinafter referred to as the "Contractor," and is effective as of the date set forth below upon which it is executed by the Department and collectively as the "Parties."

IT IS AGREED BETWEEN THE PARTIES:

1. Scope of Work.

A. The Contractor shall perform the work outlined in the Scope of Work, which is hereby incorporated and made a part of this contract as Attachment 1.

2. Compensation.

A. The Department shall pay to the Contractor in full payment for services satisfactorily performed based upon deliverables as outlined in the Scope of Work. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, shall not exceed $304,000.00 as listed in Attachment 2. This amount is a maximum and not a guarantee that the work assigned to be performed by Contractor under this Agreement shall equal the amount stated herein. The parties do not intend for the Contractor to continue to provide services without compensation when the total compensation amount is reached. Contractor is responsible for notifying the Department when the services provided under this Agreement reach the total compensation amount. In no event will the Contractor be paid for services provided in excess of the total compensation amount without this Agreement being amended in writing prior to those services in excess of the total compensation amount being provided.**

B. Payment is subject to availability of funds pursuant to the Appropriations Paragraph set forth below and to any negotiations between the Parties from year to year pursuant to Paragraph 1, Scope of Work, and to approval by the Department. All invoices MUST BE received by the Department no later than fifteen (15) days after the termination of the Fiscal Year in which the services were delivered. Invoices received after such date will not be paid.

C.Contractor must submit a detailed statement accounting for all services performed and expenses incurred. Reimbursements shall be made by the Department on a monthly basis upon receipt of monthly expenditures and reports furnished by the Contractor. If the Department finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception explaining the defect or objection to the services, and outlining steps the Contractor may take to provide remedial action. Upon certification by the Department that the services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the Department shall not incur late charges, interest, or penalties for failure

to make payment within the time specified herein.

For purchases funded by state or federal grants to the Contractor, if the Contractor has not received the funds from the federal or state funding Department, but has already certified that the services or items of tangible personal property have been received and accepted, payment shall be tendered to the Contractor within five working days of receipt of funds from that funding Department.

3. Term.

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE DEPARTMENT. This Agreement shall terminate on **June 30, 2021,** unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations) or for any other reason allowed by law. In accordance with Section 13-1-150 NMSA 1978, no contract term for a professional services contract, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

4. Termination.

A. Grounds. The Department may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the Department's uncured, material breach of this Agreement.

B. Notice; Department Opportunity to Cure.

1. Except as otherwise provided in Paragraph (4)(B)(3), the Department shall give Contractor written notice of termination at least thirty (30) days prior to the intended date of termination.

2. Contractor shall give Department written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Department's material breaches of this Agreement upon which the termination is based and (ii) state what the Department must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the Department does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the Department does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach.

3. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor (i) if the Contractor becomes unable to perform the services contracted for, as determined by the Department; (ii) if, during the term of this Agreement, the Contractor is suspended or debarred by the State Purchasing Agent; or (iii) the Agreement is terminated pursuant to Paragraph 5, "Appropriations", of this Agreement.

C. Liability. Except as otherwise expressly allowed or provided under this Agreement, the Department's sole liability upon termination shall be to pay for acceptable work performed prior to the Contractor's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. This provision is not exclusive and does not waive the Department's other legal rights and remedies caused by the Contractors default/breach of this Agreement.

D. Termination Management. Immediately upon receipt by either the Department or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Department; 2) comply with all directives issued by the Department in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Department shall direct for the protection, preservation, retention or transfer of all property titled to the Department and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the Department upon termination and shall be submitted to the Department as soon as practicable.

5. Appropriations.

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by the Department to the Contractor. The Department's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the Department proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

6. Status of Contractor.

The Contractor and its agents and employees are independent contractors performing professional services for the Department and are not employees of the State of New Mexico. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the State of New Mexico as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax, unless the contract is between two public entities. The Contractor agrees not to purport to bind the State of New Mexico unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. Assignment.

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the Department.

8. Subcontracting.

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Department. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the Department.

9. Release.

Final payment of the amounts due under this Agreement shall operate as a release of the Department, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

10. Confidentiality.

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the Department.

Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal law or regulations.

11. Product of Service -- Copyright.

All materials developed or acquired by the Contractor under this Agreement shall become the property of the State of New Mexico and shall be delivered to the Department no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Contractor.

12. Conflict of Interest; Governmental Conduct Act.

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978. Without in anyway limiting the generality of the foregoing, the Contractor specifically represents and warrants that:

1) in accordance with Section 10-16-4.3 NMSA 1978, the Contractor does not employ, has not employed, and will not employ during the term of this Agreement any Department employee while such employee was or is employed by the Department and participating directly or indirectly in the Department's contracting process;

2) this Agreement complies with Section 10-16-7(A) NMSA 1978 because (i) the Contractor is not a public officer or employee of the State; (ii) the Contractor is not a member of the family of a public officer or employee of the State; (iii) the Contractor is not a business in which a public officer or employee or the family of a public officer or employee has a substantial interest; or (iv) if the Contractor is a public officer or employee of the State, a member of the family of a public officer or employee of the State, or a business in which a public officer or employee of the State or the family of a public officer or employee of the State has a substantial interest, public notice was given as required by Section 10-16-7(A) NMSA 1978 and this Agreement was awarded pursuant to a competitive process;

3) in accordance with Section 10-16-8(A) NMSA 1978, (i) the Contractor is not, and has not been represented by, a person who has been a public officer or employee

of the State within the preceding year and whose official act directly resulted in this Agreement and (ii) the Contractor is not, and has not been assisted in any way regarding this transaction by, a former public officer or employee of the State whose official act, while in State employment, directly resulted in the Department's making this Agreement;

4) this Agreement complies with Section 10-16-9(A) NMSA 1978 because (i) the Contractor is not a legislator; (ii) the Contractor is not a member of a legislator's family; (iii) the Contractor is not a business in which a legislator or a legislator's family has a substantial interest; or (iv) if the Contractor is a legislator, a member of a legislator's family, or a business in which a legislator or a legislator's family has a substantial interest, disclosure has been made as required by Section 10-16-9(A) NMSA 1978, this Agreement is not a sole source or small purchase contract, and this Agreement was awarded in accordance with the provisions of the Procurement Code;

5) in accordance with Section 10-16-13 NMSA 1978, the Contractor has not directly participated in the preparation of specifications, qualifications or evaluation criteria for this Agreement or any procurement related to this Agreement; and

6) in accordance with Section 10-16-3 and Section 10-16-13.3 NMSA 1978, the Contractor has not contributed, and during the term of this Agreement shall not contribute, anything of value to a public officer or employee of the Department.

C. Contractor's representations and warranties in Paragraphs A and B of this Article 12 are material representations of fact upon which the Department relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the Department if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the Department and notwithstanding anything in the Agreement to the contrary, the Department may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this Article 12(B).

13. Amendment.

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the Department proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article 4 herein, or to agree to the reduced funding.

14. Merger.

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and

understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Penalties for violation of law.

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. Equal Opportunity Compliance.

The Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

17. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

18. Workers Compensation.

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the Department.

19. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Department, the Department of Finance and Administration and the State Auditor. The Department shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Department to recover excessive or illegal payments.

If, pursuant to this Agreement, the Contractor receives federal funds subject to the Single Audit Act, the Contractor shall submit to the Department an audit conducted by a certified public accountant in compliance with the Single Audit Act.

20. Indemnification.

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitation of the New Mexico Tort Claims Act.

21. Invalid Term or Condition.

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

22. Enforcement of Agreement.

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

23. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the Department: Aimee Brown
Aging and Long Term Services Department
PO Box 27118
Santa Fe, NM 87502

To the Contractor: City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909

24. Authority.

If Contractor is other than a natural person, the individual(s) signing this Agreement on behalf of Contractor represents and warrants that he or she has the power and authority to bind Contractor, and that no further action, resolution, or approval from Contractor is necessary to enter into a binding contract.

DocuSign Envelope ID: 64295499-F5B2-43E6-B0D4-D604D8867699

EXECUTED AND AGREED TO by signatures below.

By: _____ Date:_____
Sam Ojinaga, Deputy Cabinet Secretary
Aging and Long-Term Services Department

By: _____ Date:_____
Sarah Jacobs, Chief Legal Counsel – Certifying legal sufficiency

By: _____ Date:_____
Valerie Garcia, Chief Financial Officer
Aging & Long-Term Services Department

City of Santa Fe:

By: _____ Date:_____
Mayor, Alan M. Webber

Attest:

_____ Date:_____
Yolanda Y. Vigil, City Clerk

City Attorney's Office:
Marcos Martinez
Marcos Martinez (May 28, 2020 11:42 MDT)
_____ Date: May 28, 2020
Senior Assistant City Attorney

Approved for Finances:

_____ Date:_____
Mary McCoy, Finance Director

DocuSign Envelope ID: 64295499-F5B2-43E6-B0D4-D604D8867699

ATTACHEMENT 1

SCOPE OF WORK

ALTSD Contract # 21-624-4000-0024
Between
New Mexico Aging & Long-Term Services Department and
CITY OF SANTA FE

A. SCOPE OF WORK

1. PURPOSE

The purpose of the Contract is to ensure that volunteer programs (Services) authorized by the Aging and Long-Term Services Department (Department) provide meaningful opportunities for older adults to engage in their communities and help address critical community needs. For the purposes of this Scope of Work, "Services" is defined as the Foster Grandparent Program, the Senior Companion Program, and the RSVP. Descriptions and authorizations for the Services are set forth, below. The Services should produce results that support ALTSD's mission and goals set forth in its Strategic Plan. The Services provided for in this Contract shall address the following specific issue and/or deliverable: supporting older adults to remain independent, at home and contributing to the community.

1. Services provided for under this Contract are as follows:

    a. The **Foster Grandparent Program (FGP)** is authorized under Title II, Part B, of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113). The purpose of the program is to provide opportunities for persons aged 55 or older with low incomes to provide supportive person-to-person services to help alleviate the physical, mental or emotional problems of children, less than 21 years of age, with special or exceptional needs.

    b. The **Senior Companion Program (SCP)** is authorized under Title II, Part C, of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113). The purpose of the program is to provide opportunities for persons aged 55 or older with low incomes to provide supportive person-to-person services to older adults with health and functional limitations to enable them to remain as independent as possible in their own homes.

    Both the **Foster Grandparent Program (FGP)** and the **Senior Companion Program (SCP)** engage persons aged 55 and older, particularly those with limited incomes, in volunteer service to meet critical community needs and provide a high quality experience to enrich the lives of the volunteers.

    c. **RSVP** secures and facilitates a variety of opportunities for persons aged 55 and older to contribute their skills and expertise to community projects and organizations. RSVP is authorized under Title II, Part A, of the Domestic

Volunteer Service Act of 1973, as amended (Public Law 93-113). The purpose of the program is to provide opportunities for persons aged 55 or older to engage in volunteer activities designed to meet critical community needs.

2. POPULATIONS TO BE SERVED

The Contractor shall be responsible for the provision of Services as follows:

1. **FGP** volunteers shall serve children under the age of 21 who have special or exceptional needs, through one-on-one tutoring and mentoring, in order to maintain or improve the children's health status and psychosocial functioning.

2. **SCP** volunteers shall serve adults, primarily older adults, with physical, emotional and/or mental health limitations, by providing person-to-person support and companionship necessary to maintain the adults' independent living and an enhanced quality of life.

3. **RSVP** volunteers shall serve their communities by participating in special projects and supporting organizations to meet identified critical needs.

The Contractor shall be responsible for the provision of Services in: Santa Fe County; which shall be referred to as the "Service Area."

3. RESPONSIBILITIES OF THE CONTRACTOR

1. Program Requirements:

    a. The Contractor must be designated as an official Senior Corps program through the federal Corporation for National and Community Service (CNCS) in the designated Service Area.

    b. As required by the Department, the Contractor shall administer all or part of the Services in the designated Service Area, in accordance with the finalized, fully executed contract.

    c. The Contractor shall comply with all current rules and regulations pursuant to the Laws of the State of New Mexico (9.2.14 NMAC; 9.2.15 NMAC; 9.2.16 NMAC), Department policies and procedures, and CNCS federal statutes, regulations and guidelines applicable to each of the Services.

    d. The Contractor shall establish and maintain staff positions to perform all contractual obligations including but not limited to: management, supervision, service provision coordination, accounting, data collection and reporting.

    e. The Contractor shall be responsible for outreach, recruitment and placement of volunteers in Volunteer Station(s). As used in this Contract, Volunteer Stations are public agencies, secular or faith-based private non-profit organizations, or health

care organizations that accept the responsibility of assignment and supervision of volunteers. The placement of volunteers shall be governed by a Memorandum of Understanding (MOU) between the Contractor and the Volunteer Station(s). If a MOU does not exist between the Contractor and the Volunteer Station, the Contractor shall execute said MOU within 15 days of final execution of this Contract.

f. In conjunction with a Volunteer Station, the Contractor shall develop an assignment plan which clearly sets forth the outcomes and activities by which each volunteer will be measured as well as documentation demonstrating whether deliverables as set forth in the Contract have been met. The activity plan shall be in writing and implemented within 15 days of a volunteer's start date. The Contractor shall provide to the Department each volunteer's assignment plan within 5 days of the Department's written request.

g. The Contractor shall comply with the National Service Criminal History Check (Criminal Check) requirements for volunteers and employees, as mandated by CNCS prior to a volunteer's start date. All required Criminal Checks will be completed at the Contractor's expense. Criminal Checks are an allowable expense under the contract.

h. The Contractor shall ensure that each volunteer meets the eligibility criteria as specified by CNCS program guidelines as required in the federal program regulations.

i. The Contractor shall ensure that all required paperwork and forms are completed and current for all volunteers in accordance with the CNCS program handbook. The Contractor shall provide to the Department all CNCS required paperwork and forms within 5 days of the Department's written request.

j. The Contractor shall plan and implement annual recognition events for volunteers in accordance with the CNCS program handbook and in coordination with its Advisory Council. Recognition events shall be provided as resources permit but in no event less than one time a year, without prior written permission from the Department. The Contractor shall include documentation, including the number of recognition events and attendees in its bi-annual report to the Department.

2. Performance Measures/ Fiscal Requirements:

a. The Contractor shall develop and submit an annual work plan and budget that identifies all projected services, expenditures and outlines how all funds will be spent, including justification for each program to coincide with awarded amounts within the Department's deadline. Separate budgets, justifications and program plans are to be submitted for each program - FGP, SCP, RSVP, and each service area, administered by the Contractor.

b. The Contractor shall submit to the Department on a monthly basis a Request for Reimbursement and Service Data Report (Request for Reimbursement) utilizing the form provided by the Department. The Request for Reimbursement shall be due the 12th day of the month, for the prior month's expenditures until all funds are spent, and a final report shall be due as required by the Department each year. Every third monthly Request for Reimbursement must reflect at least the expenditure of a minimum of one quarter of the annual contract appropriation until all funds are spent. Failure to expend at least one quarter of the annual contract appropriation each quarter (until all funds are spent) may result in sanctions, up to and including reduction in the contract appropriation. All Requests for Reimbursement must include supporting documentation from the entity's accounting system, as well as a year-to-date data report capturing all Services provided for through the previous month.

c. The Contractor shall submit to the Department, as required by the Department at its sole discretion, any Budget Adjustment Request(s) (BARs) for review and approval. BARs may not be submitted to the Department after March 31st.

3. Performance Measures/ Reporting Requirements:

a. The Contractor shall submit semi-annual narrative reports for the purpose of reporting program activities for the contract year using a standardized reporting template provided by the Department. The due dates for the reports are as follows:

1. **February 1st for the period July 1–December 31**
2. **August 1st for the period January 1– June 30**

b. The Contractor shall submit quarterly volunteer data reports for the contract year utilizing the Quarterly Data template provided by the Department. Each report is due no later than the 25th of the month following the end of the quarter for which data is being reported.

c. The Contractor shall submit a copy of the current Progress Report Supplement for funded program(s) as required by CNCS to the Department by December 1.

d. The Contractor shall keep all documentation, including, but not limited to, reports, data, forms and invoices for a minimum of 6 years. Such documentation shall be made available to the Department within 5 days of its request.

4. DEPARTMENT OVERSIGHT

1. Department staff shall conduct periodic site visits (with or without notice) with the Contractor, at the sole discretion of the Department, to evaluate progress, identify

best practices or problem areas, and to determine actions to be taken by parties to resolve any issues that the Department identifies.

2. Department staff shall conduct monitoring of the Contractor for compliance with performance measures and scope of work deliverables throughout the term of the contract, and which may include desk reviews of fiscal and programmatic documentation, and may include on-site monitoring, the frequency of which shall be determined by the Department, at its sole discretion. The Department shall produce, and provide to the Contractor, a report(s) of its findings. The Department shall provide the Contractor with the monitoring tools to be used prior to the review. The Contractor shall cooperate with Department staff in the monitoring process by granting reasonable access to the Contractor's program and fiscal records (both electronic and hard copy). The Contractor shall provide records and/or access to Department staff within 15 business days of any written request from the Department, unless an extension is granted by the Department.

3. The Department shall disburse funding to the Contractor, upon receipt of complete and accurate monthly activity reports and invoices. The Department shall determine at its sole discretion whether a report is sufficiently complete and accurate to permit disbursement of funds.

4. Department staff shall review and certify at its sole discretion all Contractor requests for payment.

5. The Contractor authorizes the Department, the federal government or their designees, to perform audits and/or inspections of its records, at any reasonable time, to assure compliance with state or federal government terms and/or to evaluate the Contractor's performance.

5. SERVICE PROVISION

1. The Department has adopted the CNCS Volunteer Program Handbook based on federal regulations for each respective program as the operating standards for state funded projects. The Services are intended to benefit the clients served, the community, and the senior volunteers themselves. One Volunteer Service Year (VSY) is equal to 1,044 hours of volunteer service. Volunteer stipends are paid at $3.00 per hour. RSVP does not provide stipends or allowance to volunteers.

   The Contractor will provide the following Services in accordance with the final, fully executed contract and monitored through the Contractor's submission of Monthly Requests for Reimbursement, Quarterly Reports, Narrative Reports, and Department annual program monitoring reviews:

a. **Foster Grandparent Program (FGP)**: Recruit and place a minimum of 18 VSY's in schools, childcare centers and other congregate settings for children in Santa Fe County, to provide a minimum of 18,792 hours of service during the contract period.

The goals of FGP are to:
Enable persons aged 55 and older with low incomes to remain physically and mentally active and to enhance their self-esteem through continued participation in community services.
Enable children with either exceptional or special needs to achieve improved physical, mental, emotional, and/or social development.

b. **SCP**: Recruit and place a minimum of 34 VSYs in the homes of frail and disabled elders in Santa Fe County, to provide a minimum of 35,496 hours of service during the contract period.

The goals of SCP are to:
Enable persons aged 55 and older with low incomes to remain physically and mentally active and to enhance their self-esteem through continued participation in community services.

Enable older adults with health and functional limitations to remain as independent as possible in their own homes.

c. **RSVP**: Recruit and place a minimum of 400 volunteers in community placements in Santa Fe County, to provide a minimum of 100,000 hours of service during the contract period.

The goals of RSVP are to:
Enable persons aged 55 and older to remain physically and mentally active and to enhance their self-esteem through continued participation in community services.
Enable communities to enhance their efforts in meeting identified needs through using the skills of older adult volunteers.

ATTACHMENT 2

BUDGET

Contract # 21-624-4000-0024
CITY OF SANTA FE
Volunteer Programs

The Contractor shall provide the Services identified below as required by the Department based on the assessed need of the community and individuals receiving Services under this Contract. The amount payable under this Contract shall be made on a fixed rate for the provision of the identified Services.

The contract is to provide funding for FY21 as follows:

PROGRAM	**AMOUNT**
Foster Grandparent Program	$85,639.00
Senior Companion Program	$161,461.00
RSVP	$56,900.00

The total amount payable under this Contract shall not exceed $304,000.00.

Services will be provided to ALTSD-approved participants every month of the contract year in: Santa Fe County.

Notice of Grant Award

Corporation for National and Community Service
601 Walnut Street, Suite 876 E
Philadelphia, PA 19106-3323

Foster Grandparent Program

Grantee

City of Santa Fe — EIN: 856000168
1121 Alto Street PO Box 909 Santa Fe NM 87504-0909 — DUNS: 069420818

Award Information

Agreement No.:	**20SFWNM006**	Performance Period:	**07/01/2020 - 06/30/2023**
Amendment No.:	**0**	Budget Period:	**07/01/2020 - 06/30/2021**
CFDA No.:	**94.011**	Grant Year:	**1**

Award Description

This award funds the approved 2020-21 FGP program. Your 2020-21 statutory match is waived and your budgetary match is 86.9%.

Purpose

The purpose of this award is to assist the grantee in carrying out a national service program as authorized by the Domestic and Volunteer Service Act of 1973, as amended (42 U.S.C. Chapter 22).

Funding Information

Year 1	Previously Awarded This Year	This Award/ Amendment	Total Current Year
Total Obligated by CNCS	$0	$31,902	$31,902
Grantee's Unobligated Balance (Carryover)	$0	$0	$0
Total Available	$0	$31,902	$31,902

Cumulative Funding for Project Period

Total Awarded in Previous Amendments	$0
Total CNCS Funds Awarded to Date	**$31,902**

Funding Source and Amount

2020--OPE1-P71-OPO-26000-4115	$26,075.00
2020--OPE1-P71-OPO-26000-4123	$1,827.00
2020--OPE1-P71-OPO-26000-4124	$4,000.00

Special Conditions

Per OMB memo M-20-17 your single audit for the fiscal year ending 06/30/2019 due on 03/30/2020 must be submitted to the FAC by 9/30/2020. Failure to do so by this date may result in your funds being placed on manual hold.

Terms of Acceptance: By accepting funds under this grant, recipient agrees to comply with General Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020GeneralTC20200505508.pdf and the Program Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020SCPFGPProgramSpecfic50820200219.pdf. Recipient also agrees to comply with assurances and certifications made in the grant application, and applicable federal statutes, regulations and

Notice of Grant Award

601 Walnut Street, Suite 876 E
Philadelphia, PA 19106-3323

Senior Companion Program

Grantee

City of Santa Fe
1121 Alto Street PO Box 909 Santa Fe NM 87504-0909

EIN: 856000168
DUNS: 069420818

Corporation for National and Community Service:

Stacy L Bishop 06/02/2020

Signature Award Date

Stacy Bishop
Senior Grants Officer

Daisy Gallardo
Grants Officer

Daisy Gallardo
Program Officer

City of Santa Fe
Legal Applicant

Melanie M. Montoya
Project Director

Melanie M. Montoya
Certifying Official/Executive Officer

Notice of Grant Award

Corporation for National and Community Service
601 Walnut Street, Suite 876 E
Philadelphia, PA 19106-3323

Senior Companion Program

Grantee

City of Santa Fe
1121 Alto Street PO Box 909 Santa Fe NM 87504-0909

EIN: 856000168
DUNS: 069420818

Award Information

Agreement No.:	**20SCWNM009**	Performance Period:	**07/01/2020 - 06/30/2023**
Amendment No.:	**0**	Budget Period:	**07/01/2020 - 06/30/2021**
CFDA No.:	**94.016**	Grant Year:	**1**

Award Description

This award funds the approved 2020-21 SCP program.Your 2020-21 statutory match is waived and your budgetary match is 96.7%.

Purpose

The purpose of this award is to assist the grantee in carrying out a national service program as authorized by the Domestic and Volunteer Service Act of 1973, as amended (42 U.S.C. Chapter 22).

Funding Information

Year 1	Previously Awarded This Year	This Award/ Amendment	Total Current Year
Total Obligated by CNCS	$0	$7,289	$7,289
Grantee's Unobligated Balance (Carryover)	$0	$0	$0
Total Available	$0	$7,289	$7,289

Cumulative Funding for Project Period

Total Awarded in Previous Amendments	$0
Total CNCS Funds Awarded to Date	**$7,289**

Funding Source and Amount

2020--OPE1-P77-OPO-26000-4123	$3,289.00
2020--OPE1-P77-OPO-26000-4124	$4,000.00

Special Conditions

Per OMB memo M-20-17 your single audit for the fiscal year ending 06/30/2019 due on 03/30/2020 must be submitted to the FAC by 9/30/2020. Failure to do so by this date may result in your funds being placed on manual hold.

Terms of Acceptance: By accepting funds under this grant, recipient agrees to comply with General Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020GeneralTC20200505508.pdf and the Program Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020SCPFGPProgramSpecfic50820200219.pdf. Recipient also agrees to comply with assurances and certifications made in the grant application, and applicable federal statutes, regulations and guidelines. Recipient agrees to administer the grant in accordance with the approved grant application, budgets, supporting documents, and all other representations made in support of the approved grant application.

Corporation for National and Community Service:

Notice of Grant Award

601 Walnut Street, Suite 876 E
Philadelphia, PA 19106-3323

Retired and Senior Volunteer Program

Grantee

City of Santa Fe
1121 Alto Street PO Box 909 Santa Fe NM 87504-0909

EIN: 856000168
DUNS: 069420818

Corporation for National and Community Service:

Debra M. Briddell
Senior Grants Officer

Melanie M. Montoya
Project Director

Daisy Gallardo
Grants Officer

Eugene Rinaldi
Certifying Official/Executive Officer

Daisy Gallardo
Program Officer

Notice of Grant Award

Corporation for National and Community Service
601 Walnut Street, Suite 876 E
Philadelphia, PA 19106-3323

Retired and Senior Volunteer Program

Grantee

City of Santa Fe
1121 Alto Street PO Box 909 Santa Fe NM 87504-0909

EIN: 856000168
DUNS: 069420818

Award Information

Agreement No.:	**20SRWNM003**	Performance Period:	**04/01/2020 - 03/31/2023**
Amendment No.:	**0**	Budget Period:	**04/01/2020 - 03/31/2021**
CFDA No.:	**94.002**	Grant Year:	**1**

Award Description

This grant award begins the 1st year of your proposed project performance. This grant award provides 12 months of funding beginning on 4/1/2020 through 3/31/2021.

Purpose

The purpose of this award is to assist the grantee in carrying out a national service program as authorized by the Domestic and Volunteer Service Act of 1973, as amended (42 U.S.C. Chapter 22).

Funding Information

Year 1	Previously Awarded This Year	This Award/ Amendment	Total Current Year
Total Obligated by CNCS	$0	$47,500	$47,500
Grantee's Unobligated Balance (Carryover)	$0	$0	$0
Total Available	$0	$47,500	$47,500

Cumulative Funding for Project Period

Total Awarded in Previous Amendments	$0
Total CNCS Funds Awarded to Date	**$47,500**

Funding Source and Amount

2020--OPE1-P74-OPO-26000-4110	$47,500.00

Terms of Acceptance: By accepting funds under this grant, recipient agrees to comply with General Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020GeneralTC20200505508.pdf and the Program Terms and Conditions found at https://egrants.cns.gov/termsandconditions/2020RSVPProgramSpecfic50820200218.pdf Recipient also agrees to comply with assurances and certifications made in the grant application, and applicable federal statutes, regulations and guidelines. Recipient agrees to administer the grant in accordance with the approved grant application, budgets, supporting documents, and all other representations made in support of the approved grant application.

Corporation for National and Community Service:

03/20/2020

Signature — Award Date

City of Santa Fe

Legal Applicant

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract #_____

Contractor: _____

Description:

_____

Contract ☐ Agreement ☐ Lease / Rent ☐ Amendment ☐

Term Start Date: _____ Term End Date: _____

☐ Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease #_____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

☐ Approved by Council Date:_____

Amendment is for:

2. **HISTORY** of Contract, Amendments & Lease / Rent - **Please Elaborate** (option: attach spreadsheet if multiple amendments)

_____

3. **Procurement History:**_____

Fran Duncway (Jul 27, 2020 16:11 MDT) _____

Purchasing Officer Review: Date:

Comment & Exceptions:_____

4. **Funding Source:**_____ **Org / Object:** _____

Alexis Lotero _____

Alexis Lotero (Jul 27, 2020 09:26 MDT)

Budget Officer Approval: Date:

Comment & Exceptions:_____

Staff Contact who completed this form: _____ Phone #_____

Email:_____

To be recorded by City Clerk:

Clerk #_____

Date of Execution: _____

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 08/03/2020
FOR CITY COUNCIL MEETING OF 08/12/20

e) Request for Approval of a Professional Services Agreement with HEI, Inc. for Booster Station 3 and Booster Station 4 VFD/RTU Replacements in the Amount of $774,604 excluding NMGRT. (Jonathan Montoya, Source of Supply Manager, jmmontoya@santafenm.gov, 955-4373)

Request for a Budget Adjustment Resolution (BAR) for the Professional Services Agreement with HEI, Inc. in the amount of $774,604.00 plus NMGRT

COMMITTEE REVIEW

Finance Committee (Scheduled) 08/03/2020
Governing Body (Scheduled) 08/12/2020

FINANCE COMMITTEE ACTION:
Approved on Consent.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS-

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR CASSUTT-SANCHEZ	X		

3-19-18

ACTION SHEET
PUBLIC WORKS AND PUBLIC UTILITES COMMITTEE MEETING OF 07/27/2020

ISSUE NO. 7C

Request for Approval of a Professional Services Agreement with HEI, Inc. for Booster Station 3 and Booster Station 4 VFD/RTU Replacements in the Amount of $774,604 excluding NMGRT. (Jonathan Montoya, Source of Supply Manager, jmmontoya@santafenm.gov, 955-4373)

- Request for a Budget Adjustment Resolution (BAR) for the Professional Services Agreement with HEI, Inc. in the amount of $774,604.00 plus NMGRT

COMMITTEE REVIEW

Finance Committee (Scheduled)	08/03/2020
Governing Body (Scheduled)	08/12/2020

PUBLIC UTILITIES COMMITTEE ACTION: Approved on Consent Calendar to forward to 08/03/2020 Finance Committee

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

City of Santa Fe, New Mexico

memo

Received by Finance Dept
7/20/2020 @ 2:23pm

DATE: July 9, 2020

TO: PUC/PW Committee/Finance Committee/City Council

VIA: Shannon Jones, Public Utilities Director SJ
Jesse Roach Water Division Director JR
Jonathan Montoya, Source of Supply Manager JM

FROM: Alex Gamino, Automation and Security System Administrator AG
RE: Booster Station 3 & Booster Station 4 VFD/RTU Replacements, WTR#1950519

ITEM:

Request approval for Professional Services Agreement with HEI, Inc.
Request approval for Budget Adjustment/Increase in the amount of $774,604 plus NMGRT.

BACKGROUND AND SUMMARY

Booster Station 3 and Booster Station 4 are a critical part of pumping water from both Buckman Direct Diversion and Buckman Wells 1-13 to meet the demands of water consumption. Both stations have (2) Variable Frequency Drive which were installed in 2003 and are now showing signs of failure. The VFDs are used to protect motor and control pumping speeds. These units have exceeded their life expectancy and replacement parts are no longer available. The replacement and upgrades at these sites are critical to avoid any disruption to water transmission and production.

JUSTIFICATION

In the event of an equipment failure the ability to make a quick repair would be impossible as spare parts for the aged units are no longer available. This would greatly reduce or possibly completely prohibit the ability convey water from the Buckman well field and/or BDD. The Water Div. has acquired an electrical construction proposal based on engineered drawings and through the Statewide Price Agreement procurement guidelines. HEI, Inc. was acquired through a (3) quote process per SWPA as the low bidder. HEI, Inc. has a current contract through SWPA#70-000-17-00063 to perform electrical services as requested.

RECOMMENDED ACTION

- Please approve Budget Adjustment/Increase in the amount of $774,604 plus NMGRT to BU/LI 5050395.572970.
- Please approve a Professional Service Agreement for $774,604 plus NMGRT.
- Project Ledger #: WTR1950519

Item#_____
Munis Contract# _____

City of Santa Fe Contract
Electrical Services Agreement

THIS AGREEMENT is made and entered into by and between the City of Santa Fe, herein after referred to as the "City", and **HEI, Inc.** herein after referred to as the "Contractor."

IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. **Definitions**

A. "Products and Services Schedule" refers to the complete list of products and services offered under this Agreement and the price for each. Product and service descriptions may be amended with the prior approval of the Agreement Administrator. New products and services shall not be added to the Products and Services Schedule.

B. "Business Hours" means 8:00 a.m. to 5:00 p.m.

C. "You" and "your" refers to **HEI, Inc.**. "We," "us" or "our" refers to the City and whose accounts are created under this Agreement.

2. **Scope of Work**

A. The Contractor shall provide the services for the City of Santa Fe Water Division:

install Booster Station 3 & Booster Station 4 VFD/RTU Replacements as described in Exhibit

"A" attached hereto.

3. **Compensation**

The City shall pay to the Contractor based upon fixed prices as described in Exhibit "A", The total compensation under this Agreement shall not exceed seven hundred seventy four thousand six hundred and four dollars ($774,604) excluding New Mexico gross receipts tax.

4. **Payment Provisions**

All payments under this Agreement are subject to the following provisions.

A. Acceptance - In accordance with Section 13-1-158 NMSA 1978, the City shall determine if the product or services provided meet specifications. Until the products or services have been accepted in writing by the City, the City shall not pay for any products or services. Unless otherwise agreed upon between the City and the Contractor, within thirty (30) days from the date the City receives written notice from the Contractor that payment is

requested for services or within thirty (30) days from the receipt of products, the City shall issue a written certification (by letter or email) of complete or partial acceptance or rejection of the products or services. Unless the City gives notice of rejection within the specified time period, the products or services will be deemed to have been accepted.

B. Payment of Invoice - Upon acceptance that the products or services have been received and accepted, payment shall be tendered to the Contractor within thirty (30) days after the date of invoice. After the thirtieth day from the date that written certification of acceptance is issued, late payment charges shall be paid on the unpaid balance due on the contract to the Contractor at the rate of 1.5 % per month. Contractor may submit invoices for payment no more frequently than monthly. Payment will be made to the Contractor's designated mailing address. Payment on each invoice shall be due within 30 days from the date of the acceptance of the invoice. The City agrees to pay in full the balance shown on each account's statement, by the due date shown on said statement.

5. **Term**

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED IN WRITING BY THE CITY. This Agreement shall begin on date approved by the City, and end on June 30, 2021. The City reserves the right to renew the contract on an annual basis by mutual Agreement not exceed a total of four years in accordance with NMSA 1978, §§ 13-1-150 through 152.

6. **Default and Force Majeure**

The City reserves the right to cancel all or any part of any orders placed under this contract without cost to the City, if the Contractor fails to meet the provisions of this contract and, except as otherwise provided herein, to hold the Contractor liable for any excess cost occasioned by the City due to the Contractor's default. The Contractor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Contractor; such causes include, but are not restricted to, acts of God or the public enemy, acts of the State or Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of sub-contractors due to any of the above, unless the City shall determine that the supplies or services to be furnished by the sub-contractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery scheduled. The rights and remedies of the City provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this contract.

7. **Termination**

A. Grounds. The City may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the City's uncured, material breach of this Agreement.

B. Notice; City Opportunity to Cure.

1) Except as otherwise provided in Paragraphs 7.A and 17, the City shall give Contractor written notice of termination at least thirty (30) days prior to the intended date of termination.

2) Contractor shall give City written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the City's material breaches of this Agreement upon which the termination is based and (ii) state what the City must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the City does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the City does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach.

3) Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor (i) if the Contractor becomes unable to perform the services contracted for, as determined by the City; (ii) if, during the term of this Agreement, the Contractor is suspended or debarred by the City; or (iii) the Agreement is terminated pursuant to Paragraph 17, "Appropriations", of this Agreement.

C. Liability. Except as otherwise expressly allowed or provided under this Agreement, the City's sole liability upon termination shall be to pay for acceptable work performed prior to the Contractor's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE CITY'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

8. **Amendment**

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the City proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Paragraph 7 herein, or to agree to the reduced funding.

9. **Status of Contractor**

The Contractor, and Contractor's agents and employees, are independent Contractors for the City and are not employees of the City. The Contractor, and Contractor's agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are personally reportable by the Contractor for

income tax purposes, including without limitation, self-employment tax and business income tax. The Contractor agrees not to purport to bind the City unless the Contractor has written authority to do so, and then only within the strict limits of that authority.

10. **Assignment**

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

11. **Subcontracting**

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the City.

12. **Non-Collusion**

In signing this Agreement, the Contractor/Contractor certifies the Contractor/Contractor has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the City.

13. **Inspection of Plant**

The City may inspect, at any reasonable time during Contractor's regular business hours and upon prior written notice, the Contractor's plant or place of business, or any subcontractor's plant or place of business, which is related to the performance of this contract.

14. **Commercial Warranty**

The Contractor agrees that the tangible personal property or services furnished under this Agreement shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such tangible personal property or services, and that the rights and remedies provided herein shall extend to the City and are in addition to and do not limit any rights afforded to the City by any other clause of this order. Contractor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.

15. **Condition of Proposed Items**

Where tangible personal property is a part of this Agreement, all proposed items are to be NEW and of most current production, unless otherwise specified.

16. **Records and Audit**

During the term of this Agreement and for three years thereafter, the Contractor shall maintain detailed records pertaining to the services rendered and products delivered. These

records shall be subject to inspection by the City, the State Auditor and other appropriate state and federal authorities. The City shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. **Appropriations**

The terms of this Agreement, and any orders placed under it, are contingent upon sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorization are not made by the legislature, this Agreement, and any orders placed under it, shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the City proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

18. **Release**

The Contractor, upon final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City, unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

19. **Confidentiality**

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval by the City.

20. **Conflict of Interest**

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement. The Contractor shall comply with any applicable provisions of the New Mexico Governmental Conduct Act and the New Mexico Financial Disclosures Act.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978.

C. Contractor's representations and warranties in Paragraphs A and B of this Paragraph are material representations of fact upon which the City relied when this Agreement

was entered into by the parties. Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Paragraph 20 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Paragraph 20 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the City and notwithstanding anything in the Agreement to the contrary, the City may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this section.

21. **Approval of Contractor Representative(s)**

The City reserves the right to require a change in Contractor representative(s) if the assigned representative(s) are not, in the opinion of the City, adequately serving the needs of the City.

22. **Scope of Agreement; Merger**

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into this written Agreement. No prior agreements or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

23. **Notice**

The Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

24. **Equal Opportunity Compliance**

The Contractor agrees to abide by all federal and state laws, and local Ordinances, pertaining to equal employment opportunity. In accordance with all such laws, rules, and regulations, the Contractor agrees to assure that no person in the United States shall on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

25. **Indemnification**

The Contractor shall hold the City and its employees harmless and shall indemnify the City and its employees against any and all claims, suits, actions, liabilities and costs of any kind, including attorney's fees for personal injury or damage to property arising from the acts or omissions of the Contractor, its agents, officers, employees or subcontractors. The Contractor shall not be liable for any injury or damage as a result of any negligent act or omission committed by the City, its officers or employees.

26. **New Mexico Tort Claims Act**

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

27. **Applicable Law**

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, § 38-3-1 (G). By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

28. **Limitation of Liability**

The Contractor's liability to the City, for any cause whatsoever shall be limited to the purchase price paid to the Contractor for the products and services that are the subject of the City's, claim. The foregoing limitation does not apply to paragraph 25 of this Agreement or to damages resulting from personal injury caused by the Contractor's negligence.

29. **Incorporation by Reference and Precedence**

If this Agreement has been procured pursuant to a request for proposals, this Agreement is derived from (1) the request for proposal, (including any written clarifications to the request for proposals and any City response to questions); (2) the Contractor's best and final offer; and (3) the Contractor's response to the request for proposals.

In the event of a dispute under this Agreement, applicable documents will be referred to for the purpose of clarification or for additional detail in the following order of precedence: (1) amendments to the Agreement in reverse chronological order; (2) the Agreement, including the scope of work and all terms and conditions thereof; (3) the request for proposals, including attachments thereto and written responses to questions and written clarifications; (4) the

Contractor's best and final offer if such has been made and accepted by the City; and (5) the Contractor's response to the request for proposals.

30. **Workers' Compensation**

The Contractor agrees to comply with state laws and rules applicable to workers' compensation benefits for its employees. If the Contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the City.

31. **Inspection**

If this contract is for the purchase of tangible personal property (goods), final inspection and acceptance shall be made at Destination. Tangible personal property rejected at Destination for non-conformance to specifications shall be removed at Contractor's risk and expense promptly after notice of rejection and shall not be allowable as billable items for payment.

32. **Inspection of Services**

If this contract is for the purchase of services, the following terms shall apply.

A. Services, as used in this Article, include services performed, workmanship, and material furnished or utilized in the performance of services.

B. The Contractor shall provide and maintain an inspection system acceptable to the City covering the services under this Agreement. Complete records of all inspection work performed by the Contractor shall be maintained and made available to the City and for as long thereafter as the Agreement requires. The City has the right to inspect and test all services contemplated under this Agreement to the extent practicable at all times and places during the term of the Agreement. The City shall perform inspections and tests in a manner that will not unduly delay or interfere with Contractor's performance.

C. If the City performs inspections or tests on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish, at no increase in contract price, all reasonable facilities and assistance for the safe and convenient performance of such inspections or tests.

D. If any part of the services do not conform with the requirements of this Agreement, the City may require the Contractor to re-perform the services in conformity with the requirements of this Agreement at no increase in contract amount. When the defects in services cannot be corrected by re-performance, the City may:

(1) require the Contractor to take necessary action(s) to ensure that future performance conforms to the requirements of this Agreement; and

(2) reduce the contract price to reflect the reduced value of the services performed.

E. If the Contractor fails to promptly re-perform the services or to take the necessary action(s) to ensure future performance in conformity with the requirements of this Agreement, the City may:

(1) by contract or otherwise, perform the services and charge to the Contractor any cost incurred by the City that is directly related to the performance of such service; or

(2) terminate the contract for default.

33. **Insurance**

If the services contemplated under this Agreement will be performed on or in City facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the City as additional insured.

A. Commercial General Liability insurance shall be written on an occurrence basis and be a broad as ISO Form CG 00 01 with limits not less than $2,000,000 per occurrence and $2,000,000 in the aggregate for claims against bodily injury, personal and advertising injury, and property damage. Said policy shall include broad form Contractual Liability coverage and be endorsed to name the City of Santa Fe their officials, officers, employees, and agents as additional insureds.

B. Business Automobile Liability insurance for all owned, non-owned automobiles, with a combined single limit not less than $1,000,000 per accident.

C. Broader Coverage and Limits. The insurance requirements under this Agreement shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the Named Insured. It is agreed that these insurance requirements shall not in any way act to reduce coverage that is broader or that includes higher limits than the minimums required herein. No representation is made that the minimum insurance requirements of this Agreement are sufficient to cover the obligations of Contractor hereunder.

D. Contractor shall maintain the above insurance for the term of this Agreement and name the City as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

34. **Impracticality of Performance**

A party shall be excused from performance under this Agreement for any period that the party is prevented from performing as a result of an act of God, strike, war, civil disturbance, epidemic, or court order, provided that the party has prudently and promptly acted to take any and all steps that are within the party's control to ensure performance. Subject to this provision, such non-performance shall not be deemed a default or a ground for termination.

35. **Invalid Term or Condition**

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

36. **Enforcement of Agreement**

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

37. **Patent, Copyright and Trade Secret Indemnification**

A. The Contractor shall defend, at its own expense, the City against any claim that any product or service provided under this Agreement infringes any patent, copyright to trademark in the United States or Puerto Rico, and shall pay all costs, damages and attorneys' fees that a court finally awards as a result of any such claim. In addition, if any third party obtains a judgment against the City based upon Contractor's trade secret infringement relating to any product or services provided under this Agreement, the Contractor agrees to reimburse the City for all costs, attorneys' fees and amount of the judgment. To qualify for such defense and or payment, the City shall:

1) give the Contractor prompt written notice within 48 hours of any claim;
2) allow the Contractor to control the defense of settlement of the claim; and
3) cooperate with the Contractor in a reasonable way to facilitate the defense or settlement of the claim.

B. If any product or service becomes, or in the Contractor's opinion is likely to become the subject of a claim of infringement, the Contractor shall at its option and expense:

1) provide the City the right to continue using the product or service and fully indemnify the City against all claims that may arise out of the City's use of the product or service;

2) replace or modify the product or service so that it becomes non-infringing; or,

3) accept the return of the product or service and refund an amount equal to the value of the returned product or service, less the unpaid portion of the purchase price and any other amounts, which are due to the Contractor. The Contractor's obligation will be void as to any product or service modified by the City to the extent such modification is the cause of the claim.

38. **Survival**

The Agreement paragraphs titled "Patent, Copyright, Trademark, and Trade Secret Indemnification; Indemnification; and Limit of Liability" shall survive the expiration of this Agreement. Software licenses, leases, maintenance and any other unexpired Agreements that were entered into under the terms and conditions of this Agreement shall survive this Agreement.

39. **Disclosure Regarding Responsibility**

A. Any prospective Contractor and any of its Principals who enter into a contract greater than sixty thousand dollars ($60,000.00) with any City for professional services, tangible personal property, services or construction agrees to disclose whether the Contractor, or any principal of the Contractor's company is presently debarred, suspended, proposed for debarment, or declared ineligible for award of contract by any federal entity, state agency or local public body.

B. Principal, for the purpose of this disclosure, means an officer, director, owner, partner, or
a person having primary management or supervisory responsibilities within a business entity or related entities.

C. The Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, the Contractor learns that the Contractor's disclosure was at any time erroneous or became erroneous by reason of changed circumstances.

D. A disclosure that any of the items in this requirement exist will not necessarily result in termination of this Agreement. However, the disclosure will be considered in the determination of the Contractor's responsibility and ability to perform under this Agreement. Failure of the Contractor to furnish a disclosure or provide additional information as requested will be grounds for immediate termination of this Agreement pursuant to the conditions set forth in Paragraph 7 of this Agreement.

E. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the disclosure required by this document. The knowledge and information of a Contractor is not required to exceed that which is the normally possessed by a prudent person in the ordinary course of business dealings.

F. The disclosure requirement provided is a material representation of fact upon which reliance was placed when making an award and is a continuing material representation of the facts during the term of this Agreement. If during the performance of the contract, the Contractor is indicted for or otherwise criminally or civilly charged by any government entity (federal, state or local) with commission of any offenses named in this document the Contractor must provide immediate written notice to the City. If it is later determined that the Contractor knowingly rendered an erroneous disclosure, in addition to other remedies available to the Government, the City may terminate the involved contract for cause. Still further the City may suspend or debar the Contractor from eligibility for future solicitations until such time as the matter is resolved to the satisfaction of the City.

40. **Suspension, Delay or Interruption of Work**

The City may, without cause, order the Contractor, in writing, to suspend, delay or interrupt the work in whole or in part for such period of time as the City may determine. The contract sum and contract time shall be adjusted for increases in cost and/or time associated with

Contractor's compliance therewith. Upon receipt of such notice, Contractor shall leave the jobsite and any equipment in a safe condition prior to departing. Contractor must assert rights to additional compensation within thirty (30) days after suspension of work is lifted and return to work is authorized. Any compensation requested for which entitlement is granted and the contract sum adjusted, shall have profit included (for work completed) and for cost only (not profit) for Contractor costs incurred directly tied to the suspension itself and not otherwise covered by Contract remedy. Any change in Total Compensation must be reflected in an Amendment executed pursuant to Section 8 of this Agreement.

41. **Notification**

Either party may give written notice to the other party in accordance with the terms of this Paragraph. Any written notice required or permitted to be given hereunder shall be deemed to have been given on the date of delivery if delivered by personal service or hand delivery or three (3) business days after being mailed.

To the City:

Water Division Director

801 W. San Mateo

Santa Fe, NM 87504

To the Contractor:

HEI Inc.

P.O. Box 31310

Albuquerque, NM 87190

Either party may change its representative or address above by written notice to the other in accordance with the terms of this Paragraph. The carrier for mail delivery and notices shall be the agent of the sender.

To the Contractor:

HEI Inc.
P.O. Box 31310

Albuquerque, NM 87190

Either party may change its representative or address above by written notice to the other in accordance with the terms of this Paragraph. The carrier for mail delivery and notices shall be the agent of the sender.

42. **Succession**

This Agreement shall extend to and be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the signature by the required approval authorities below.

CITY OF SANTA FE:

_____
ALAN WEBBER, MAYOR

DATE:_____

CONTRACTOR:
HEI Inc.

Will Humbard
NAME

President
TITLE

DATE: 7/17/2020

CRS 02-360388-007
Registration # 225955

ATTEST:

_____
YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Jul 16, 2020 13:46 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED:

_____
MARY MCCOY, FINANCE DIRECTOR

5050395.572970 AL
Org.Name/Org.# AL

Project Ledger #: WTR1950519

PROJECT : BUCMAN BOOSTER STATIONS #3 AND #4 - VFD REPLACEMENT
PROJECT NO.: 20006

BID DATE: June 10, 2020

CONTRACTOR NAME	BASE BID	Tax	Total bid	Addendum #1	Addendum #2	NM License No.	NM Lic. Classif. No.
GREAT WESTERN ELECTRIC	$888,146.88	$63,280.47	**$951,427.35**	ok	ok	93237	EE98, ELO1
HEI INC.	$774,604.00	$55,190.54	**$829,794.54**	ok	ok	61439	EE98, EL01,ES07, GB98
B & D INDUSTRIES	non responsive					1426	EE98, EL01, GB98,GF09, MM98

EXHIBIT "A"

MECHANICAL & ELECTRICAL ENGINEERING, INC.

1222 LUISA ST., SUITE B
SANTA FE, NM 87505
PH# 505-983-2389

MEMO DATE: June 3, 2020

TO: All Plan Holders Pages including this cover sheet: 6

CITY OF SANTA FE
BUCKMAN BOOSTER STATIONS #3 AND #4
VFD REPLACEMENT
ADDENDUM #2

The following items shall be incorporated into the Contract Documents.

Specifications

List of Attendants at Pre-Bid Meeting May 27, 2020 - Attached

Bid Proposal Form – Pages 01 and 02 - Revised

Includes Cash Contingency Allowance - $550,000.
Costs for the following items will be taken from this allowance:

VFDs	Not to Exceed $270,000.
Instrumentation	Not to Exceed $70,000.
Automation	Not to Exceed $20,000.
4 – 400 HP Motors (Supply Only)	Not to Exceed $160,000.
2 – HVAC Units	Do Not include in CCA.
Unforeseen Conditions	Balance of Allowance

SKE – 1 Provide labor and Materials to install 4 - 400 HP Motors – 2 at each Booster Station, to be included in Base Bid.

SKE – 2 Supply and Install 2 – Heating and Cooling Units to be included in the Base Bid.

Existing VFDs and 400 HP Motors that are removed are to be delivered to the City of Santa Fe Storage Location on Fairly and Airport Road, Santa Fe, New Mexico

Latitude: 35° 37' 55.15" N
Longitude: 106° 2' 44.62" W

All other provisions of the Contract Documents shall remain unchanged. This addendum is hereby made part of the Contract Documents to the same extent as though it were originally included therein. Each bidder shall acknowledge receipt of this addendum on the Bid Proposal Form in the space provided.

End of Addendum

SCOPE OF WORK - BOOSTER PUMP MOTOR REPLACEMENT

1. CONTRACTOR SHALL INCLUDE IN THE BASE BID REQUIRED LABOR AND MATERIALS TO REMOVE AND REPLACE TWO EXISTING 400 HORSEPOWER BOOSTER PUMP MOTORS.
2. PURCHASE OF THE MOTORS AND DELIVERY TO THE SHALL BE BY CASH ALLOWANCE. THE REQUIRED CASH ALLOWANCE AMOUNT FOR PURCHASE AND DELIVERY OF THE PUMP MOTORS SHALL BE PROVIDED TO ALL BIDDERS AND SHALL BE INCLUDED IN EACH CONTRACTOR'S BID.
3. CASH ALLOWANCE SHALL INCLUDE ONLY THE PURCHASE AND DELIVERY OF THE PUMP MOTORS.
4. BASE BID WORK SHALL INCLUDE THE FOLLOWING:
   - A. REMOVAL OF EXISTING PUMP MOTORS AND DELIVERY TO OWNER STORAGE YARD IN SANTA FE.
   - B. FURNISH AND INSTALL NEW PUMP MOTORS AS PROVIDED UNDER CASH ALLOWANCE.
   - C. ELECTRICAL DISCONNECT AND RECONNECT OF MOTOR POWER AND CONTROLS.
   - D. START UP, TESTING, AND COMMISSIONING OF NEW PUMP MOTORS AND VFD'S.

TITLE SHEET
BUCKMAN BOOSTER STATION VFD REPLACEMENT

PEAK POWER ENGINEERING
1309 AGUA FRIA SANTA FE, NM 87505 TF (505) 982-7071 EMAIL:powereng@earthlink.net

E3-0 AND E4-0
NO SCALE
5/30/20
20018

SKE-1

UNDER BASE BID, CONTRACTOR SHALL FURNISH AND INSTALL HEATING AND COOLING EQUIPMENT AS SCHEDULED BELOW. BASE BID WORK SHALL INCLUDE REMOVAL OF EXISTING, PATCH AND REPAIR, INSTALLATION OF NEW UNIT INCLUDING ELECTRICAL AND PIPING. BASE BID WORK SHALL ALSO INCLUDE TESTING AND COMMISSIONING OF SYSTEM.

HEATING AND COOLING EQUIPMENT SCHEDULE

DESCRIPTION	MANUFACTURER	MODEL NUMBER	VOLTS	PHASE	MINIMUM CKT AMPS	MAX OCP	COMMENTS
HVAC INDOOR UNIT	CARRIER	40MAQB36B-3	240	1	2		COOLING ONLY
HVAC OUTDOOR UNIT	CARRIER	38MAQB36R-3	240	1	25	35	COOLING ONLY
UNIT HEATER	QMARK	MUH-102	240	1	42	60	24 VAC TSTAT
WALL MOUNTING BRACKET	QMARK	MMB10					
EXHAUST FAN	MATCH EXISTING		240	1	15	20	

ELECTRICAL PLAN - NEW WORK
BUCKMAN BOOSTER STATION VFD REPLACEMENT

PEAK POWER ENGINEERING
1309 AGUA FRIA SANTA FE, NM 87505 TF (505) 982-7071 EMAIL:powereng@earthlink.net

E3-2 AND E4-2
NO SCALE
5/30/20
20018

SKE-2

Bid Proposal Form

PROJECT IDENTIFICATION: Buckman Booster Stations #3 and #4
VFD Replacement

THIS BID IS SUBMITTED TO: City of Santa Fe
Public Utilities Administration

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the OWNER in the form included in the Bidding Documents to perform and furnish all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2.01 This Bid will remain subject to acceptance until 60 days after the day of Bid opening, or for such longer period of time that the Bidder may agree to in writing upon request of OWNER.

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. The Bidder has examined copies of all the Bidding Documents and of the following Addenda (receipt of all of which is hereby acknowledged):

No. 1 Title: VFD Replacement Addendum #1 Date: May 20, 2020

No. 2 Title: VFD Replacement Addendum #2 Date: June 3, 2020

B. Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, and performance of the Work;

C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Bidding Documents.

E. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the site and drawings identified in the Bidding Documents and all additional examinations, investigations, explorations, tests, studies and data with the Bidding Documents.

F. Bidder has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that Bidder has discovered in the Bidding Documents and the written resolution thereof by ENGINEER is acceptable to Bidder.

G. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

BASE BID Seven Hundred Seventy Four Thousand Six Hundred Four dollars $ 774,604.00

New Mexico Gross Receipts Tax 7.125 % rate, estimate $ 55,190.54

Gross Receipt Taxes are excluded from the above base bid prices and will be billed as a separate added amount at the time of each pay request, and at the rate applicable at the time of billing. The Proposer acknowledges that the following Cash Contingency Allowance ($550,000.00) is included in the Base Bid.

CASH CONTINGENCY ALLOWANCE ($550,000.00).

A. Include in the Base Bid, a stipulated amount of $550,000 (five hundred, fifty thousand dollars).

B. Costs for the following items will be taken from this allowance:

VFDs	Not to Exceed $270,000.
Instrumentation	Not to Exceed $70,000.
Automation	Not to Exceed $20,000.
4-400 HP Motors (Supply Only)	Not to Exceed $160,000.
2 - HVAC Units	Do not include in CCA
Unforseen Conditions	Balance of Allowance

C. Contractor to include insurance, taxes, bonding, overhead and profit in Base Bid.

D. Contractor's costs for Products, delivery, installation, labor, insurance, payroll, bonding, equipment rental, overhead and profit will be included in authorized expenditure of funds from the Contingency.

E. New Mexico Gross Receipts Tax is not included in amount.

F. Funds will be drawn from Cash Contingency Allowance only at Engineers's authorization.

G. Any unused funds will be deleted from the project by change order.

5.01 Bidder agrees that the Work will be substantially complete within 180 calendar days after the date when the Contract Times commence to run and completed and ready for final within 210 calendar days after the date when the Contract Times commence to run.

6.01 The Undersigned understands that the Owner reserves the right to reject any or all Proposals or to waive any formality or technicality in any Proposal in the interest of the Owner.

SUBMITTED ON: June 10, 2020

SUBMITTED BY: _____

signature (attach evidence of authority to sign for partnerships or corporation)

Will Humbard - Presdident

name and title

Firm Name: HEI, Inc.

Firm Address: 3800 Vassar Dr NE
Albuquerque, NM 87107

(Seal, if bid is by a corporation)

HEI, INC. CORPORATE SEAL 1998 NEW MEXICO

New Mexico Contractor's License No. 61439

Classification: EE98/EL01/ES07/GB98

Bid Proposal Form

PROJECT IDENTIFICATION: Buckman Booster Stations #3 and #4
VFD Replacement

THIS BID IS SUBMITTED TO: City of Santa Fe
Public Utilities Administration

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the OWNER in the form included in the Bidding Documents to perform and furnish all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

2.01 This Bid will remain subject to acceptance until 60 days after the day of Bid opening, or for such longer period of time that the Bidder may agree to in writing upon request of OWNER.

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. The Bidder has examined copies of all the Bidding Documents and of the following Addenda (receipt of all of which is hereby acknowledged):

No. 1 Title: Addendum #1 Date: 5/20/2020

No. 2 Title: Addendum #2 Date: 6/3/2020

B. Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, and performance of the Work;

C. Bidder is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Bidding Documents.

E. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the site and drawings identified in the Bidding Documents and all additional examinations, investigations, explorations, tests, studies and data with the Bidding Documents.

F. Bidder has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that Bidder has discovered in the Bidding Documents and the written resolution thereof by ENGINEER is acceptable to Bidder.

G. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

Eight hundred eighty-eight thousand, one hundred forty-six dollars and eighty-eight cents

BASE BID _____ $ 888,146.88

New Mexico Gross Receipts Tax 7.125 % rate, estimate $ 63,280.47

Gross Receipt Taxes are excluded from the above base bid prices and will be billed as a separate added amount at the time of each pay request, and at the rate applicable at the time of billing. The Proposer acknowledges that the following Cash Contingency Allowance ($550,000.00) is included in the Base Bid.

CASH CONTINGENCY ALLOWANCE ($550,000.00).

A. Include in the Base Bid, a stipulated amount of $550,000 (five hundred, fifty thousand dollars).

B. Costs for the following items will be taken from this allowance:

VFDs	Not to Exceed $270,000.
Instrumentation	Not to Exceed $70,000.
Automation	Not to Exceed $20,000.
4-400 HP Motors (Supply Only)	Not to Exceed $160,000.
2 - HVAC Units	Do not include in CCA
Unforseen Conditions	Balance of Allowance

C. Contractor to include insurance, taxes, bonding, overhead and profit in Base Bid.

D. Contractor's costs for Products, delivery, installation, labor, insurance, payroll, bonding, equipment rental, overhead and profit will be included in authorized expenditure of funds from the Contingency.

E. New Mexico Gross Receipts Tax is not included in amount.

F. Funds will be drawn from Cash Contingency Allowance only at Engineers's authorization.

G. Any unused funds will be deleted from the project by change order.

5.01 Bidder agrees that the Work will be substantially complete within 180 calendar days after the date when the Contract Times commence to run and completed and ready for final within 210 calendar days after the date when the Contract Times commence to run.

6.01 The Undersigned understands that the Owner reserves the right to reject any or all Proposals or to waive any formality or technicality in any Proposal in the interest of the Owner.

SUBMITTED ON: June 10, 2020

SUBMITTED BY: _____

signature (attach evidence of authority to sign for partnerships or corporation)

Scott Burson, Vice-President

name and title

Firm Name: Great Western Electrical, Inc.

Firm Address: 3310 Girard Blvd NE

(Seal, if bid is by a corporation)

New Mexico Contractor's License No. 93237

Classification: EL1, EE98

City of Santa Fe
Sangre De Cristo Water Company
Buckman Booster Stations #3 and #4
VFD Replacement
Pre-Bid Meeting
May 27, 2020

Initials	Name	Representing	Phone	email
BV	Bill Velasquez	HEI, Inc.	505-553-5431	bvelasquez@heinm.com
	Norm Berget	HEI, Inc.	505-980-5817	nberget@heinm.com
	Craig Goodwin	HEI, Inc.	505-228-6751	
SB	Scott Burson	Great Western Electric	505-881-6525	sburson@nmwe.com
	Danny Burson	Great Western Electric	505-881-6525	dburson@nmwe.com
	Russell Herring	B and D Industries	505-991-6622	russellh@banddindustries.com
	Will Hale	B and D Industries	505-	will@banddindustries.com
	Joseph Harrison	B and D Industries	505-	Jharrison@banddindustries.com
SW	SAMUEL URZOSTE	B & D INDUSTRIES	505-307-3303	SURZOSTE505@
DJ	Dave Johnson	Border States	505-366-8406	djohnson@borderststes.com
	Alex Ledesma	Border States	915-637-1001	aledesma@borderststes.com
	Sebastian Rabo	Wunderlich-Malec	505-991-3017	sebastian.rabo@wmengr.com
	Jonathan Montoya	City of Santa Fe / Water Division	505-955-4373	jmmontoya@santafenm.gov
	Alex Gamino	City of Santa Fe / Water Division	505-955-4375	aegamino@santafenm.gov
	Dave Gonzales	Peak Power Engineering	505-982-7071	powereng@earthlink.net
MF	Michel Fidel	M & E Engineering	505-983-2389	michel@mneengineering.com

CITY OF SANTA FE

PUBLIC UTILITIES DEPARTMENT



BUCKMAN BOOSTER STATION N0. 3

VFD REPLACEMENT

MAY 1, 2020

LIST OF DRAWINGS

E1-0	TITLE SHEET
E1-1	ELECTRICAL DEMOLITION PLAN
E1-2	ELECTRICAL POWER PLAN - NEW WORK
E1-3	ELECTRICAL ONE - LINE DIAGRAM
I1-1	INSTRUMENTATION AND CONTROL PLAN
I1-2	PROCESS AND INSTRUMENTATION DIAGRAM

GENERAL ELECTRICAL NOTES

1. WORK COVERED BY THESE DRAWINGS CONSISTS OF FURNISHING ALL LABOR, EQUIPMENT, SUPPLIES AND MATERIALS, AND PERFORMING ALL OPERATIONS, INCLUDING CUTTING, CHANNELING, AND UNDERGROUND SYSTEMS AS INDICATED.
2. ALL ELECTRICAL WORK SHALL BE PERFORMED IN A NEAT AND WORKMAN LIKE MANNER IN FULL ACCORDANCE WITH NATIONAL ELECTRICAL CODE (NEC), NATIONAL ELECTRIC SAFETY CODE (NESC), AND LOCAL AND STATE SAFETY CODES.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL COORDINATION WITH UTILITY COMPANIES. VERIFY EXACT REQUIREMENTS PRIOR TO ROUGH-IN. THERE SHALL BE NO EXTRA COSTS TO THE OWNER FOR CONTRACTOR'S FAILURE TO COORDINATE UTILITY REQUIREMENTS.
4. SHOULD THE CONTRACTOR DETECT ANY DISCREPANCIES BETWEEN CONTRACT DOCUMENTS AND LEGAL OR SAFETY REQUIREMENTS FOR THE PROJECT, HE SHALL PROMPTLY NOTIFY THE ENGINEER IN WRITING. ONCE NOTIFIED, THE ENGINEER SHALL MODIFY THE CONTRACT DOCUMENTS ACCORDINGLY. IF THE CONTRACTOR PROCEEDS WITH ANY WORK WHICH IS IN VARIANCE OF KNOWN LEGAL OR SAFETY REQUIREMENTS, THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THIS WORK AND SHALL PROMPTLY CORRECT THE WORK WHEN NOTIFIED WITHOUT ADDITIONAL COST TO THE OWNER.
5. APPROVED WIRING METHODS:
   A. UNDERGROUND INSTALLATIONS SHALL BE COPPER BUILDING WIRE IN SCHEDULE 40 PVC CONDUIT.
   B. EXPOSED INSTALLATION IN PROCESS AREAS SHALL BE COPPER BUILDING WIRE IN RIGID METALLIC CONDUIT.
   C. EXPOSED INSTALLATIONS IN NON-PROCESS AREAS SHALL BE COPPER BUILDING WIRE IN RIGID METAL CONDUIT.
6. NOT USED
7. ALL WIRING SHALL BE COPPER, XHHW-2 INSULATION. MINIMUM CONDUCTOR SIZE SHALL BE #12.
8. EXTERIOR WIRING AND DEVICES SHALL BE INSTALLED IN CONDUIT WITH WEATHER-TIGHT FITTINGS AND IN WEATHER-TIGHT BOXES.
9. ALL METALLIC RACEWAY IN CONTACT WITH EARTH SHALL BE COATED. PROVIDE EITHER PLASTIBOND OR 2 LAYERS SCOTCH #51 HALF-LAPPED.

SCOPE OF WORK - BOOSTER PUMP MOTOR REPLACEMENT

1. TWO EXISTING 400 HORSEPOWER BOOSTER PUMP MOTORS TO BE REMOVED AND REPLACED WITH NEW BY BOOSTER PUMP SYSTEM CONTRACTOR SELECTED BY OWNER.
2. THE REQUIRED CASH ALLOWANCE AMOUNT FOR REPLACMENT OF THE PUMP MOTORS SHALL BE PROVIDED TO ALL BIDDERS AND SHALL BE INCLUDED IN EACH CONTRACTOR'S BID.
3. CASH ALLOWANCE SHALL INCLUDE ONLY THE WORK PROVIDED BY THE PUMP SYSTEM CONTRACTOR:
   A. REMOVAL OF EXISTING PUMP MOTORS AND DISPOSAL OFF SITE.
   B. FURNISH AND INSTALL NEW PUMP MOTORS AS SPECIFIED BY THE OWNER.
   C. START UP, TESTING, AND COMMISSIONING OF NEW PUMP MOTORS AND VFD'S.
   D. CASH ALLOWANCE INCLUDES ONLY MECHANICAL AND PLUMBING WORK ASSOCIATED WITH PUMP MOTOR REPLACEMENT.
4. ELECTRICAL DISCONNECT AND RECONNECT OF MOTOR POWER AND CONTROLS SHALL BE INCLUDED IN BASE BID WORK.

SCOPE OF WORK - RTU CABINET

1. NEW RTU CABINET SHALL BE FURNISHED BY CONTRACTOR THROUGH DIRECT PURCHASE FROM YUKON AND ASSOCIATES, ALBUQUERQUE. CASH ALLOWANCE AMOUNT FOR PURCHASE OF COMPLETE RTU CABINET SHALL BE PROVIDED TO ALL BIDDERS AND SHALL BE INCLUDED IN EACH CONTRACTOR'S BID.
2. CASH ALLOWANCE SHALL INCLUDE ONLY THE PURCHASE OF THE RTU CABINET FROM YUKON AND ASSOCIATES AND SERVICES BY YUKON TECHNICIANS FOR ON-SITE START-UP, TESTING, AND COMMISSIONING. ALL OTHER WORK RELATED TO THE RTU CABINET AS DESCRIBED BELOW AND AS REQUIRED FOR COMPLETE OPERATIONAL SYSTEM SHALL BE INCLUDED IN THE CONTRACTOR'S BASE BID.
3. CONTRACTOR SHALL REMOVE EXISTING RTU CABINET AND SALVAGE TO OWNER FOR RE-USE AT ALTERNATE SITE.
4. CONTRACTOR SHALL INSTALL NEW RTU CABINET FURNISHED BY YUKON AND ASSOCIATES UNDER CASH ALLOWANCE.
5. CONTRACTOR SHALL FURNISH AND INSTALL INSTRUMENTATION, CONTROL, AND NETWORK WIRING AND RACEWAY AS INDICATED ON THE DRAWINGS.
6. CONTRACTOR SHALL TERMINATE INSTRUMENTATION, CONTROL, AND NETWORK WIRING AS SHOWN OF EQUIPMENT SHOP DRAWINGS AND AS DIRECTED BY RTU CABINET FACTORY REPRESENTATIVE.
7. CONTRACTOR SHALL INCLUDE IN HIS BID, SERVICES FOR ASSISTING YUKON AND ASSOCIATES WITH START-UP, TESTING, AND COMMISSIONING SERVICES.

SCOPE OF WORK - VARIABLE FREQUENCY DRIVES (VFD)

1. REMOVE EXISTING VFD CABINETS AND SALVAGE TO OWNER FOR RE-USE AT ALTERNATE SITE. SALVAGED MATERIALS SHALL BE DELIVERED TO CITY STORAGE FACILITY AT FAIRLY ROAD AND AIRPORT ROAD IN SANTA FE.
2. FURNISH NEW VFD CABINETS UNDER CASH ALLOWANCE. CONTACT: BORDER STATES ELECTRIC, DAVID JOHNSON FOR BILL OF MATERIALS AND PRICE QUOTE. THE VFD PACKAGE FURNISHED BY THE CONTRACTOR SHALL INCLUDE THE SERVICES OF A FACTORY REPRESENTATIVE FOR START-UP, TESTING, AND COMMISSIONING SERVICES.
3. UNDER BASE BID, INSTALL AND CONNECT NEW VFD CABINETS FURNISHED UNDER CASH ALLOWANCE. CONTRACTOR BASE BID SHALL ALSO INCLUDE TIME AND MATERIALS TO SUPPORT FACTORY REP WITH START-UP AND COMMISSIONING.
4. INSTALL NEW 480VAC AND 120VAC CONDUIT AND CONDUCTORS AS SHOWN ON THE DRAWINGS. MAKE FINAL CONNECTIONS AS DIRECTED BY VFD EQUIPMENT FACTORY REPRESENTATIVE.

ENGINEER

PEAK POWER ENGINEERING, INC

1308 AGUA FRIA

SANTA FE, NEW MEXICO 87505

TELE. # (505)-690-1653

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE, NEW MEXICO

SCALE - AS NOTED

DATE: MAY 1, 2020

DRAWN BY: GC

CHECKED BY: GC

SHEET NO.

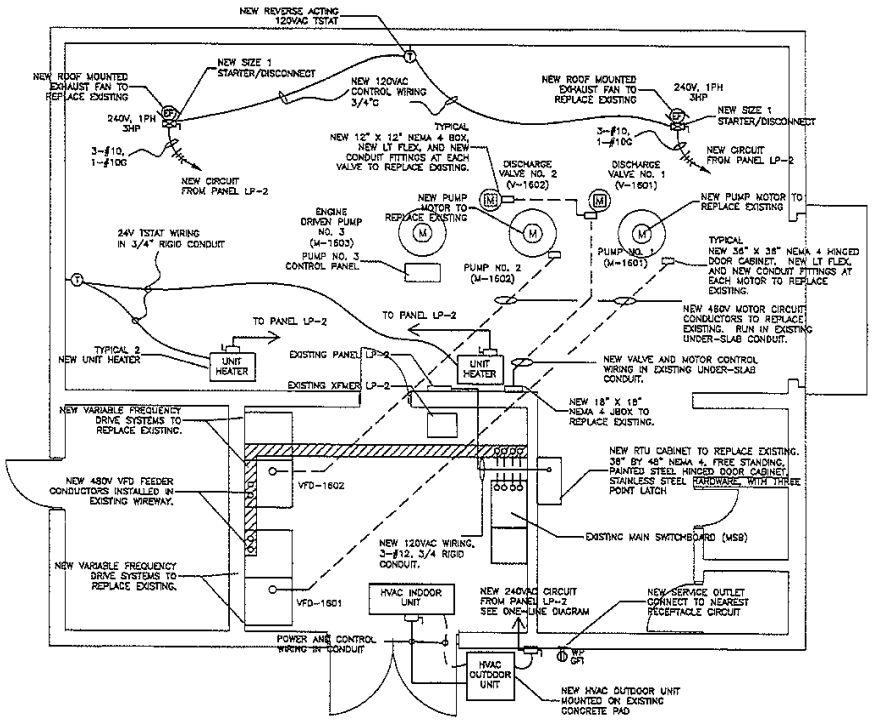
E3-0

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE NEW MEXICO

MECHANICAL & ELECTRICAL ENGINEERING, INC.

E3-1



ELECTRICAL PLAN - NEW WORK

SCALE 1/4" = 1'-0"

ELECTRICAL CONDUIT – EXPOSED

1. ALL EXPOSED CONDUIT IN PUMP AREA OF THE BUILDING SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.
2. EXPOSED CONDUIT IN ELECTRICAL ROOM SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.

ELECTRICAL CABINETS

1. ALL ELECTRICAL BOXES AND CABINETS SHALL BE NEMA 4. PAINTED STEEL WITH STAINLESS STEEL HARDWARE.

WIRE AND CABLE REQUIREMENTS

480VAC WIRE – XHHW-2, ORG, YEL, BRN

120VAC WIRE – XHHW-2, RED, WHITE

DC WIRE – XHHW-2, BLUE, BLUE W/WHITE STRIPE

ANALOG CABLE – BELDEN 9342, TWSH

CAT 5 – 4 PAIR DATA CABLE – ORANGE

HEATING AND COOLING EQUIPMENT SCHEDULE

DESCRIPTION	MANUFACTURER	MODEL NUMBER	VOLTS	PHASE	MINIMUM EXT AMPS	MAX OCP	COMMENTS
HVAC INDOOR UNIT	MITSUBISHI	PCA-A42KAG	240	1	7		COOLING ONLY
HVAC OUTDOOR UNIT	MITSUBISHI	PUY-A42NHA6	240	1	26	40	COOLING ONLY
UNIT HEATER	CHAMP	BAUH-102	240	1	42	60	24 VAC TSTAT
WALL MOUNTING BRACKET	CHAMP	34MB10					
EXHAUST FAN	MATCH EXISTING		240	1	15	20	

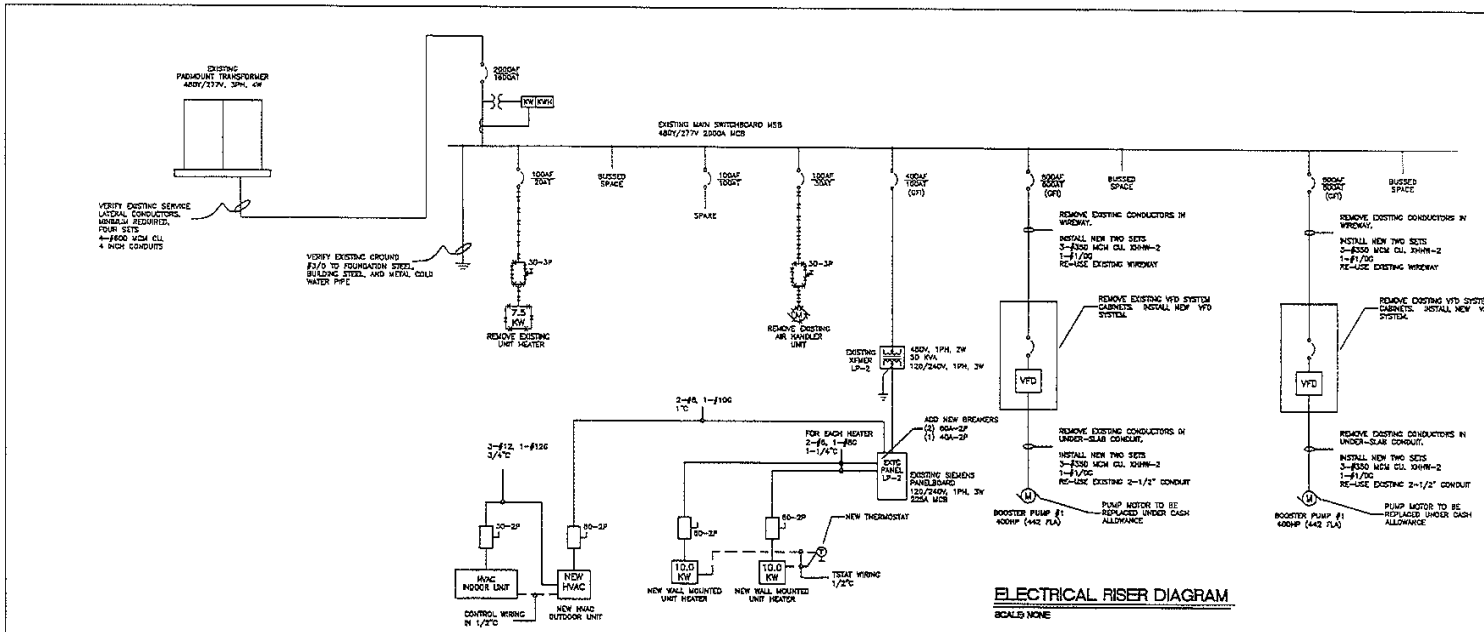
MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE

SCALE = AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DC
CHECKED BY: DC

SHEET NO.
E3-2



ELECTRICAL RISER DIAGRAM

SCALE: NONE

EXISTING PANEL LP-2

EXISTING SWBD MSB

LOAD SUMMARY

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE

SCALE – AS NOTED

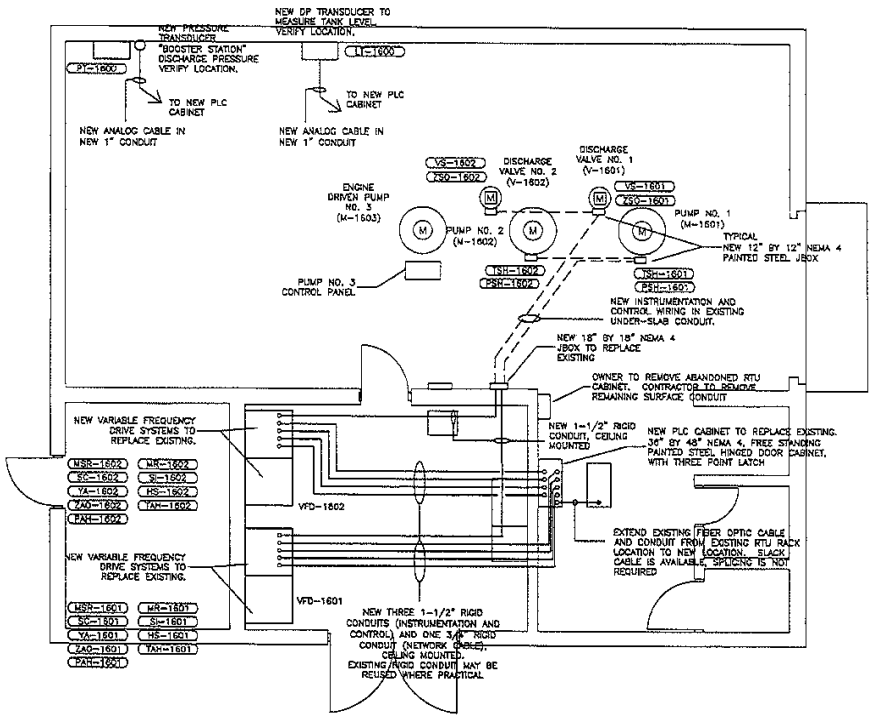
DATE: MAY 1, 2020

DRAWN BY: DC

CHKD/RVD BY: DD

SHEET NO.

E3-3



INSTRUMENTATION AND CONTROL PLAN

SCALE: 1/4" = 1'-0"

ELECTRICAL CONDUIT – EXPOSED
1. ALL EXPOSED CONDUIT IN PUMP AREA OF THE BUILDING SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.
2. EXPOSED CONDUIT IN ELECTRICAL ROOM SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.
ELECTRICAL CABINETS
1. ALL ELECTRICAL BOXES AND CABINETS SHALL BE NEMA 4 PAINTED STEEL WITH STAINLESS STEEL HARDWARE.
WIRE AND CABLE REQUIREMENTS
480VAC WIRE – XHHW-2, ORG, YEL, BRN
120VAC WIRE – XHHW-2, RED, WHITE
DC WIRE – XHHW-2, BLUE, BLUE W/WHITE STRIPE
ANALOG CABLE – BELDEN 9342, TWSH
CAT 6 – 4 PAIR DATA CABLE – ORANGE

INSTRUMENTATION TAG AND LABEL NUMBERS AS SHOWN ARE FOR BIDDING PURPOSES ONLY.

CONTRACTOR SHALL LABEL ALL WIRING AND DEVICES PER INSTRUMENTATION CABINET SHOP DRAWINGS

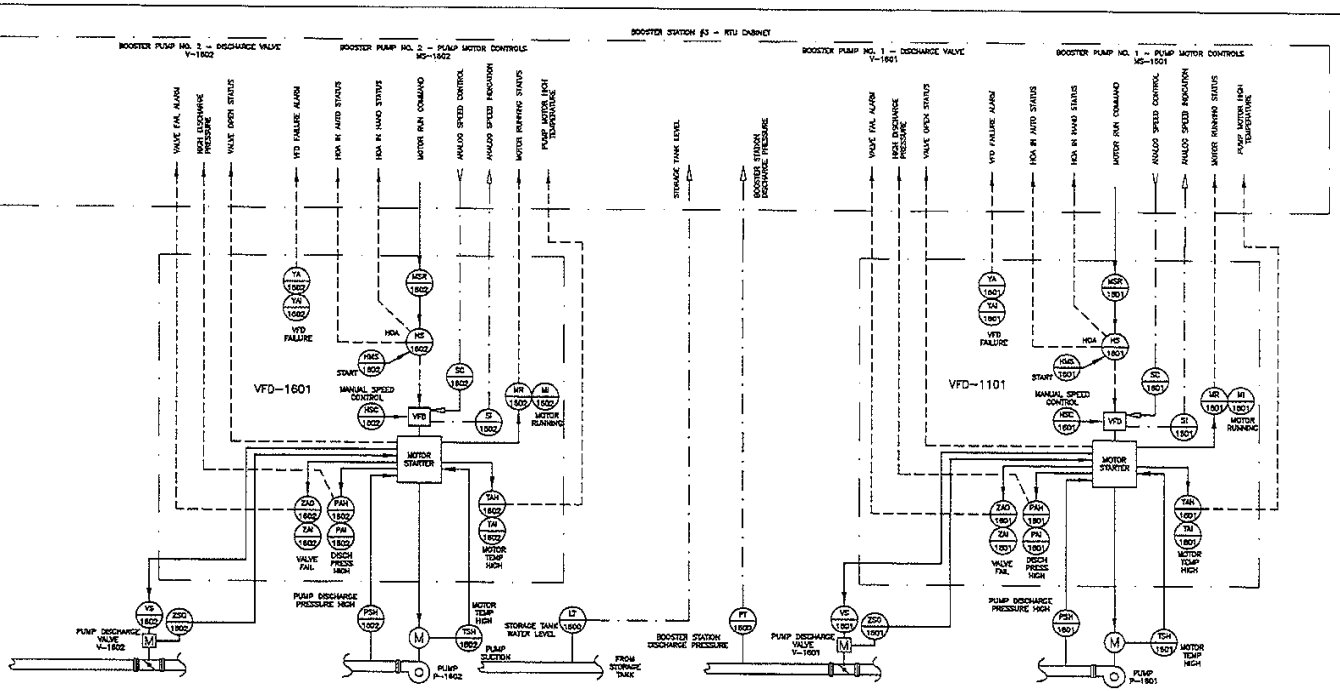
MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE

SCALE – AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DC
CHECKED BY: DC

SHEET NO.
I3-1



PROCESS AND INSTRUMENTATION DIAGRAM

SCALE: NONE

INSTRUMENTATION TAG AND LABEL NUMBERS AS SHOWN ARE FOR BIDDING PURPOSES ONLY.

CONTRACTOR SHALL LABEL ALL WIRING AND DEVICES PER INSTRUMENTATION CABINET SHOP DRAWINGS

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 3
VFD REPLACEMENT

SANTA FE, NEW MEXICO

SCALE - AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DC
CHECKED BY: DC

SHEET NO.
I3-2

CITY OF SANTA FE
PUBLIC UTILITIES DEPARTMENT

BUCKMAN BOOSTER STATION N0. 4
VFD REPLACEMENT
MAY 1, 2020

LIST OF DRAWINGS

E2-0	TITLE SHEET
E2-1	ELECTRICAL DEMOLITION PLAN
E2-2	ELECTRICAL POWER PLAN - NEW WORK
E2-3	ELECTRICAL ONE - LINE DIAGRAM
I2-1	INSTRUMENTATION AND CONTROL PLAN
I2-2	PROCESS AND INSTRUMENTATION DIAGRAM

GENERAL ELECTRICAL NOTES

1. WORK COVERED BY THESE DRAWINGS CONSISTS OF FURNISHING ALL LABOR, EQUIPMENT, SUPPLIES AND MATERIALS, AND PERFORMING ALL OPERATIONS, INCLUDING CUTTING, CHANNELING, AND UNDERGROUND SYSTEMS AS INDICATED.
2. ALL ELECTRICAL WORK SHALL BE PERFORMED IN A NEAT AND WORKMAN LIKE MANNER IN FULL ACCORDANCE WITH NATIONAL ELECTRICAL CODE (NEC), NATIONAL ELECTRIC SAFETY CODE (NESC), AND LOCAL AND STATE SAFETY CODES.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL COORDINATION WITH UTILITY COMPANIES. VERIFY EXACT REQUIREMENTS PRIOR TO ROUGH-IN. THERE SHALL BE NO EXTRA COSTS TO THE OWNER FOR CONTRACTOR'S FAILURE TO COORDINATE UTILITY REQUIREMENTS.
4. SHOULD THE CONTRACTOR DETECT ANY DISCREPANCIES BETWEEN CONTRACT DOCUMENTS AND LEGAL OR SAFETY REQUIREMENTS FOR THE PROJECT, HE SHALL PROMPTLY NOTIFY THE ENGINEER IN WRITING. ONCE NOTIFIED, THE ENGINEER SHALL MODIFY THE CONTRACT DOCUMENTS ACCORDINGLY. IF THE CONTRACTOR PROCEEDS WITH ANY WORK WHICH IS IN VARIANCE OF KNOWN LEGAL OR SAFETY REQUIREMENTS, THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THIS WORK AND SHALL PROMPTLY CORRECT THE WORK WHEN NOTIFIED WITHOUT ADDITIONAL COST TO THE OWNER.
5. APPROVED WIRING METHODS:
   A. UNDERGROUND INSTALLATIONS SHALL BE COPPER BUILDING WIRE IN SCHEDULE 40 PVC CONDUIT.
   B. EXPOSED INSTALLATION IN PROCESS AREAS SHALL BE COPPER BUILDING WIRE IN RIGID METALLIC CONDUIT.
   C. EXPOSED INSTALLATIONS IN NON-PROCESS AREAS SHALL BE COPPER BUILDING WIRE IN RIGID METAL CONDUIT.
6. NOT USED
7. ALL WIRING SHALL BE COPPER, XHHW-2 INSULATION. MINIMUM CONDUCTOR SIZE SHALL BE #12.
8. EXTERIOR WIRING AND DEVICES SHALL BE INSTALLED IN CONDUIT WITH WEATHER-TIGHT FITTINGS AND IN WEATHER-TIGHT BOXES.
9. ALL METALLIC RACEWAY IN CONTACT WITH EARTH SHALL BE COATED. PROVIDE EITHER PLASTIBOND OR 2 LAYERS SCOTCH #51 HALF-LAPPED.

SCOPE OF WORK - BOOSTER PUMP MOTOR REPLACEMENT

1. TWO EXISTING 400 HORSEPOWER BOOSTER PUMP MOTORS TO BE REMOVED AND REPLACED WITH NEW BY BOOSTER PUMP SYSTEM CONTRACTOR SELECTED BY OWNER.
2. THE REQUIRED CASH ALLOWANCE AMOUNT FOR REPLACEMENT OF THE PUMP MOTORS SHALL BE PROVIDED TO ALL BIDDERS AND SHALL BE INCLUDED IN EACH CONTRACTOR'S BID.
3. CASH ALLOWANCE SHALL INCLUDE ONLY THE WORK PROVIDED BY THE PUMP SYSTEM CONTRACTOR:
   A. REMOVAL OF EXISTING PUMP MOTORS AND DISPOSAL OFF SITE.
   B. FURNISH AND INSTALL NEW PUMP MOTORS AS SPECIFIED BY THE OWNER.
   C. START UP, TESTING, AND COMMISSIONING OF NEW PUMP MOTORS AND VFD'S.
   D. CASH ALLOWANCE INCLUDES ONLY MECHANICAL AND PLUMBING WORK ASSOCIATED WITH PUMP MOTOR REPLACEMENT.
4. ELECTRICAL DISCONNECT AND RECONNECT OF MOTOR POWER AND CONTROLS SHALL BE INCLUDED IN BASE BID WORK.

SCOPE OF WORK - RTU CABINET

1. NEW RTU CABINET SHALL BE FURNISHED BY CONTRACTOR THROUGH DIRECT PURCHASE FROM YUKON AND ASSOCIATES, ALBUQUERQUE. CASH ALLOWANCE AMOUNT FOR PURCHASE OF COMPLETE RTU CABINET SHALL BE PROVIDED TO ALL BIDDERS AND SHALL BE INCLUDED IN EACH CONTRACTOR'S BID.
2. CASH ALLOWANCE SHALL INCLUDE ONLY THE PURCHASE OF THE RTU CABINET FROM YUKON AND ASSOCIATES AND SERVICES BY YUKON TECHNICIANS FOR ON-SITE START-UP, TESTING, AND COMMISSIONING. ALL OTHER WORK RELATED TO THE RTU CABINET AS DESCRIBED BELOW AND AS REQUIRED FOR COMPLETE OPERATIONAL SYSTEM SHALL BE INCLUDED IN THE CONTRACTOR'S BASE BID.
3. CONTRACTOR SHALL REMOVE EXISTING RTU CABINET AND SALVAGE TO OWNER FOR RE-USE AT ALTERNATE SITE.
4. CONTRACTOR SHALL INSTALL NEW RTU CABINET FURNISHED BY YUKON AND ASSOCIATES UNDER CASH ALLOWANCE.
5. CONTRACTOR SHALL FURNISH AND INSTALL INSTRUMENTATION, CONTROL, AND NETWORK WIRING AND RACEWAY AS INDICATED ON THE DRAWINGS.
6. CONTRACTOR SHALL TERMINATE INSTRUMENTATION, CONTROL, AND NETWORK WIRING AS SHOWN OF EQUIPMENT SHOP DRAWINGS AND AS DIRECTED BY RTU CABINET FACTORY REPRESENTATIVE.
7. CONTRACTOR SHALL INCLUDE IN HIS BID, SERVICES FOR ASSISTING YUKON AND ASSOCIATES WITH START-UP, TESTING, AND COMMISSIONING SERVICES.

SCOPE OF WORK - VARIABLE FREQUENCY DRIVES (VFD)

1. REMOVE EXISTING VFD CABINETS AND SALVAGE TO OWNER FOR RE-USE AT ALTERNATE SITE. SALVAGED MATERIALS SHALL BE DELIVERED TO CITY STORAGE FACILITY AT FAIRLY ROAD AND AIRPORT ROAD IN SANTA FE.
2. FURNISH NEW VFD CABINETS UNDER CASH ALLOWANCE. CONTACT: BORDER STATES ELECTRIC, DAVID JOHNSON FOR BILL OF MATERIALS AND PRICE QUOTE. THE VFD PACKAGE FURNISHED BY THE CONTRACTOR SHALL INCLUDE THE SERVICES OF A FACTORY REPRESENTATIVE FOR START-UP, TESTING, AND COMMISSIONING SERVICES.
3. UNDER BASE BID, INSTALL AND CONNECT NEW VFD CABINETS FURNISHED UNDER CASH ALLOWANCE. CONTRACTOR BASE BID SHALL ALSO INCLUDE TIME AND MATERIALS TO SUPPORT FACTORY REP WITH START-UP AND COMMISSIONING.
4. INSTALL NEW 480VAC AND 120VAC CONDUIT AND CONDUCTORS AS SHOWN ON THE DRAWINGS. MAKE FINAL CONNECTIONS AS DIRECTED BY VFD EQUIPMENT FACTORY REPRESENTATIVE.

ENGINEER

PEAK POWER ENGINEERING, INC

1308 AGUA FRIA

SANTA FE, NEW MEXICO 87505

TELE. # (505)-690-1653

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT

SANTA FE NEW MEXICO

SCALE - AS NOTED

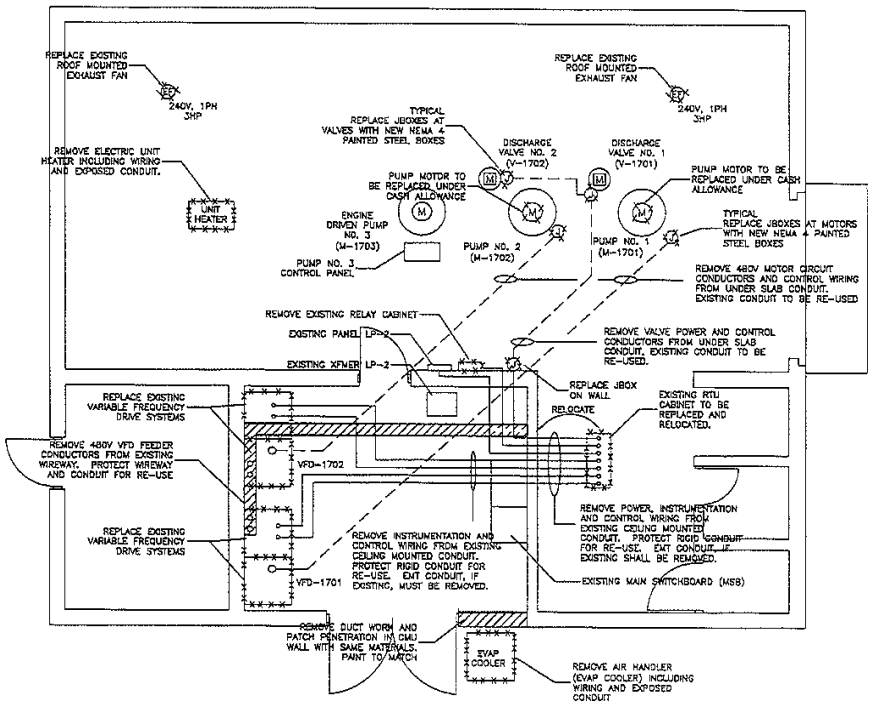
DATE: MAY 1, 2020

DRAWN BY: DC

CHECKED BY: DC

SHEET NO.

E4-0



ELECTRICAL DEMOLITION PLAN

SCALE: 1/4" = 1'-0"

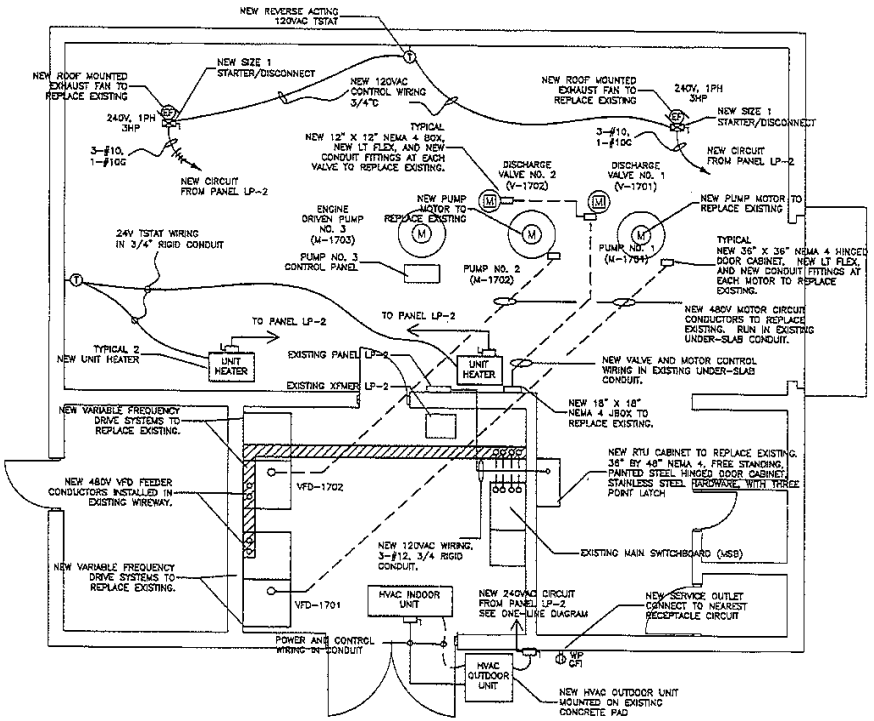
MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT

SANTA FE, NEW MEXICO

SCALE - AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DD
CHECKED BY: DC

SHEET NO.
E4-1



ELECTRICAL PLAN – NEW WORK

SCALE: 1/4" = 1'-0"

ELECTRICAL CONDUIT – EXPOSED

1. ALL EXPOSED CONDUIT IN PUMP AREA OF THE BUILDING SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.
2. EXPOSED CONDUIT IN ELECTRICAL ROOM SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.

ELECTRICAL CABINETS

1. ALL ELECTRICAL BOXES AND CABINETS SHALL BE NEMA 4 PAINTED STEEL WITH STAINLESS STEEL HARDWARE.

WIRE AND CABLE REQUIREMENTS

480VAC WIRE – XHHW-2, ORG, YEL, BRN

120VAC WIRE – XHHW-2, RED, WHITE

DC WIRE – XHHW-2, BLUE, BLUE W/WHITE STRIPE

ANALOG CABLE – BELDEN 9342, TWSH

CAT 5 – 4 PAIR DATA CABLE – ORANGE

HEATING AND COOLING EQUIPMENT SCHEDULE

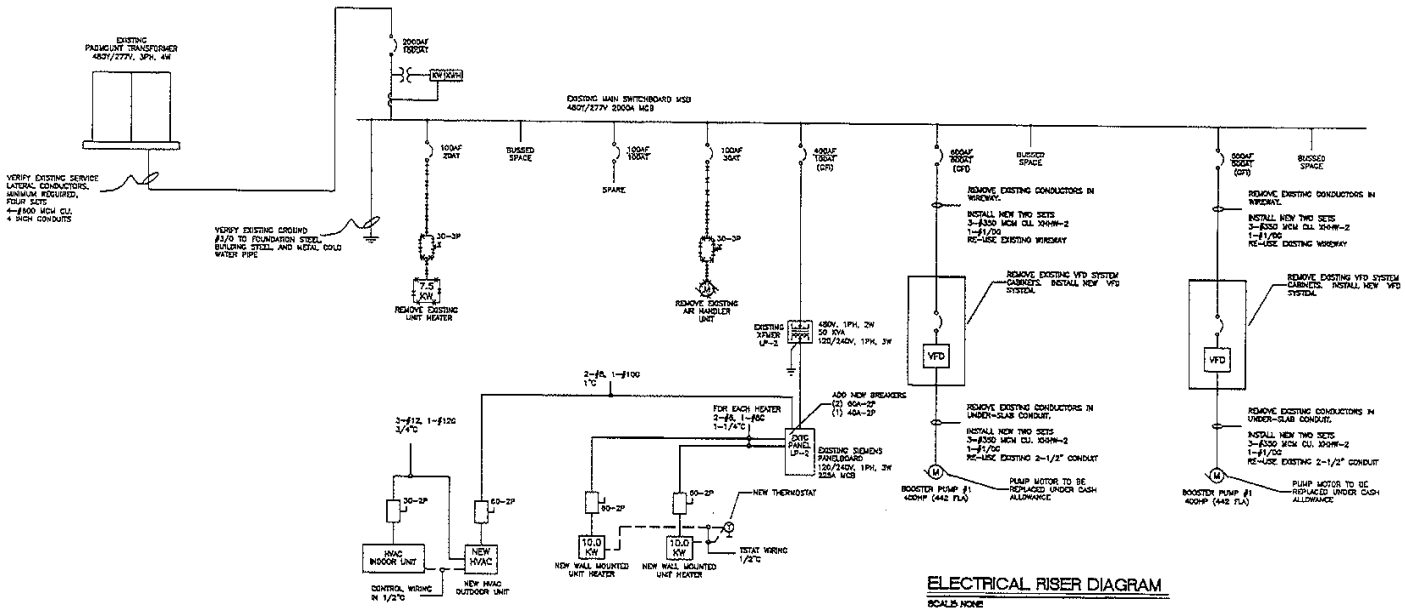
DESCRIPTION	MANUFACTURER	MODEL NUMBER	VOLTS	PHASE	MINIMUM CKT AMPS	MAX OCP	COMMENTS
HVAC INDOOR UNIT	MITSUBUSHI	PCA-A12KA6	240	1	2		COOLING ONLY
HVAC OUTDOOR UNIT	MITSUBUSHI	PUH-A12NYHA6	240	1	26	40	COOLING ONLY
UNIT HEATER	QMARK	MUH-202	240	1	42	60	24 VAC TSTAT
WALL MOUNTING BRACKET	QMARK	MWB30					
EXHAUST FAN	MATCH EXISTING		240	3	15	20	

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT
SANTA FE, NEW MEXICO

SCALE – AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DD
CHECKED BY: DC

SHEET NO.
E4-2



ELECTRICAL RISER DIAGRAM

SCALE: NONE

EXISTING PANEL LP-2

EXISTING SWBD MSB

LOAD SUMMARY

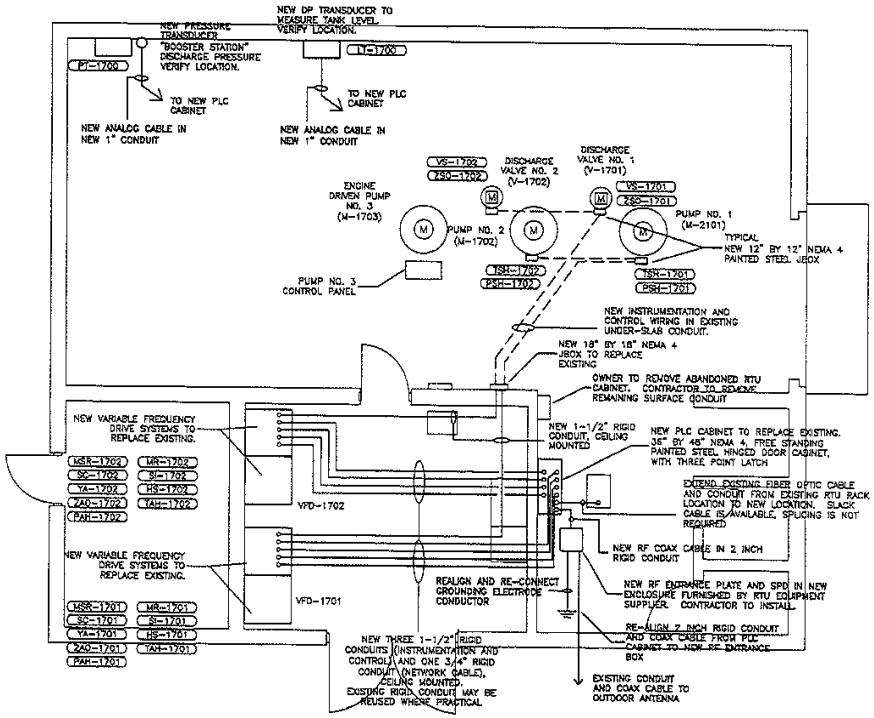
	VOLTS	HP	Conn. (KVA)	Conn. Factor	Calc. (KVA)	Load Category
Feeder Bus	4	1	10.00	1.00	10.00	Category
Service Entrance Rated		3	10.36	1.00	10.36	General
Dead-in Door		2	4.60	1.25	5.84	Lighting
			1.44	1.00	1.44	Receptacle
			0.00	0.00	0.00	Cont 1
			0.00	1.00	0.00	Cont 2
			260.43	0.83	216.52	Motors
			436.13	1.25	327.10	Largest Motor
			650.16		797.34	Total KVA
			1634.66		845.27	Total Amps

MECHANICAL & ELECTRICAL ENGINEERING, INC.
ALBUQUERQUE: 8617 WASHINGTON PL. NE
ALBUQUERQUE, NM 87113 505/821-1998
SANTA FE: 1222 LUISA RD., STE B
Santa Fe, New Mexico 87505 505/467-3289

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT
SANTA FE, NEW MEXICO

SCALE = AC NOTED
DATE: MAY 1, 2020
DRAWN BY: DS
CHECKED BY: DS

SHEET NO.
E4-3



INSTRUMENTATION AND CONTROL PLAN

SCALE: 1/4" = 1'-0"

ELECTRICAL CONDUIT – EXPOSED

1. ALL EXPOSED CONDUIT IN PUMP AREA OF THE BUILDING SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.
2. EXPOSED CONDUIT IN ELECTRICAL ROOM SHALL BE RIGID METALLIC CONDUIT. FITTINGS AND COUPLINGS SHALL MATCH CONDUIT MATERIAL.

ELECTRICAL CABINETS

1. ALL ELECTRICAL BOXES AND CABINETS SHALL BE NEMA 4 PAINTED STEEL WITH STAINLESS STEEL HARDWARE.

WIRE AND CABLE REQUIREMENTS

480VAC WIRE – XHHW-2, ORG, YEL, BRN

120VAC WIRE – XHHW-2, RED, WHITE

DC WIRE – XHHW-2, BLUE, BLUE W/WHITE STRIPE

ANALOG CABLE – BELDEN 9342, TWSH

CAT 5 – 4 PAIR DATA CABLE – ORANGE

INSTRUMENTATION TAG AND LABEL NUMBERS AS SHOWN ARE FOR BIDDING PURPOSES ONLY.

CONTRACTOR SHALL LABEL ALL WIRING AND DEVICES PER INSTRUMENTATION CABINET SHOP DRAWINGS

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT

SANTA FE

SCALE - AS NOTED

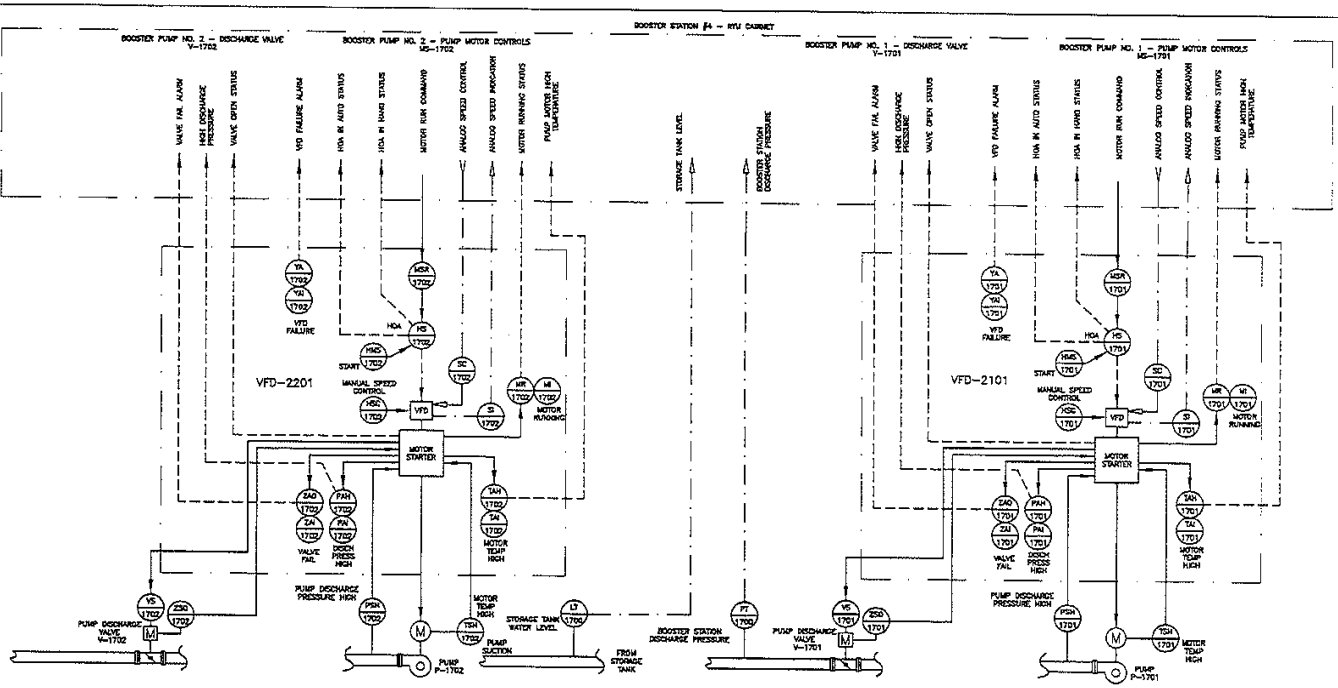
DATE: MAY 1, 2020

DRAWN BY: DC

CHECKED BY: DC

SHEET NO.

I4-1



PROCESS AND INSTRUMENTATION DIAGRAM

SCALE: NONE

INSTRUMENTATION TAG AND LABEL NUMBERS AS SHOWN ARE FOR BIDDING PURPOSES ONLY.

CONTRACTOR SHALL LABEL ALL WIRING AND DEVICES PER INSTRUMENTATION CABINET SHOP DRAWINGS

MECHANICAL & ELECTRICAL ENGINEERING, INC.

CITY OF SANTA FE
BOOSTER STATION NO. 4
VFD REPLACEMENT
SANTA FE NEW MEXICO

SCALE = AS NOTED
DATE: MAY 1, 2020
DRAWN BY: DC
CHECKED BY: DC

SHEET NO.
I4-2

City of Santa Fe
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR:** ORIGINAL CONTRACT ☑ or CONTRACT AMENDMENT ☐

2 Name of Contractor HEI Inc.

3 Complete information requested ☑ Plus GRT ☐ Inclusive of GRT

Original Contract Amount: $744,604.00

Termination Date: June 30, 2021

☑ Approved by Council Date: Pending

☐ or by City Manager Date: _____

Contract is for: BB3 & BB4 VFD/RTU Replacements PL # WTR1950519

Amendment # _____ to the Original Contract# _____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

☑ Approved by Council _____

☐ or by City Manager Date: _____

Amendment is for:

---

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) ☑ Plus GRT ☐ Inclusive of GRT

Amount $ 774,604.00 of original Contract# pending Termination Date: 6/30/2021

Reason: BB3 & BB4 VFD/RTU Replacements

Amount $ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount $ _____ amendment # _____ Termination Date: _____

Reason: _____

Amount $ _____ amendment # _____ Termination Date: _____

Reason: _____

Total of Original Contract plus all amendments: $ $774,604.00

City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 **Procurement Method of Original Contract:** (complete one of the lines)

RFP# _____ Date: _____

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other SPA 70-000-17-00063

6 **Procurement History:** 1 year
example: (First year of 4 year contract)

Fran Gurulé (Jul 28, 2020 15:45 MDT)

Purchasing Officer Review

Comments or Exceptions: _____

7 **Funding Source:** Water **BU/Line Item:** 5050395.572970

Alexis Lotero
Alexis Lotero (Jul 27, 2020 15:24 MDT)

Budget Officer Approval

Comments or Exceptions: _____

8 **Any out-of-the ordinary or unusual issues or concerns:**

(Memo may be attached to explain detail.)

9 **Staff Contact who completed this form:** Maya Martinez

Phone # 4 _____

10 **Certificate of Insurance attached.** (if original Contract) ☑

Submit to City Attorney for review/signature
Forward to Finance Director for review/signature
Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:

CITY OF SANTA FE OTHER METHOD PROCUREMENT CHECKLIST

Contractor Name: HEI, INC

Procurement Title: BB3 & BB4 VFD/RTU REPLACEMENT

Other Methods: State Price Agreement [X] *Cooperative* [ ] *Sole Source* [ ] *Exempt* [ ] *Other* [ ]

Department Requesting/Staff Member Public Utilities Dept/Source of Supply/Alex Gamino

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
[X]	[ ]	Approved Procurement Checklist (by Purchasing)
[X]	[ ]	Departments Recommendation of Award Memo addressed to Finance
[X]	[ ]	State Price Agreement
[ ]	[X]	Cooperative Agreement
[ ]	[X]	Sole Source Request and Determination Form
[ ]	[X]	Contractors Exempt Letter
[ ]	[X]	Purchasing Officers approval for exempt procurement
[X]	[ ]	BAR
[ ]	[X]	FIR
[X]	[ ]	Contract, Agreement or Amendment
[X]	[ ]	Current Business Registration and CRS numbers on contract or agreement
[ ]	[X]	Summary of Contracts and Agreements form
[X]	[ ]	Certificate of Insurance
[ ]	[X]	Other:

Alex Gamino, Automation and Security Administrator
Department Rep Printed Name and Title

Department Rep Signature attesting that all information included

Fran Dunaway (Jul 2A, 2020 15:45 MDT)
Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR OTHER METHOD FILE*

YES	N/A	
[X]	[ ]	State Price Agreement
[ ]	[X]	Cooperative Agreement
[ ]	[X]	Sole source Request and Determination Form
[ ]	[X]	Contractors Exempt Letter
[ ]	[X]	Purchasing Officers approval of exempt procurement
[ ]	[X]	Copies of all Sole Source submittals

*

☐ ☐ Other: _____

AWARD*

YES N/A

☐ ☒ Fully executed Memo to Committees from the Department with recommendation of award
☐ ☒ Other: _____

CONTRACT*

YES N/A

☐ ☒ Copy of Executed Contract
☐ ☒ Copy of all documentation presented to the Committees
☐ ☒ Finalized Council Committee Minutes
☐ ☒ Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

Alex Gamino, Automation and Security Administrator

Department Rep Printed Name and Title

Department Rep Signature attesting that all information included

*

City of Santa Fe
Treasury Department
200 Lincoln Ave.
Santa Fe, New Mexico 87504-0909
505-955-6551

BUSINESS REGISTRATION

Business Name: HEI INC
DBA: HEI INC

Business Location: SF COUNTY
SANTA FE, NM 87501

Owner: WILL HUMBARD

License Number: 225955

Issued Date: March 04, 2020

Expiration Date: December 31, 2020

CRS Number: 02360388007

License Type: Business License - Renewable

Classification: Out of Jurisdiction Contractor - General

Fees Paid: $10.00

HEI INC
PO BOX 31310
ALBUQUERQUE, NM 87190

THIS IS NOT A CONSTRUCTION PERMIT OR SIGN PERMIT. APPROPRIATE PERMITS MUST BE OBTAINED FROM THE CITY OF SANTA FE BUILDING PERMIT DIVISION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR THE INSTALLATION OF ANY EXTERIOR SIGN.

THIS REGISTRATION/LICENSE IS NOT TRANSFERRABLE TO OTHER BUSINESSES OR PREMISES.

TO BE POSTED IN A CONSPICUOUS PLACE

Ver. 16 2/7/2020

HEIINC0-01 DDAWKINS

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/3/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Burke Insurance Group, LLC 1690 S. Telshor Blvd Las Cruces, NM 88011	CONTACT NAME: Dianne Dawkins PHONE (A/C, No, Ext): (575) 524-2222 3 FAX (A/C, No): (575) 525-1716 E-MAIL ADDRESS: ddawkins@burke-insurance.com
INSURED HEI, Inc. 3800 Vassar PO Box 31310 Albuquerque, NM 87190-1310	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Cincinnati Insurance Company — 10677 INSURER B : Builders Trust of NM — 52519 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE / X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	X	X	EPP 0087604	6/1/2020	6/1/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 500,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY / SCHEDULED AUTOS X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY	X	X	EPP 0087604	6/1/2020	6/1/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Hired Non-Owned	$ 1,000,000 $ $ $ $ 1,000,000
A	X UMBRELLA LIAB / X OCCUR EXCESS LIAB / CLAIMS-MADE DED / RETENTION $			EPP 0087604	6/1/2020	6/1/2021	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000 $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	X	WC-100-0005961-2020A	1/1/2020	1/1/2021	X PER STATUTE / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 2,000,000 $ 2,000,000 $ 2,000,000
A	Installation Floater			EPP 0087604	6/1/2020	6/1/2021	Installation Floater	100,000
A	Installation Floater			EPP 0087604	6/1/2020	6/1/2021	Deductible	1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: All Jobs

SEE ATTACHED ACORD 101

CERTIFICATE HOLDER

City of Santa Fe
1600 St. Michael's Dr.
Santa Fe, NM 87505

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

AGENCY CUSTOMER ID: HEIINC0-01 DDAWKINS

LOC #: 1

ADDITIONAL REMARKS SCHEDULE

AGENCY		NAMED INSURED
Burke Insurance Group, LLC		HEI, Inc. 3800 Vassar PO Box 31310 Albuquerque, NM 87190-1310 Bernalillo
POLICY NUMBER SEE PAGE 1		
CARRIER SEE PAGE 1	NAIC CODE SEE P 1	EFFECTIVE DATE: SEE PAGE 1

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:
City of Santa Fe and Owner are named as Additional Insured per Additional Insured Endorsement for ongoing and completed operation for General Liability as required by written contract. City of Santa Fe and Owner are named as Additional Insured on all policies except Worker's Compensation per written contract. A waiver of subrogation exists in favor of City of Santa Fe and Owner as to the general liability, auto, umbrella and workers compensation policies per written contract. The general liability, auto and umbrella policies are primary and non-contributory. Thirty (30) day written notice of cancellation applies, with the exception of 10 days for non-payment of premium.

© 2008 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONTRACTORS' COMMERCIAL GENERAL LIABILITY BROADENED ENDORSEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

A. Endorsement - Table of Contents:

Coverage:	Begins on Page:
1. Employee Benefit Liability Coverage	2
2. Unintentional Failure to Disclose Hazards	8
3. Damage to Premises Rented to You	8
4. Supplementary Payments	9
5. Medical Payments	10
6. Voluntary Property Damage (Coverage **a.**) and Care, Custody or Control Liability Coverage (Coverage **b.**)	10
7. 180 Day Coverage for Newly Formed or Acquired Organizations	10
8. Waiver of Subrogation	10
9. Automatic Additional Insured - Specified Relationships:	11
• Managers or Lessors of Premises;	
• Lessor of Leased Equipment;	
• Vendors;	
• State or Political Subdivisions - Permits Relating to Premises;	
• State or Political Subdivisions - Permits; and	
• Contractors' Operations	
10. Broadened Contractual Liability - Work Within 50' of Railroad Property	14
11. Property Damage to Borrowed Equipment	14
12. Employees as Insureds - Specified Health Care Services:	15
• Nurses;	
• Emergency Medical Technicians; and	
• Paramedics	
13. Broadened Notice of Occurrence	15

B. Limits of Insurance:

The Commercial General Liability Limits of Insurance apply to the insurance provided by this endorsement, except as provided below:

1. Employee Benefit Liability Coverage

Each Employee Limit:	$ 1,000,000
Aggregate Limit:	$ 3,000,000
Deductible:	$ 1,000

3. Damage to Premises Rented to You

The lesser of:

a. The Each Occurrence Limit shown in the Declarations; or

b. $500,000 unless otherwise stated $ _____

4. Supplementary Payments

a. Bail bonds: $ 1,000

b. Loss of earnings: $ 350

5. Medical Payments

Medical Expense Limit: $ 10,000

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

6. **Voluntary Property Damage** (Coverage **a.**) **and Care, Custody or Control Liability Coverage** (Coverage **b.**)

Limits of Insurance (Each Occurrence)
Coverage **a.** $1,000
Coverage **b.** $5,000 unless otherwise stated $ _____

Deductibles (Each Occurrence)
Coverage **a.** $250
Coverage **b.** $250 unless otherwise stated $ _____

COVERAGE	PREMIUM BASIS **(a)** Area **(b)** Payroll **(c)** Gross Sales **(d)** Units **(e)** Other	RATE (For Limits in Excess of $5,000)	ADVANCE PREMIUM (For Limits in Excess of $5,000)
b. Care, Custody or Control			$
		TOTAL ANNUAL PREMIUM	$

11. **Property Damage to Borrowed Equipment**

Each Occurrence Limit: $ 10,000
Deductible: $ 250

C. **Coverages:**

1. **Employee Benefit Liability Coverage**

a. The following is added to **SECTION I - COVERAGES: Employee Benefit Liability Coverage.**

(1) Insuring Agreement

(a) We will pay those sums that the insured becomes legally obligated to pay as damages caused by any act, error or omission of the insured, or of any other person for whose acts the insured is legally liable, to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend against any "suit" seeking damages to which this insurance does not apply. We may, at our discretion, investigate any report of an act, error or omission and settle any claim or "suit" that may result. But:

1) The amount we will pay for damages is limited as described in **SECTION III - LIMITS OF INSURANCE**; and

2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments or settlements.

No other obligation or liability to pay sums or perform acts or services is covered unless explicitly provided for under Supplementary Payments.

(b) This insurance applies to damages only if the act, error or omission, is negligently committed in the "administration" of your "employee benefit program"; and

1) Occurs during the policy period; or

2) Occurred prior to the effective date of this endorsement provided:

a) You did not have knowledge of a claim or "suit" on or before the ef-

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

fective date of this endorsement.

You will be deemed to have knowledge of a claim or "suit" when any "authorized representative";

i) Reports all, or any part, of the act, error or omission to us or any other insurer;

ii) Receives a written or verbal demand or claim for damages because of the act, error or omission; and

b) There is no other applicable insurance.

(2) Exclusions

This insurance does not apply to:

(a) Bodily Injury, Property Damage or Personal and Advertising Injury

"Bodily injury", "property damage" or "personal and advertising injury".

(b) Dishonest, Fraudulent, Criminal or Malicious Act

Damages arising out of any intentional, dishonest, fraudulent, criminal or malicious act, error or omission, committed by any insured, including the willful or reckless violation of any statute.

(c) Failure to Perform a Contract

Damages arising out of failure of performance of contract by any insurer.

(d) Insufficiency of Funds

Damages arising out of an insufficiency of funds to meet any obligations under any plan included in the "employee benefit program".

(e) Inadequacy of Performance of Investment / Advice Given With Respect to Participation

Any claim based upon:

1) Failure of any investment to perform;

2) Errors in providing information on past performance of investment vehicles; or

3) Advice given to any person with respect to that person's decision to participate or not to participate in any plan included in the "employee benefit program".

(f) Workers' Compensation and Similar Laws

Any claim arising out of your failure to comply with the mandatory provisions of any workers' compensation, unemployment compensation insurance, social security or disability benefits law or any similar law.

(g) ERISA

Damages for which any insured is liable because of liability imposed on a fiduciary by the Employee Retirement Income Security Act of 1974, as now or hereafter amended, or by any similar federal, state or local laws.

(h) Available Benefits

Any claim for benefits to the extent that such benefits are available, with reasonable effort and cooperation of the insured, from the applicable funds accrued or other collectible insurance.

(i) Taxes, Fines or Penalties

Taxes, fines or penalties, including those imposed under the Internal Revenue Code or any similar state or local law.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

(j) Employment-Related Practices

Any liability arising out of any:

(1) Refusal to employ;

(2) Termination of employment;

(3) Coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation, discrimination or other employment-related practices, acts or omissions; or

(4) Consequential liability as a result of **(1)**, **(2)** or **(3)** above.

This exclusion applies whether the insured may be held liable as an employer or in any other capacity and to any obligation to share damages with or repay someone else who must pay damages because of the injury.

(3) Supplementary Payments

SECTION I - COVERAGES, SUPPLEMENTARY PAYMENTS - COVERAGES A AND B also apply to this Coverage.

b. Who is an Insured

As respects Employee Benefit Liability Coverage, **SECTION II - WHO IS AN INSURED** is deleted in its entirety and replaced by the following:

(1) If you are designated in the Declarations as:

(a) An individual, you and your spouse are insureds, but only with respect to the conduct of a business of which you are the sole owner.

(b) A partnership or joint venture, you are an insured. Your members, your partners, and their spouses are also insureds but only with respect to the conduct of your business.

(c) A limited liability company, you are an insured. Your members are also insureds, but only with respect to the conduct of your business. Your managers are insureds, but only with respect to their duties as your managers.

(d) An organization other than a partnership, joint venture or limited liability company, you are an insured. Your "executive officers" and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.

(e) A trust, you are an insured. Your trustees are also insureds, but only with respect to their duties as trustees.

(2) Each of the following is also an insured:

(a) Each of your "employees" who is or was authorized to administer your "employee benefit program".

(b) Any persons, organizations or "employees" having proper temporary authorization to administer your "employee benefit program" if you die, but only until your legal representative is appointed.

(c) Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this Coverage Part.

(3) Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain ownership or majority interest, will qualify as a Named Insured if no other similar insurance applies to that organization. However, coverage under this provision:

(a) Is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier; and

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

(b) Does not apply to any act, error or omission that was committed before you acquired or formed the organization.

c. **Limits of Insurance**

As respects Employee Benefit Liability Coverage, **SECTION III - LIMITS OF INSURANCE** is deleted in its entirety and replaced by the following:

(1) The Limits of Insurance shown in Section **B. Limits of Insurance**, **1. Employee Benefit Liability Coverage** and the rules below fix the most we will pay regardless of the number of:

(a) Insureds;

(b) Claims made or "suits" brought;

(c) Persons or organizations making claims or bringing "suits";

(d) Acts, errors or omissions; or

(e) Benefits included in your "employee benefit program".

(2) The Aggregate Limit shown in Section **B. Limits of Insurance**, **1. Employee Benefit Liability Coverage** of this endorsement is the most we will pay for all damages because of acts, errors or omissions negligently committed in the "administration" of your "employee benefit program".

(3) Subject to the limit described in **(2)** above, the Each Employee Limit shown in Section **B. Limits of Insurance**, **1. Employee Benefit Liability Coverage** of this endorsement is the most we will pay for all damages sustained by any one "employee", including damages sustained by such "employee's" dependents and beneficiaries, as a result of:

(a) An act, error or omission; or

(b) A series of related acts, errors or omissions, regardless of the amount of time that lapses between such acts, errors or omissions,

negligently committed in the "administration" of your "employee benefit program".

However, the amount paid under this endorsement shall not exceed, and will be subject to the limits and restrictions that apply to the payment of benefits in any plan included in the "employee benefit program".

(4) **Deductible Amount**

(a) Our obligation to pay damages on behalf of the insured applies only to the amount of damages in excess of the deductible amount stated in the Declarations as applicable to Each Employee. The limits of insurance shall not be reduced by the amount of this deductible.

(b) The deductible amount stated in the Declarations applies to all damages sustained by any one "employee", including such "employee's" dependents and beneficiaries, because of all acts, errors or omissions to which this insurance applies.

(c) The terms of this insurance, including those with respect to:

1) Our right and duty to defend the insured against any "suits" seeking those damages; and

2) Your duties, and the duties of any other involved insured, in the event of an act, error or omission, or claim,

apply irrespective of the application of the deductible amount.

(d) We may pay any part or all of the deductible amount to effect settlement of any claim or "suit" and, upon notification of the action taken, you shall promptly reimburse us for such part of the deductible amount as we have paid.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

d. Additional Conditions

As respects **Employee Benefit Liability Coverage**, **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS** is amended as follows:

(1) Item **2. Duties in the Event of Occurrence, Offense, Claim or Suit** is deleted in its entirety and replaced by the following:

2. Duties in the Event of an Act, Error or Omission, or Claim or Suit

a. You must see to it that we are notified as soon as practicable of an act, error or omission which may result in a claim. To the extent possible, notice should include:

(1) What the act, error or omission was and when it occurred; and

(2) The names and addresses of anyone who may suffer damages as a result of the act, error or omission.

b. If a claim is made or "suit" is brought against any insured, you must:

(1) Immediately record the specifics of the claim or "suit" and the date received; and

(2) Notify us as soon as practicable.

You must see to it that we receive written notice of the claim or "suit" as soon as practicable.

c. You and any other involved insured must:

(1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";

(2) Authorize us to obtain records and other information;

(3) Cooperate with us in the investigation or settlement of the claim or defense against the "suit"; and

(4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to the insured because of an act, error or omission to which this insurance may also apply.

d. No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense without our consent.

(2) Item **5. Other Insurance** is deleted in its entirety and replaced by the following:

5. Other Insurance

If other valid and collectible insurance is available to the insured for a loss we cover under this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when **c.** below applies. If this insurance is primary, our obligations are not affected unless any of the other insurance is also primary. Then, we will share with all that other insurance by the method described in **b.** below.

b. Method of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

c. No Coverage

This insurance shall not cover any loss for which the insured is entitled to recovery under any other insurance in force previous to the effective date of this Coverage Part.

e. Additional Definitions

As **respects Employee Benefit Liability Coverage**, **SECTION V - DEFINITIONS** is amended as follows:

(1) The following definitions are added:

1. "Administration" means:

a. Providing information to "employees", including their dependents and beneficiaries, with respect to eligibility for or scope of "employee benefit programs";

b. Interpreting the "employee benefit programs";

c. Handling records in connection with the "employee benefit programs"; or

d. Effecting, continuing or terminating any "employee's" participation in any benefit included in the "employee benefit program".

However, "administration" does not include:

a. Handling payroll deductions; or

b. The failure to effect or maintain any insurance or adequate limits of coverage of insurance, including but not limited to unemployment insurance, social security benefits, workers' compensation and disability benefits.

2. "Cafeteria plans" means plan authorized by applicable law to allow "employees" to elect to pay for certain benefits with pre-tax dollars.

3. "Employee benefit programs" means a program providing some or all of the following benefits to "employees", whether provided through a "cafeteria plan" or otherwise:

a. Group life insurance; group accident or health insurance; dental, vision and hearing plans; and flexible spending accounts; provided that no one other than an "employee" may subscribe to such benefits and such benefits are made generally available to those "employees" who satisfy the plan's eligibility requirements;

b. Profit sharing plans, employee savings plans, employee stock ownership plans, pension plans and stock subscription plans, provided that no one other than an "employee" may subscribe to such benefits and such benefits are made generally available to all "employees" who are eligible under the plan for such benefits;

c. Unemployment insurance, social security

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

benefits, workers' compensation and disability benefits; and

d. Vacation plans, including buy and sell programs; leave of absence programs, including military, maternity, family, and civil leave; tuition assistance plans; transportation and health club subsidies.

(2) The following definitions are deleted in their entirety and replaced by the following:

21. "Suit" means a civil proceeding in which money damages because of an act, error or omission to which this insurance applies are alleged. "Suit" includes:

a. An arbitration proceeding in which such damages are claimed and to which the insured must submit or does submit with our consent;

b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent; or

c. An appeal of a civil proceeding.

8. "Employee" means a person actively employed, formerly employed, on leave of absence or disabled, or retired. "Employee" includes a "leased worker". "Employee" does not include a "temporary worker".

2. Unintentional Failure to Disclose Hazards

SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS, 7. Representations is hereby amended by the addition of the following:

Based on our dependence upon your representations as to existing hazards, if unintentionally you should fail to disclose all such hazards at the inception date of your policy, we will not reject coverage under this Coverage Part based solely on such failure.

3. Damage to Premises Rented to You

a. The last Subparagraph of Paragraph **2. SECTION I - COVERAGES, COVERAGE A. - BODILY INJURY AND PROPERTY DAMAGE, 2. LIABILITY Exclusions** is hereby deleted and replaced by the following:

Exclusions **c.** through **q.** do not apply to damage by fire, explosion, lightning, smoke or soot to premises while rented to you or temporarily occupied by you with permission of the owner.

b. The insurance provided under **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** applies to "property damage" arising out of water damage to premises that are both rented to and occupied by you.

(1) As respects Water Damage Legal Liability, as provided in Paragraph **3.b.** above:

The exclusions under **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, 2. Exclusions**, other than **i. War** and the **Nuclear Energy Liability Exclusion**, are deleted and the following are added:

This insurance does not apply to:

(a) "Property damage":

1) Assumed in any contract; or

2) Loss caused by or resulting from any of the following:

a) Wear and tear;

b) Rust, corrosion, fungus, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself;

c) Smog;

d) Mechanical breakdown including rupture or

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

bursting caused by centrifugal force;

e) Settling, cracking, shrinking or expansion; or

f) Nesting or infestation, or discharge or release of waste products or secretions, by insects, birds, rodents or other animals.

(b) Loss caused directly or indirectly by any of the following:

1) Earthquake, volcanic eruption, landslide or any other earth movement;

2) Water that backs up or overflows from a sewer, drain or sump;

3) Water under the ground surface pressing on, or flowing or seeping through:

a) Foundations, walls, floors or paved surfaces;

b) Basements, whether paved or not; or

c) Doors, windows or other openings.

(c) Loss caused by or resulting from water that leaks or flows from plumbing, heating, air conditioning, or fire protection systems caused by or resulting from freezing, unless:

1) You did your best to maintain heat in the building or structure; or

2) You drained the equipment and shut off the water supply if the heat was not maintained.

(d) Loss to or damage to:

1) Plumbing, heating, air conditioning, fire protection systems, or other equipment or appliances; or

2) The interior of any building or structure, or to personal property in the building or structure caused by or resulting from rain, snow, sleet or ice, whether driven by wind or not.

c. Limit of Insurance

The Damage to Premises Rented to You Limit as shown in the Declarations is amended as follows:

(2) Paragraph **6.** of **SECTION III - LIMITS OF INSURANCE** is hereby deleted and replaced by the following:

6. Subject to **5.** above, the Damage to Premises Rented to You Limit is the most we will pay under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, for damages because of "property damage" to premises while rented to you or temporarily occupied by you with permission of the owner, arising out of any one "occurrence" to which this insurance applies.

(3) The amount we will pay is limited as described in Section **B. Limits of Insurance**, **3. Damage to Premises Rented to You** of this endorsement.

4. Supplementary Payments

Under **SECTION I - COVERAGE, SUPPLEMENTARY PAYMENTS - COVERAGES A AND B**:

a. Paragraph **2.** is replaced by the following:

Up to the limit shown in Section **B. Limits of Insurance**, **4.a.** Bail Bonds of this endorsement for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.

b. Paragraph **4.** is replaced by the following:

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to the limit shown in Section **B. Limits of Insurance**, **4.b.** Loss of Earnings of this endorsement per day because of time off from work.

5. Medical Payments

The Medical Expense Limit of Any One Person as stated in the Declarations is amended to the limit shown in Section **B. Limits of Insurance**, **5. Medical Payments** of this endorsement.

6. Voluntary Property Damage and Care, Custody or Control Liability Coverage

a. Voluntary Property Damage Coverage

We will pay for "property damage" to property of others arising out of operations incidental to the insured's business when:

(1) Damage is caused by the insured; or

(2) Damage occurs while in the insured's possession.

With your consent, we will make these payments regardless of fault.

b. Care, Custody or Control Liability Coverage

SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, 2. Exclusions, j. Damage to Property, Subparagraphs **(3)**, **(4)** and **(5)** do not apply to "property damage" to the property of others described therein.

With respect to the insurance provided by this section of the endorsement, the following additional provisions apply:

a. The Limits of Insurance shown in the Declarations are replaced by the limits designated in Section **B. Limits of Insurance**, **6. Voluntary Property Damage and Care, Custody or Control Liability Coverage** of this endorsement with respect to coverage provided by this endorsement. These limits are inclusive of and not in addition to the limits being replaced. The Limits of Insurance shown in Section **B. Limits of Insurance**, **6. Voluntary Property Damage and Care, Custody or Control Liability Coverage** of this endorsement fix the most we will pay in any one "occurrence" regardless of the number of:

(1) Insureds;

(2) Claims made or "suits" brought; or

(3) Persons or organizations making claims or bringing "suits".

b. Deductible Clause

(1) Our obligation to pay damages on your behalf applies only to the amount of damages for each "occurrence" which are in excess of the deductible amount stated in Section **B. Limits of Insurance**, **6. Voluntary Property Damage and Care, Custody or Control Liability Coverage** of this endorsement. The limits of insurance will not be reduced by the application of such deductible amount.

(2) Condition **2. Duties in the Event of Occurrence, Offense, Claim or Suit**, applies to each claim or "suit" irrespective of the amount.

(3) We may pay any part or all of the deductible amount to effect settlement of any claim or "suit" and, upon notification of the action taken, you shall promptly reimburse us for such part of the deductible amount as has been paid by us.

7. 180 Day Coverage for Newly Formed or Acquired Organizations

SECTION II - WHO IS AN INSURED is amended as follows:

Subparagraph **a.** of Paragraph **4.** is hereby deleted and replaced by the following:

a. Insurance under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier;

8. Waiver of Subrogation

SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS, 9. Transfer of Rights of Recovery Against Others to Us is hereby amended by the addition of the following:

We waive any right of recovery we may have because of payments we make for

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

injury or damage arising out of your ongoing operations or "your work" done under a written contract requiring such waiver with that person or organization and included in the "products-completed operations hazard". However, our rights may only be waived prior to the "occurrence" giving rise to the injury or damage for which we make payment under this Coverage Part. The insured must do nothing after a loss to impair our rights. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce those rights.

9. Automatic Additional Insured - Specified Relationships

a. The following is hereby added to **SECTION II - WHO IS AN INSURED**:

(1) Any person or organization described in Paragraph **9.a.(2)** below (hereinafter referred to as additional insured) whom you are required to add as an additional insured under this Coverage Part by reason of:

(a) A written contract or agreement; or

(b) An oral agreement or contract where a certificate of insurance showing that person or organization as an additional insured has been issued,

is an insured, provided:

(a) The written or oral contract or agreement is:

1) Currently in effect or becomes effective during the policy period; and

2) Executed prior to an "occurrence" or offense to which this insurance would apply; and

(b) They are not specifically named as an additional insured under any other provision of, or endorsement added to, this Coverage Part.

(2) Only the following persons or organizations are additional insureds under this endorsement, and insurance coverage provided to such additional insureds is limited as provided herein:

(a) The manager or lessor of a premises leased to you with whom you have agreed per Paragraph **9.a.(1)** above to provide insurance, but only with respect to liability arising out of the ownership, maintenance or use of that part of a premises leased to you, subject to the following additional exclusions:

This insurance does not apply to:

1) Any "occurrence" which takes place after you cease to be a tenant in that premises.

2) Structural alterations, new construction or demolition operations performed by or on behalf of such additional insured.

(b) Any person or organization from which you lease equipment with whom you have agreed per Paragraph **9.a.(1)** above to provide insurance. Such person(s) or organization(s) are insureds solely with respect to their liability arising out of the maintenance, operation or use by you of equipment leased to you by such person(s) or organizations(s). However, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

(c) Any person or organization (referred to below as vendor) with whom you have agreed per Paragraph **9.a.(1)** above to provide insurance, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:

1) The insurance afforded the vendor does not apply to:

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

b) Any express warranty unauthorized by you;

c) Any physical or chemical change in the product made intentionally by the vendor;

d) Repackaging, unless unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor.

2) This insurance does not apply to any insured person or organization:

a) From whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products; or

b) When liability included within the "products-completed operations hazard" has been excluded under this Coverage Part with respect to such products.

(d) Any state or political subdivision with which you have agreed per Paragraph **9.a.(1)** above to provide insurance, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with premises you own, rent or control and to which this insurance applies:

1) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

banners, or decorations and similar exposures; or

2) The construction, erection, or removal of elevators; or

3) The ownership, maintenance, or use of any elevators covered by this insurance.

(e) Any state or political subdivision with which you have agreed per Paragraph **9.a.(1)** above to provide insurance, subject to the following provisions:

1) This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

2) This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or political subdivision.

(f) With respect to injury or damage that occurs in New Mexico, any person or organization with which you have agreed per Paragraph **9.a.(1)** above to provide insurance, but only to the extent that the liability is caused by "your work" performed for that additional insured and only to the extent that such liability is caused by your negligence, acts or omissions or the negligence, acts or omissions of those acting on your behalf. A person or organization's status as an insured under this provision of this endorsement continues for only the period of time required by the written contract or agreement, but in no event beyond the expiration date of this Coverage Part. If there is no written contract or agreement, or if no period of time is required by the written contract or agreement, a person or organization's status as an insured under this endorsement ends when your operations for that insured are completed.

(g) With respect to injury or damage that occurs in the "coverage territory" but not in the state of New Mexico, any person or organization with which you have agreed per Paragraph **9.a.(1)** above to provide insurance, but only with respect to liability arising out of "your work" performed for that additional insured by you or on your behalf. A person or organization's status as an insured under this provision of this endorsement continues for only the period of time required by the written contract or agreement, but in no event beyond the expiration date of this Coverage Part. If there is no written contract or agreement, or if no period of time is required by the written contract or agreement, a person or organization's status as an insured under this endorsement ends when your operations for that insured are completed.

(3) Any insurance provided to an additional insured designated under Paragraph **9.a.(2)**:

(a) Subparagraphs **(e)**, **(f)** and **(g)** do not apply to "bodily injury" or "property damage" included within the "products-completed operations hazard";

(b) Subparagraphs **(a)**, **(b)**, **(d)**, **(e)** and **(g)** do not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the sole negligence or willful misconduct of the additional insured or its "employees"; or

(c) Subparagraph **(f)** and **(g)** do not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of:

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

1) The rendering of, or failure to render, any professional services by you or on your behalf, but only with respect to either or both of the following operations:

a) Providing engineering, architectural or surveying services to others; and

b) Providing, or hiring independent professionals to provide, engineering, architectural or surveying services in connection with construction work you perform.

2) Subject to Paragraph 3) below, professional services include:

a) Preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, or drawings and specifications; and

b) Supervisory or inspection activities performed as part of any related architectural or engineering activities.

3) Professional services do not include services within construction means, methods, techniques, sequences and procedures employed by you in connection with construction work you perform.

(d) Subparagraphs **(f)** and **(g)** do not apply to "bodily injury" or "property damage" arising out of "your work" for which a consolidated (wrap-up) insurance program has been provided by the prime contractor / project manager or owner of the construction project in which you are involved.

b. Only with regard to insurance provided to an additional insured designated under Paragraph **9.a.(2)** Subparagraphs **(f)** and **(g)** above, **SECTION III - LIMITS OF INSURANCE** is amended to include:

The limits applicable to the additional insured are those specified in the written contract or agreement or in the Declarations of this Coverage Part, whichever are less. If no limits are specified in the written contract or agreement, or if there is no written contract or agreement, the limits applicable to the additional insured are those specified in the Declarations of this Coverage Part. The limits of insurance are inclusive of and not in addition to the limits of insurance shown in the Declarations.

c. **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS** is hereby amended as follows:

(1) Condition **5. Other Insurance** is amended to include:

(a) Where required by a written contract or agreement, this insurance is primary and / or noncontributory as respects any other insurance policy issued to the additional insured, and such other insurance policy shall be excess and / or noncontributing, whichever applies, with this insurance.

(b) Any insurance provided by this endorsement shall be primary to other insurance available to the additional insured except:

1) As otherwise provided in **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS, 5. Other Insurance, b. Excess Insurance**; or

2) For any other valid and collectible insurance available to the additional insured as an additional insured by attachment of an endorsement to another insurance policy that is

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

written on an excess basis. In such case, the coverage provided under this endorsement shall also be excess.

(2) Condition **11. Conformance to Specific Written Contract or Agreement** is hereby added:

11. Conformance to Specific Written Contract or Agreement

a. With respect to additional insureds described in Paragraph **9.a.(2)(f)** above only:

If a written contract or agreement between you and the additional insured specifies that coverage for the additional insured:

(1) Be provided by the Insurance Services Office additional insured form number **CG 32 04** or **CG 32 12**; or

(2) Include coverage for completed operations; or

(3) Include coverage for "your work";

and where the limits or coverage provided to the additional insured is more restrictive than was specifically required in that written contract or agreement, the terms of Paragraphs **9.a.(3)(a)** or **9.b.** above, or any combination thereof, shall be interpreted as providing the limits or coverage required by the terms of the written contract or agreement, but only to the extent that such limits or coverage is included within the terms of the Coverage Part to which this endorsement is attached.

b. With respect to additional insureds described in Paragraph **9.a.(2)(g)** above only:

If a written contract or agreement between you and the additional insured specifies that coverage for the additional insured:

a. Be provided by the Insurance Services Office additional insured form number **CG 20 10** or **CG 20 37** (where edition specified); or

b. Include coverage for completed operations; or

c. Include coverage for "your work";

and where the limits or coverage provided to the additional insured is more restrictive than was specifically required in that written contract or agreement, the terms of Paragraphs **9.a.(3)(a)**, **9.a.(3)(b)** or **9.b.** above, or any combination thereof, shall be interpreted as providing the limits or coverage required by the terms of the written contract or agreement, but only to the extent that such limits or coverage is included within the terms of the Coverage Part to which this endorsement is attached. If, however, the written contract or agreement specifies the Insurance Services Office additional insured form number **CG 20 10** but does not specify which edition, or specifies an edition that does not exist, Paragraphs **9.a.3.b.** and **9.b.** of this endorsement shall not apply and Paragraph **9.a.(3)(a)** of this endorsement shall apply.

10. Broadened Contractual Liability - Work Within 50' of Railroad Property

It is hereby agreed that Paragraph **f.(1)** of Definition **12.** "Insured contract" (**SECTION V - DEFINITIONS**) is deleted.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

11. Property Damage to Borrowed Equipment

a. The following is hereby added to Exclusion **j. Damage to Property** of Paragraph **2., Exclusions** of **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**:

Paragraphs **(3)** and **(4)** of this exclusion do not apply to tools or equipment loaned to you, provided they are not being used to perform operations at the time of loss.

b. With respect to the insurance provided by this section of the endorsement, the following additional provisions apply:

(1) The Limits of insurance shown in the Declarations are replaced by the limits designated in Section **B. Limits of Insurance, 11.** of this endorsement with respect to coverage provided by this endorsement. These limits are inclusive of and not in addition to the limits being replaced. The Limits of Insurance shown in Section **B. Limits of Insurance, 11.** of this endorsement fix the most we will pay in any one "occurrence" regardless of the number of:

(a) Insureds;

(b) Claims made or "suits" brought; or

(c) Persons or organizations making claims or bring "suits".

(2) **Deductible Clause**

(a) Our obligation to pay damages on your behalf applies only to the amount of damages for each "occurrence" which are in excess of the Deductible amount stated in Section **B. Limits of Insurance, 11.** of this endorsement. The limits of insurance will not be reduced by the application of such Deductible amount.

(b) Condition **2. Duties in the Event of Occurrence, Offense, Claim or Suit**, applies to each claim or "suit" irrespective of the amount.

(c) We may pay any part or all of the deductible amount to effect settlement of any claim or "suit" and, upon notification of the action taken, you shall promptly reimburse us for such part of the deductible amount as has been paid by us.

12. Employees as Insureds - Specified Health Care Services

It is hereby agreed that Paragraph **2.a.(1)(d)** of **SECTION II - WHO IS AN INSURED**, does not apply to your "employees" who provide professional health care services on your behalf as duly licensed:

a. Nurses;

b. Emergency Medical Technicians; or

c. Paramedics,

in the jurisdiction where an "occurrence" or offense to which this insurance applies takes place.

13. Broadened Notice of Occurrence

Paragraph **a.** of Condition **2. Duties in the Event of Occurrence, Offense, Claim or Suit** (**SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS**) is hereby deleted and replaced by the following:

a. You must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:

(1) How, when and where the "occurrence" or offense took place;

(2) The names and addresses of any injured persons and witnesses; and

(3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

This requirement applies only when the "occurrence" or offense is known to an "authorized representative".

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

Various provisions in this Coverage Part restrict this insurance. Read the entire Coverage Part carefully to determine rights, duties and what is and is not covered.

Throughout this Coverage Part the words "you" and "your" refer to the Named Insured shown in the Declarations, and any other person or organization qualifying as a Named Insured under this Coverage Part. The words "we", "us" and "our" refer to the Company providing this insurance.

The word "insured" means any person or organization qualifying as such under **SECTION II - WHO IS AN INSURED**.

Other words and phrases that appear in quotation marks have special meaning. Refer to **SECTION V - DEFINITIONS**.

SECTION I - COVERAGES

COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY

1. Insuring Agreement

a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "bodily injury" or "property damage" to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend the insured against any "suit" seeking damages for "bodily injury" or "property damage" to which this insurance does not apply. We may, at our discretion, investigate any "occurrence" and settle any claim or "suit" that may result. But:

(1) The amount we will pay for damages is limited as described in **SECTION III - LIMITS OF INSURANCE**; and

(2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments or settlements under **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY; SECTION I - COVERAGES, COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY;** or medical expenses under **SECTION I - COVERAGES, COVERAGE C. MEDICAL PAYMENTS**.

No other obligation or liability to pay sums or perform acts or services is covered unless expressly provided for under **SUPPLEMENTARY PAYMENTS - COVERAGES A AND B.**

b. This insurance applies to "bodily injury" and "property damage" only if:

(1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory";

(2) The "bodily injury" or "property damage" occurs during the policy period; and

(3) Prior to the "coverage term" in which "bodily injury" or "property damage" occurs, you did not know, per Paragraph **1.d.** below, that the "bodily injury" or "property damage" had occurred or had begun to occur, in whole or in part.

c. "Bodily injury" or "property damage" which:

(1) Occurs during the "coverage term"; and

(2) Was not, prior to the "coverage term", known by you, per Paragraph **1.d.** below, to have occurred;

includes any continuation, change or resumption of that "bodily injury" or "property damage" after the end of the "coverage term" in which it first became known by you.

d. You will be deemed to know that "bodily injury" or "property damage" has occurred at the earliest time when any "authorized representative":

(1) Reports all, or any part, of the "bodily injury" or "property damage" to us or any other insurer;

(2) Receives a written or verbal demand or claim for damages because of the "bodily injury" or "property damage";

(3) First observes, or reasonably should have first observed, the "bodily injury" or "property damage";

(4) Becomes aware, or reasonably should have become aware, by any means other than as described in **(3)** above, that "bodily injury" or "property damage" had occurred or had begun to occur; or

(5) Becomes aware, or reasonably should have become aware, of a

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

condition from which "bodily injury" or "property damage" is substantially certain to occur.

e. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury".

2. **Exclusions**

This insurance does not apply to:

a. **Expected or Intended Injury**

"Bodily injury" or "property damage" which may reasonably be expected to result from the intentional or criminal acts of the insured or which is in fact expected or intended by the insured, even if the injury or damage is of a different degree or type than actually expected or intended. This exclusion does not apply to "bodily injury" resulting from the use of reasonable force to protect persons or property.

b. **Contractual Liability**

"Bodily injury" or "property damage" for which the insured is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages:

(1) That the insured would have in the absence of the contract or agreement; or

(2) Assumed in a contract or agreement that is an "insured contract", provided the "bodily injury" or "property damage" occurs subsequent to the execution of the contract or agreement. When a claim for such "bodily injury" or "property damage" is made, we will defend that claim provided the insured has assumed the obligation to defend such claim in the "insured contract". Such defense payments will not reduce the limits of insurance.

c. **Liquor Liability**

"Bodily injury" or "property damage" for which any insured may be held liable by reason of:

(1) Causing or contributing to the intoxication of any person;

(2) The furnishing of alcoholic beverages to a person under the legal drinking age or under the influence of alcohol; or

(3) Any statute, ordinance or regulation relating to the sale, gift, distribution or use of alcoholic beverages.

This exclusion applies only if you are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

d. **Workers' Compensation and Similar Laws**

Any obligation of the insured under a workers' compensation, disability benefits or unemployment compensation law or any similar law.

e. **Employer's Liability**

"Bodily injury" to:

(1) An "employee" of the insured sustained in the "workplace";

(2) An "employee" of the insured arising out of the performance of duties related to the conduct of the insured's business; or

(3) The spouse, child, parent, brother or sister of that "employee" as a consequence of Paragraphs **(1)** or **(2)** above.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

This exclusion does not apply to liability assumed by the insured under an "insured contract".

f. **Pollutant**

(1) "Bodily injury" or "property damage" arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release, escape or emission of "pollutants":

(a) At or from any premises, site or location which is or was at any time owned or occupied by, or rented or loaned to, any insured. However, Paragraph **(a)** does not apply to:

1) "Bodily injury" to any person injured while on any premises, site or location owned or occupied by, or rented or loaned to, you provided:

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

a) The injury is caused by the inadequate ventilation of vapors;

b) The person injured is first exposed to such vapors during the policy period; and

c) Within 30 days of such first exposure, the person injured is clinically diagnosed or treated by a physician for the medical condition caused by the exposure to such vapors. However, Paragraph **c)** does not apply if the "bodily injury" is caused by vapors produced by or originating from equipment that is used to heat, cool or dehumidify the building, or equipment that is used to heat water for personal use, by the building's occupants or their guests.

This exception **1)** shall apply only to Named Insureds; we shall have no duty to defend or pay damages for any person or organization that is not a Named Insured. However, this paragraph does not apply if the "bodily injury" is caused by vapors produced by or originating from equipment that is used to heat, cool or dehumidify the building, or equipment that is used to heat water for personal use, by the building's occupants or their guests.

For the purpose of the exception granted in Paragraph **1)** only, vapors means any gaseous or airborne irritant or airborne contaminant, including smoke, fumes, vapor or soot, but excluding asbestos, which is discharged, dispersed, emitted, released or escapes from materials, machinery or equipment used in the service or maintenance of the premises. Vapors does not mean any gaseous or airborne irritants or contaminants used in a manufacturing process or which is the product or by-product of any manufacturing process;

2) "Bodily injury" or "property damage" for which you may be held liable, if you are a contractor, and the owner or lessee of such premises, site or location has been added to this Coverage Part as an additional insured with respect to your ongoing operations or "your work" performed for that additional insured at that premises, site or location and such premises, site or location is not and never was owned or occupied by, or rented or loaned to, any insured, other than that additional insured; or

3) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire";

(b) At or from any premises, site or location which is or was at any time used by or for any insured or others for the handling, storage, disposal, processing or treatment of waste;

(c) Which are or were at any time transported, handled, stored, treated, disposed of, or processed as waste by or for:

1) Any insured; or

2) Any person or organization for whom you may be legally responsible;

(d) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the "pollutants" are brought on or to the premises, site or location in connection with such operations by such insured, contractor or subcontractor. However, Paragraph **(d)** does not apply to:

1) "Bodily injury" or "property damage" arising out of the discharge, dispersal, seepage, migration, release, es-

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

cape or emission of fuels, lubricants or other operating fluids, or exhaust gases, which are needed to perform, or are the result of, the normal electrical, hydraulic or mechanical functions necessary for the operation of "mobile equipment" or its parts, if such fuels, lubricants or other operating fluids, or exhaust gases, escape, seep or migrate, or are discharged, dispersed, released or emitted from a vehicle part designed to hold, store or receive them. This exception does not apply if the fuels, lubricants or other operating fluids, or exhaust gases, escape, seep or migrate, or are discharged, dispersed, released or emitted with the intent to cause "bodily injury" or "property damage" or with the knowledge that "bodily injury" or "property damage" is substantially certain to occur, or if such fuels, lubricants or other operating fluids, or exhaust gases, are brought on or to the premises, site or location with such intent to escape, seep or migrate, or be discharged, dispersed, released or emitted as part of the operations being performed by such insured, contractor or subcontractor;

2) "Bodily injury" or "property damage" sustained within a building and caused by the release of gases, fumes or vapors from materials brought into that building in connection with operations being performed by you or on your behalf by a contractor or subcontractor; or

3) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire"; or

(e) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the operations are to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants".

(2) Any loss, cost or expense arising out of any:

(a) Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or

(b) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".

However, Paragraphs **(2)(a)** and **(b)** do not apply to liability for damages because of "property damage" that the insured would have in the absence of such request, demand, order or statutory or regulatory requirement, or such claim or "suit" by or on behalf of a governmental authority.

g. Aircraft, Auto or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

(1) A watercraft while ashore on premises you own or rent;

(2) A watercraft you do not own that is:

(a) Less than 51 feet long; and

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

(b) Not being used to carry persons or property for a charge;

(3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured;

(4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft; or

(5) "Bodily injury" or "property damage" arising out of:

(a) The operation of machinery or equipment that is on, attached to, or part of, a land vehicle that would qualify under the definition of "mobile equipment" if it were not subject to a compulsory or financial responsibility law or other motor vehicle insurance law in the state where it is licensed or principally garaged; or

(b) The operation of any of the machinery or equipment listed in Paragraph **f.(2)** or **f.(3)** of the definition of "mobile equipment".

h. Mobile Equipment

"Bodily injury" or "property damage" arising out of:

(1) The transportation of "mobile equipment" by an "auto" owned or operated by or rented or loaned to any insured; or

(2) The use of "mobile equipment" in, or while in practice for, or while being prepared for, any prearranged racing, speed, demolition, or stunting activity.

i. War

"Bodily injury" or "property damage", however caused, arising, directly or indirectly, out of:

(1) War, including undeclared or civil war;

(2) Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or

(3) Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

j. Damage to Property

"Property damage" to:

(1) Property you own, rent or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;

(2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;

(3) Property loaned to you;

(4) Personal property in the care, custody or control of an insured;

(5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or

(6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs **(1)**, **(3)** and **(4)** of this exclusion do not apply to "property damage" (other than damage by fire or explosion) to premises, including the contents of such premises, rented to you for a period of 7 or fewer consecutive days, for which the amount we will pay is limited to the Damage To Premises Rented To You Limit as described in **SECTION III - LIMITS OF INSURANCE**.

Paragraph **(2)** of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs **(3)**, **(4)**, **(5)** and **(6)** of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraph **(6)** of this exclusion does not apply to "property damage" included in the "products-completed operations hazard".

k. Damage to Your Product

"Property damage" to "your product" arising out of it or any part of it.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

l. Damage to Your Work

"Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard".

This exclusion does not apply if the damaged work or the work out of which the damage arises was performed on your behalf by a subcontractor.

m. Damage to Impaired Property or Property Not Physically Injured

"Property damage" to "impaired property" or property that has not been physically injured, arising out of:

(1) A defect, deficiency, inadequacy or dangerous condition in "your product" or "your work"; or

(2) A delay or failure by you or anyone acting on your behalf to perform a contract or agreement in accordance with its terms.

This exclusion does not apply to the loss of use of other property arising out of sudden and accidental physical injury to "your product" or "your work" after it has been put to its intended use.

n. Recall of Products, Work or Impaired Property

Any liability or damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal or disposal of:

(1) "Your product";

(2) "Your work"; or

(3) "Impaired property";

if such product, work or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it.

o. Personal and Advertising Injury

"Bodily injury" arising out of "personal and advertising injury".

p. Asbestos

"Bodily injury" or "property damage" arising out of, attributable to, or any way related to asbestos in any form or transmitted in any manner.

q. Employment-Related Practices

"Bodily injury" to:

(1) A person arising out of any:

(a) Refusal to employ that person;

(b) Termination of that person's employment; or

(c) Other employment-related practices, policies, acts or omissions including but not limited to coercion, criticism, demotion, evaluation, failure to promote, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or

(2) The spouse, child, parent, brother or sister of that person as a consequence of "bodily injury" to that person at whom any of the employment-related practices described in Paragraphs **(a)**, **(b)** or **(c)** above is directed.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

r. Additional Insured Prior Knowledge

An additional insured added by attachment of an endorsement to this Coverage Part that is seeking coverage for a claim or "suit", if that additional insured knew, per the following paragraph, that "bodily injury" or "property damage" had occurred or had begun to occur, in whole or in part, prior to the "coverage term" in which such "bodily injury" or "property damage" occurs or begins to occur.

An additional insured added by attachment of an endorsement to this Coverage Part will be deemed to have known that "bodily injury" or "property damage" has occurred or has begun to occur at the earliest time when that additional insured, or any one of its owners, members, partners, managers, executive officers, "employees" assigned to manage that additional insured's insurance program, or "employees" assigned to give or receive notice of an "occurrence", "personal and advertising injury" offense, claim or "suit":

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

(1) Reports all, or any part, of the "bodily injury" or "property damage" to us or any other insurer;

(2) Receives a written or verbal demand or claim for damages because of the "bodily injury" or "property damage";

(3) First observes, or reasonably should have first observed, the "bodily injury" or "property damage";

(4) Becomes aware, or reasonably should have become aware, by any means other than as described in **(3)** above, that "bodily injury" or "property damage" had occurred or had begun to occur; or

(5) Becomes aware, or reasonably should have become aware, of a condition from which "bodily injury" or "property damage" is substantially certain to occur.

s. Electronic Data

Damages arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate "electronic data".

t. Distribution of Material in Violation of Statutes

"Bodily injury" or "property damage" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

a. The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or

b. The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

c. Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

Exclusions **c.** through **q.** do not apply to "property damage" by fire or explosion to premises while rented to you or temporarily occupied by you with permission of the owner, for which the amount we will pay is limited to the Damage to Premises Rented To You Limit as described in **SECTION III - LIMITS OF INSURANCE**.

COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY

1. Insuring Agreement

a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "personal and advertising injury" to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend the insured against any "suit" seeking damages for "personal and advertising injury" to which this insurance does not apply. We may, at our discretion, investigate any offense and settle any claim or "suit" that may result. But:

(1) The amount we will pay for damages is limited as described in **SECTION III - LIMITS OF INSURANCE**; and

(2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments or settlements under **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**; **SECTION I - COVERAGES, COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY**; or medical expenses under **SECTION I - COVERAGES, COVERAGE C. MEDICAL PAYMENTS**.

No other obligation or liability to pay sums or perform acts or services is covered unless expressly provided for under **SUPPLEMENTARY PAYMENTS - COVERAGES A AND B**.

b. This insurance applies to "personal and advertising injury" only if:

(1) The "personal and advertising injury" is caused by an offense arising out of your business; and

(2) The "personal and advertising injury" offense was committed in the "coverage territory" during the policy period; and

(3) Prior to the "coverage term" in which the "personal and advertising injury" offense is committed, you did not know, per Paragraph **1.d.** below, that the offense had been committed or had begun to be committed, in whole or in part.

c. "Personal and advertising injury" caused by an offense which:

(1) Was committed during the "coverage term"; and

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

(2) Was not, prior to the "coverage term", known by you, per Paragraph **1.d.** below, to have been committed;

includes any continuation, change or resumption of that offense after the end of the "coverage term" in which it first became known by you.

d. You will be deemed to know that a "personal and advertising injury" offense has been committed at the earliest time when any "authorized representative":

(1) Reports all, or any part, of the "personal and advertising injury" to us or any other insurer;

(2) Receives a written or verbal demand or claim for damages because of the "personal and advertising injury";

(3) First observes, or reasonably should have first observed, the offense that caused the "personal and advertising injury";

(4) Becomes aware, or reasonably should have become aware, by any means, other than as described in **(3)** above, that the offense had been committed or had begun to be committed; or

(5) Becomes aware, or reasonably should have become aware, of a condition from which "personal and advertising injury" is substantially certain to occur.

2. Exclusions

This insurance does not apply to:

a. Knowing Violation of Rights of Another

"Personal and advertising injury" caused by or at the direction of the insured with the knowledge that the act would violate the rights of another and would inflict "personal and advertising injury".

b. Material Published With Knowledge of Falsity

"Personal and advertising injury" arising out of oral or written publication of material, if done by or at the direction of the insured with knowledge of its falsity.

c. Material Published Prior to Coverage Term

"Personal and advertising injury" arising out of oral or written publication of material whose first publication took place before the later of the following:

(1) The inception of this Coverage Part; or

(2) The "coverage term" in which insurance coverage is sought.

d. Criminal Acts

"Personal and advertising injury" arising out of a criminal act committed by or at the direction of the insured.

e. Contractual Liability

"Personal and advertising injury" for which the insured is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages:

(1) That the insured would have in the absence of the contract or agreement; or

(2) Assumed in a contract or agreement that is an "insured contract", provided the "personal and advertising injury" is caused by or arises out of an offense committed subsequent to the execution of the contract or agreement. When a claim for such "personal and advertising injury" is made, we will defend that claim, provided the insured has assumed the obligation to defend such claim in the "insured contract". Such defense payments will not reduce the limits of insurance.

f. Breach of Contract

"Personal and advertising injury" arising out of a breach of contract, except an implied contract to use another's advertising idea in your "advertisement".

g. Quality or Performance of Goods - Failure to Conform to Statements

"Personal and advertising injury" arising out of the failure of goods, products or services to conform with any statement of quality or performance made in your "advertisement".

h. Wrong Description of Prices

"Personal and advertising injury" arising out of the wrong description of the price of goods, products or services stated in your "advertisement".

i. Infringement of Copyright, Patent, Trademark or Trade Secret

"Personal and advertising injury" arising out of the infringement of copyright, pat-

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

ent, trademark, trade secret or other intellectual property rights.

However, this exclusion does not apply to infringement, in your "advertisement", of copyright, trade dress or slogan.

j. Insureds in Media and Internet Type Businesses

"Personal and advertising injury" committed by an insured whose business is:

(1) Advertising, broadcasting, publishing or telecasting;

(2) Designing or determining content of web-sites for others; or

(3) An Internet search, access, content or service provider.

However, this exclusion does not apply to Paragraphs **17. a., b.** and **c.** of "personal and advertising injury" under **SECTION V - DEFINITIONS.**

For the purposes of this exclusion, the placing of frames, borders or links, or advertising, for you or others anywhere on the Internet is not, by itself, considered the business of advertising, broadcasting, publishing or telecasting.

k. Electronic Chatrooms or Bulletin Boards

"Personal and advertising injury" arising out of an electronic chatroom or bulletin board any insured hosts, owns, or over which any insured exercises control.

l. Unauthorized Use of Another's Name or Product

"Personal and advertising injury" arising out of the unauthorized use of another's name or product in your e-mail address, domain name or metatag, or any other similar tactics to mislead another's potential customers.

m. Employment Related Practices

"Personal and advertising injury" to:

(1) A person arising out of any:

(a) Refusal to employ that person;

(b) Termination of that person's employment; or

(c) Other employment-related practices, policies, acts or omissions including but not limited to coercion, criticism, demotion, evaluation, failure to promote, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or

(2) The spouse, child, parent, brother or sister of that person as a consequence of "personal and advertising injury" to that person at whom any of the employment-related practices described in Paragraphs **(a)**, **(b)** or **(c)** above is directed.

This exclusion applies:

(1) Whether the insured may be liable as an employer or in any other capacity; and

(2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

n. Pollutant

"Personal and advertising injury" arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release, escape or emission of "pollutants" at any time.

o. Pollutant-Related

Any loss, cost or expense arising out of any:

(1) Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or

(2) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".

p. Asbestos

"Personal and advertising injury" arising out of, attributable to, or any way related to asbestos in any form or transmitted in any manner.

q. Additional Insured Prior Knowledge

An additional insured added by attachment of an endorsement to this Coverage Part that is seeking coverage for a claim or "suit", if that additional insured knew, per the following paragraph, that a "personal and advertising injury" offense had been committed or had begun to be committed, in whole or in part, prior to the "coverage term" in which such offense

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

was committed or began to be committed.

An additional insured added by attachment of an endorsement to this Coverage Part will be deemed to have known that a "personal and advertising injury" offense has been committed or has begun to be committed at the earliest time when that additional insured, or any one of its owners, members, partners, managers, executive officers, "employees" assigned to manage that additional insured's insurance program, or "employees" assigned to give or receive notice of an "occurrence", "personal and advertising injury" offense, claim or "suit":

(1) Reports all, or any part, of the "personal and advertising injury" to us or any other insurer;

(2) Receives a written or verbal demand or claim for damages because of the "personal and advertising injury";

(3) First observes, or reasonably should have first observed, the offense that caused the "personal and advertising injury";

(4) Becomes aware, or reasonably should have become aware, by any means other than as described in (3) above, that the "personal and advertising injury" offense had been committed or had begun to be committed; or

(5) Becomes aware, or reasonably should have become aware, of a condition from which "personal and advertising injury" is substantially certain to occur.

r. War

"Personal and advertising injury", however caused, arising, directly or indirectly, out of:

(1) War, including undeclared or civil war;

(2) Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or

(3) Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

s. Distribution of Material in Violation of Statutes

"Personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

a. The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or

b. The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

c. Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

COVERAGE C. MEDICAL PAYMENTS

1. Insuring Agreement

a. We will pay medical expenses as described below for "bodily injury" caused by an accident:

(1) On premises you own or rent;

(2) On ways next to premises you own or rent; or

(3) Because of your operations;

provided that:

(1) The accident takes place in the "coverage territory" and during the policy period;

(2) The expenses are incurred and reported to us within three years of the date of the accident; and

(3) The injured person submits to examination, at our expense, by physicians of our choice as often as we reasonably require.

b. We will make these payments regardless of fault. These payments will not exceed the applicable limit of insurance. We will pay reasonable expenses for:

(1) First aid administered at the time of an accident;

(2) Necessary medical, surgical, x-ray and dental services, including prosthetic devices; and

(3) Necessary ambulance, hospital, professional nursing and funeral services.

2. Exclusions

We will not pay expenses for "bodily injury":

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

a. Any Insured

To any insured, except "volunteer workers".

b. Hired Person

To a person hired to do work for or on behalf of any insured or a tenant of any insured.

c. Injury on Normally Occupied Premises

To a person injured on that part of premises you own or rent that the person normally occupies.

d. Workers' Compensation and Similar Laws

To a person, whether or not an "employee" of any insured, if benefits for the "bodily injury" are payable or must be provided under a workers' compensation or disability benefits law or a similar law.

e. Athletic Activities

To any person injured while officiating, coaching, practicing for, instructing or participating in any physical exercises or games, sports, or athletic contests or exhibitions of an athletic or sports nature.

f. Products-Completed Operations Hazard

Included within the "products-completed operations hazard".

g. Coverage A Exclusions

Excluded under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY.**

SUPPLEMENTARY PAYMENTS - COVERAGES A AND B

We will pay, with respect to any claim we investigate or settle, or any "suit" against an insured we defend:

1. All expenses we incur.
2. Up to $250 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these bonds.
3. The cost of bonds to release attachments, but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.
4. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $250 a day because of time off from work.
5. All costs taxed against the insured in the "suit".
6. Prejudgment interest awarded against the insured on that part of the judgment we become obligated to pay and which falls within the applicable limit of insurance. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.
7. All interest on the full amount of any judgment that accrues after entry of the judgment and before we have paid, offered to pay, or deposited in court the part of the judgment that is within the applicable limit of insurance.

These payments will not reduce the limits of insurance.

SECTION II - WHO IS AN INSURED

1. If you are designated in the Declarations as:
   a. An individual, you and your spouse are insureds, but only with respect to the conduct of a business of which you are the sole owner.
   b. A partnership or joint venture, you are an insured. Your members, your partners, and their spouses are also insureds, but only with respect to the conduct of your business.
   c. A limited liability company, you are an insured. Your members are also insureds, but only with respect to the conduct of your business. Your managers are insureds, but only with respect to their duties as your managers.
   d. An organization other than a partnership, joint venture or limited liability company, you are an insured. Your "executive officers" and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.
   e. A trust, you are an insured. Your trustees are also insureds, but only with respect to their duties as trustees.
2. Each of the following is also an insured:
   a. Your "volunteer workers" only while performing duties related to the conduct of your business, or your "employees", other than either your "executive officers" (if you are an organization other than a partnership, joint venture or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of their employment by

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

you or while performing duties related to the conduct of your business. However, none of these "employees" or "volunteer workers" are insureds for:

(1) "Bodily injury" or "personal and advertising injury":

(a) To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;

(b) To the spouse, child, parent, brother or sister of that co-"employee" or "volunteer worker" as a consequence of Paragraph **(1)(a)** above;

(c) For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraphs **(1)(a)** or **(b)** above; or

(d) Arising out of his or her providing or failing to provide professional health care services.

(2) "Property damage" to property:

(a) Owned, occupied or used by; or

(b) Rented to, in the care, custody or control of, or over which physical control is being exercised for any purpose by,

you, any of your "employees", "volunteer workers", any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

b. Any person (other than your "employee" or "volunteer worker"), or any organization while acting as your real estate manager.

c. Any person or organization having proper temporary custody of your property if you die, but only:

(1) With respect to liability arising out of the maintenance or use of that property; and

(2) Until your legal representative has been appointed.

d. Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this Coverage Part.

3. Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain ownership or majority interest, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

a. Insurance under this provision is afforded only until the 90th day after you acquire or form the organization or the end of the policy period, whichever is earlier;

b. **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** does not apply to "bodily injury" or "property damage" that occurred before you acquired or formed the organization; and

c. **COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY** does not apply to "personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

SECTION III - LIMITS OF INSURANCE

1. The Limits of Insurance shown in the Declarations and the rules below fix the most we will pay regardless of the number of:

a. Insureds;

b. Claims made or "suits" brought; or

c. Persons or organizations making claims or bringing "suits".

2. a. The General Aggregate Limit is the most we will pay for the sum of:

(1) Medical expenses under **COVERAGE C. MEDICAL PAYMENTS;**

(2) Damages under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY,** except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard"; and

(3) Damages under **COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY.**

This General Aggregate Limit will not apply if either the Location General Aggre-

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

gate Limit of Insurance, Paragraph **2.b.**, or the Construction Project General Aggregate Limit of Insurance, Paragraph **2.c.** applies.

b. A separate Location General Aggregate Limit of Insurance, equal to the amount of the General Aggregate Limit shown in the Declarations, shall apply to each location owned by, or rented or leased to you and is the most we will pay for the sum of:

(1) Damages under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard"; and

(2) Medical expenses under **COVERAGE C. MEDICAL PAYMENTS,**

which can be attributed to operations at only a single location owned by, or rented or leased to you.

c. A separate Construction Project General Aggregate Limit of Insurance, equal to the amount of the General Aggregate Limit shown in the Declarations, shall apply to each construction project and is the most we will pay for the sum of:

(1) Damages under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard"; and

(2) Medical expenses under **COVERAGE C. MEDICAL PAYMENTS;**

which can be attributed only to ongoing operations and only at a single construction project.

d. Only for the purpose of determining which General Aggregate Limit of Insurance, **2.a., 2.b.**, or **2.c.**, applies:

(1) Location means premises involving the same or connecting lots, or premises, whose connection is interrupted only by a street, roadway, waterway or right-of-way of a railroad.

(2) Construction project means a location you do not own, rent or lease where ongoing improvements, alterations, installation, demolition or maintenance work is performed by you or on your behalf. All connected ongoing improvements, alterations, installation, demolition or maintenance work performed by you or on your behalf at the same location for the same persons or organizations, no matter how often or under how many different contracts, will be deemed to be a single construction project.

3. The Products-Completed Operations Aggregate Limit is the most we will pay under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** for damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard".

4. Subject to **2.a.** above, the Personal and Advertising Injury Limit is the most we will pay under **COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY** for the sum of all damages because of all "personal and advertising injury" sustained by any one person or organization.

5. Subject to **2. or 3.** above, whichever applies, the Each Occurrence Limit is the most we will pay for the sum of:

a. Damages under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**; and

b. Medical expenses under **COVERAGE C. MEDICAL PAYMENTS**;

because of all "bodily injury" and "property damage" arising out of any one "occurrence".

6. Subject to **5.** above, the Damage to Premises Rented to You Limit is the most we will pay under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire or explosion, while rented to you or temporarily occupied by you with permission of the owner.

7. Subject to **5.** above, the Medical Expense Limit is the most we will pay under **COVERAGE C. MEDICAL PAYMENTS** for all medical expenses because of "bodily injury" sustained by any one person.

The Limits of Insurance of this Coverage Part apply separately to each "coverage term".

SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS

1. Bankruptcy

Bankruptcy or insolvency of the insured or of the insured's estate will not relieve us of our obligations under this Coverage Part.

2. Duties in the Event of Occurrence, Offense, Claim or Suit

a. You must see to it that we are notified as soon as practicable of an "occurrence" or

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

a "personal and advertising injury" offense which may result in a claim. To the extent possible, notice should include:

(1) How, when and where the "occurrence" or offense took place;

(2) The names and addresses of any injured persons and witnesses; and

(3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. If a claim is made or "suit" is brought against any insured, you must:

(1) Immediately record the specifics of the claim or "suit" and the date received; and

(2) Notify us as soon as practicable.

You must see to it that we receive written notice of the claim or "suit" as soon as practicable.

c. You and any other involved insured must:

(1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";

(2) Authorize us to obtain records and other information;

(3) Cooperate with us in the investigation or settlement of the claim or defense against the "suit"; and

(4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to the insured because of injury or damage to which this insurance may also apply.

d. No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

3. Legal Action Against Us

No person or organization has a right under this Coverage Part:

a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or

b. To sue us on this Coverage Part unless all of its terms have been fully complied with.

A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured; but we will not be liable for damages that are not payable under the terms of this Coverage Part or that are in excess of the applicable limit of insurance. An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

4. Liberalization

If, within 60 days prior to the beginning of this Coverage Part or during the policy period, we make any changes to any forms or endorsements of this Coverage Part for which there is currently no separate premium charge, and that change provides more coverage than this Coverage Part, the change will automatically apply to this Coverage Part as of the latter of:

a. The date we implemented the change in your state; or

b. The date this Coverage Part became effective; and

will be considered as included until the end of the current policy period. We will make no additional premium charge for this additional coverage during the interim.

5. Other Insurance

If other valid and collectible insurance is available to the insured for a loss we cover under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** or **COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY** of this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when **b.** below applies. If this insurance is primary, our obligations are not affected unless any of the other insurance is also primary. Then, we will share with all that other insurance by the method described in **c.** below.

b. Excess Insurance

This insurance is excess over:

(1) Any of the other insurance, whether primary, excess, contingent or on any other basis:

(a) That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar insurance for "your work";

(b) That is Fire or Explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;

(c) That is insurance purchased by you to cover your liability as a tenant for "property damage" to

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

premises rented to you or temporarily occupied by you with permission of the owner; or

(d) If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to **SECTION I - COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, 2. Exclusions, g. Aircraft, Auto or Watercraft**.

(2) Any other primary insurance available to the insured covering liability for damages arising out of the premises or operations, or the products and completed operations, for which the insured has been added as an additional insured by attachment of an endorsement.

(3) Any other insurance:

(a) Whether primary, excess, contingent or on any other basis, except when such insurance is written specifically to be excess over this insurance; and

(b) That is a consolidated (wrap-up) insurance program which has been provided by the prime contractor/project manager or owner of the consolidated project in which you are involved.

When this insurance is excess, we will have no duty under **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY** or **COVERAGE B. PERSONAL AND ADVERTISING INJURY LIABILITY** to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

(1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

(2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method of Sharing

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

6. Premium Audit

a. We will compute all premiums for this Coverage Part in accordance with our rules and rates.

b. Premium shown in this Coverage Part as advance premium is a deposit premium only. At the close of each audit period we will compute the earned premium for that period and send notice to the first Named Insured. The due date for audit and retrospective premiums is the date shown as the due date on the bill. If:

(1) The earned premium is less than the deposit premium, we will return the excess to the first Named Insured; or

(2) The earned premium is greater than the deposit premium, the difference will be due and payable to us by the first Named Insured upon notice from us.

c. The first Named Insured must keep records of the information we need for premium computation, and send us copies at such times as we may request.

7. Representations

By accepting this Coverage Part, you agree:

a. The statements in the Declarations are accurate and complete;

b. Those statements are based upon representations you made to us; and

c. We have issued this Coverage Part in reliance upon your representations.

8. Separation of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this Coverage Part to the first Named Insured, this insurance applies:

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

a. As if each Named Insured were the only Named Insured; and

b. Separately to each insured against whom claim is made or "suit" is brought.

9. Transfer of Rights of Recovery Against Others to Us

If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

10. Two or More Coverage Forms or Policies Issued by Us

If this Coverage Part and any other Coverage Form, Coverage Part or policy issued to you by us or any company affiliated with us apply to the same "occurrence" or "personal and advertising injury" offense, the aggregate maximum limit of insurance under all the Coverage Forms, Coverage Parts or policies shall not exceed the highest applicable limit of insurance under any one Coverage Form, Coverage Part or policy. This condition does not apply to any Coverage Form, Coverage Part or policy issued by us or an affiliated company specifically to apply as excess insurance over this Coverage Part.

11. When We Do Not Renew

If we decide not to renew this Coverage Part, we will mail or deliver to the first Named Insured shown in the Declarations written notice of the nonrenewal not less than 30 days before the expiration date.

If notice is mailed, proof of mailing will be sufficient proof of notice.

SECTION V - DEFINITIONS

1. "Advertisement" means a notice that is broadcast, telecast or published to the general public or specific market segments about your goods, products or services for the purpose of attracting customers or supporters. "Advertisement" includes a publicity article. For purposes of this definition:

   a. Notices that are published include material placed on the Internet or on similar electronic means of communication; and

   b. Regarding web-sites, only that part of a web-site that is about your goods, products or services for the purposes of attracting customers or supporters is considered an "advertisement".

2. "Authorized representative" means:

   a. If you are designated in the Declarations as:

      (1) An individual, you and your spouse are "authorized representatives".

      (2) A partnership or joint venture, your members, your partners, and their spouses are "authorized representatives".

      (3) A limited liability company, your members and your managers are "authorized representatives".

      (4) An organization other than a partnership, joint venture or limited liability company, your "executive officers" and directors are "authorized representatives". Provided you are not a publicly traded organization, your stockholders are also "authorized representatives".

      (5) A trust, your trustees are "authorized representatives".

   b. Your "employees":

      (1) Assigned to manage your insurance program; or

      (2) Responsible for giving or receiving notice of an "occurrence", "personal and advertising injury" offense, claim or "suit";

   are also "authorized representatives".

3. "Auto" means:

   a. A land motor vehicle, trailer or semitrailer designed for travel on public roads, including any attached machinery or equipment; or

   b. Any other land vehicle that is subject to a compulsory or financial responsibility law or other motor vehicle insurance law in the state where it is licensed or principally garaged.

   However, "auto" does not include "mobile equipment".

4. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.

5. "Coverage term" means the following individual increment, or if a multi-year policy period, increments, of time, which comprise the policy period of this Coverage Part:

   a. The year commencing on the Effective Date of this Coverage Part at 12:01 AM standard time at your mailing address shown in the Declarations, and if a multi-year policy period, each consecutive annual period thereafter, or portion thereof if any period is for a period of less than 12 months, constitute individual "coverage terms". The last "coverage term" ends at

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

12:00 AM standard time at your mailing address shown in the Declarations on the earlier of:

(1) The day the policy period shown in the Declarations ends; or

(2) The day the policy to which this Coverage Part is attached is terminated or cancelled.

b. However, if after the issuance of this Coverage Part, any "coverage term" is extended for an additional period of less than 12 months, that additional period of time will be deemed to be part of the last preceding "coverage term".

6. "Coverage territory" means:

a. The United States of America (including its territories and possessions), Puerto Rico and Canada;

b. International waters or airspace, but only if the injury or damage occurs in the course of travel or transportation between any places included in **a.** above; or

c. All other parts of the world if the injury or damage arises out of:

(1) Goods or products made or sold by you in the territory described in **a.** above;

(2) The activities of a person whose home is in the territory described in **a.** above, but is away for a short time on your business; or

(3) "Personal and advertising injury" offenses that take place through the Internet or similar electronic means of communication,

provided the insured's responsibility to pay damages is determined in a "suit" on the merits, in the territory described in **a.** above or in a settlement to which we agree.

7. "Electronic data" means information, facts or programs stored as or on, created or used on, or transmitted to or from computer software, including systems and applications software, hard or floppy disks, CD-ROMs, tapes, drives, cells, data processing devices or any other media which are used with electronically controlled equipment.

8. "Employee" includes a "leased worker". "Employee" does not include a "temporary worker".

9. "Executive officer" means a person holding any of the officer positions created by your charter, constitution, by-laws or any other similar governing document.

10. "Hostile fire" means one which becomes uncontrollable or breaks out from where it was intended to be.

11. "Impaired property" means tangible property, other than "your product" or "your work", that cannot be used or is less useful because:

a. It incorporates "your product" or "your work" that is known or thought to be defective, deficient, inadequate or dangerous; or

b. You have failed to fulfill the terms of a contract or agreement;

if such property can be restored to use by:

a. The repair, replacement, adjustment or removal of "your product" or "your work"; or

b. Your fulfilling the terms of the contract or agreement.

12. "Insured contract" means:

a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for "property damage" by fire or explosion to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";

b. A sidetrack agreement;

c. Any easement or license agreement, except in connection with construction or demolition operations on or within 50 feet of a railroad;

d. An obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;

e. An elevator maintenance agreement;

f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury", "property damage" or "personal and advertising injury" to a third person or organization. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

Paragraph **f.** does not include that part of any contract or agreement:

(1) That indemnifies a railroad for "bodily injury", "property damage" or "personal and advertising injury" arising out of construction or demolition operations, within 50 feet of any rail-

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

road property and affecting any railroad bridge or trestle, tracks, roadbeds, tunnel, underpass or crossing;

(2) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:

(a) Preparing, approving, or failing to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; or

(b) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage;

(3) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in Paragraph **(2)** above and supervisory, inspection, architectural or engineering activities;

(4) That indemnifies an advertising, public relations or media consulting firm for "personal and advertising injury" arising out of the planning, execution or failure to execute marketing communications programs. Marketing communications programs include but are not limited to comprehensive marketing campaigns; consumer, trade and corporate advertising for all media; media planning, buying, monitoring and analysis; direct mail; promotion; sales materials; design; presentations; point-of-sale materials; market research; public relations and new product development;

(5) Under which the insured, if an advertising, public relations or media consulting firm, assumes liability for "personal and advertising injury" arising out of the insured's rendering or failure to render professional services, including those services listed in Paragraph **(4)**, above;

(6) That indemnifies a web-site designer or content provider, or Internet search, access, content or service provider for injury or damage arising out of the planning, execution or failure to execute Internet services. Internet services include but are not limited to design, production, distribution, maintenance and administration of web-sites and web-banners; hosting web-sites; registering domain names; registering with search engines; marketing analysis; and providing access to the Internet or other similar networks; or

(7) Under which the insured, if a web-site designer or content provider, or Internet search, access, content or service provider, assumes liability for injury or damage arising out of the insured's rendering or failure to render Internet services, including those listed in Paragraph **(6)**, above.

13. "Leased worker" means a person leased to you by a labor leasing firm under an agreement between you and the labor leasing firm, to perform duties related to the conduct of your business. "Leased worker" includes supervisors furnished to you by the labor leasing firm. "Leased worker" does not include a "temporary worker".

14. "Loading or unloading" means the handling of property:

a. After it is moved from the place where it is accepted for movement into or onto an aircraft, watercraft or "auto";

b. While it is in or on an aircraft, watercraft or "auto"; or

c. While it is being moved from an aircraft, watercraft or "auto" to the place where it is finally delivered;

but "loading or unloading" does not include the movement of property by means of a mechanical device, other than a hand truck, that is not attached to the aircraft, watercraft or "auto".

15. "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:

a. Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;

b. Vehicles maintained for use solely on or next to premises you own or rent;

c. Vehicles that travel on crawler treads;

d. Vehicles, whether self-propelled or not, maintained primarily to provide mobility to permanently mounted:

(1) Power cranes, shovels, loaders, diggers or drills; or

(2) Road construction or resurfacing equipment such as graders, scrapers or rollers;

e. Vehicles not described in **a., b., c.** or **d.** above that are not self-propelled and are maintained primarily to provide mobility to

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

permanently attached equipment of the following types:

(1) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or

(2) Cherry pickers and similar devices used to raise or lower workers;

f. Vehicles not described in **a., b., c.** or **d.** above maintained primarily for purposes other than the transportation of persons or cargo.

However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos":

(1) Equipment designed primarily for:

(a) Snow removal;

(b) Road maintenance, but not construction or resurfacing; or

(c) Street cleaning;

(2) Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and

(3) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

However, "mobile equipment" does not include any land vehicles that are subject to a compulsory or financial responsibility law or other motor vehicle insurance law in the state where it is licensed or principally garaged. Land vehicles subject to a compulsory or financial responsibility law or other motor vehicle insurance law are considered "autos".

16. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

17. "Personal and advertising injury" means injury, including consequential "bodily injury", arising out of one or more of the following offenses:

a. False arrest, detention or imprisonment;

b. Malicious prosecution;

c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies, committed by or on behalf of its owner, landlord or lessor;

d. Oral or written publication, in any manner, of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;

e. Oral or written publication, in any manner, of material that violates a person's right of privacy;

f. The use of another's advertising idea in your "advertisement"; or

g. Infringing upon another's copyright, trade dress or slogan in your "advertisement".

18. "Pollutant" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, petroleum, petroleum products and petroleum by-products, and waste. Waste includes materials to be recycled, reconditioned or reclaimed. "Pollutants" include but are not limited to substances which are generally recognized in industry or government to be harmful or toxic to persons, property or the environment regardless of whether the injury or damage is caused directly or indirectly by the "pollutants" and whether:

a. The insured is regularly or otherwise engaged in activities which taint or degrade the environment; or

b. The insured uses, generates or produces the "pollutant".

19. "Products-completed operations hazard":

a. Includes all "bodily injury" and "property damage" occurring away from premises you own or rent and arising out of "your product" or "your work" except:

(1) Products that are still in your physical possession; or

(2) Work that has not yet been completed or abandoned. However, "your work" will be deemed completed at the earliest of the following times:

(a) When all of the work called for in your contract has been completed; or

(b) When all of the work to be done at the job site has been completed if your contract calls for work at more than one job site; or

(c) When that part of the work done at a job site has been put to its intended use by any person or organization other than another contractor or subcontractor working on the same project.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

Work that may need service, maintenance, correction, repair or replacement, but which is otherwise complete, will be treated as completed.

b. Does not include "bodily injury" or "property damage" arising out of:

(1) The transportation of property, unless the injury or damage arises out of a condition in or on a vehicle not owned or operated by you, and that condition was created by the "loading or unloading" of that vehicle by any insured;

(2) The existence of tools, uninstalled equipment or abandoned or unused materials; or

(3) Products or operations for which the classification, listed in the Declarations or in a schedule, states that products-completed operations are included.

20. "Property damage" means:

a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or

b. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of the "occurrence" that caused it.

For the purposes of this insurance, "electronic data" is not tangible property.

21. "Suit" means a civil proceeding in which money damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies are alleged. "Suit" includes:

a. An arbitration proceeding in which such damages are claimed and to which the insured must submit or does submit with our consent;

b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent; or

c. An appeal of a civil proceeding.

22. "Temporary worker" means a person who is furnished to you to substitute for a permanent "employee" on leave or to meet seasonal or short-term workload conditions.

23. "Volunteer worker" means a person who is not your "employee", and who donates his or her work and acts at the direction of and within the scope of duties determined by you, and is not paid a fee, salary or other compensation by you or anyone else for their work performed for you.

24. "Workplace" means that place and during such hours to which the "employee" sustaining "bodily injury" was assigned by you, or any other person or entity acting on your behalf, to work on the date of "occurrence".

25. "Your product":

a. Means:

(1) Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:

(a) You;

(b) Others trading under your name; or

(c) A person or organization whose business or assets you have acquired; and

(2) Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product"; and

(2) The providing of or failure to provide warnings or instructions.

c. Does not include vending machines or other property rented to or located for the use of others but not sold.

26. "Your work":

a. Means:

(1) Work or operations performed by you or on your behalf; and

(2) Materials, parts or equipment furnished in connection with such work or operations.

b. Includes:

(1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work"; and

(2) The providing of or failure to provide warnings or instructions.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

NUCLEAR ENERGY LIABILITY EXCLUSION
(Broad Form)

1. The insurance does not apply:

   A. Under any Liability Coverage, to "bodily injury" or "property damage":

      (1) With respect to which an insured under this Coverage Part is also an insured under a nuclear energy liability policy issued by Nuclear Energy Liability Insurance Association, Mutual Atomic Energy Liability Underwriters, Nuclear Insurance Association of Canada, or any of their successors, or would be an insured under any such policy but for its termination upon exhaustion of its limit of liability; or

      (2) Resulting from the "hazardous properties" of "nuclear material" and with respect to which **(a)** any person or organization is required to maintain financial protection pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof, or **(b)** the insured is, or had this Coverage Part not been issued would be, entitled to indemnity from the United States of America, or any agency thereof, under any agreement entered into by the United States of America, or any agency thereof, with any person or organization.

   B. Under any Medical Payments coverage, to expenses incurred with respect to "bodily injury" resulting from the "hazardous properties" of "nuclear material" and arising out of the operation of a "nuclear facility" by any person or organization.

   C. Under any Liability Coverage, to "bodily injury" or "property damage" resulting from the "hazardous properties" of "nuclear material", if:

      (1) The "nuclear material" **(a)** is at any "nuclear facility" owned by, or operated by or on behalf of, an insured, or **(b)** has been discharged or dispersed therefrom;

      (2) The "nuclear material" is contained in "spent fuel" or "waste" at any time possessed, handled, used, processed, stored, transported or disposed of, by or on behalf of an insured; or

      (3) The "bodily injury" or "property damage" arises out of the furnishing by an insured of services, materials, parts or equipment in connection with the planning, construction, maintenance, operation or use of any "nuclear facility", but if such facility is located within the United States of America, its territories or possessions or Canada, this Exclusion **(3)** applies only to "property damage" to such "nuclear facility" and any property thereat.

2. As used in this exclusion:

   "Hazardous properties" includes radioactive, toxic or explosive properties.

   "Nuclear material" means "source material", "special nuclear material" or "by-product material".

   "Source material", "special nuclear material", and "by-product material" have the meanings given them in the Atomic Energy Act of 1954 or in any law amendatory thereof.

   "Spent fuel" means any fuel element or fuel component, solid or liquid, which has been used or exposed to radiation in a "nuclear reactor".

   "Waste" means any waste material **(a)** containing "by-product material" other than the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its "source material" content, and **(b)** resulting from the operation by any person or organization of any "nuclear facility" included under the first two paragraphs of the definition of "nuclear facility".

   "Nuclear facility" means:

   A. Any "nuclear reactor";

   B. Any equipment or device designed or used for **(1)** separating the isotopes of uranium or plutonium, **(2)** processing or utilizing "spent fuel", or **(3)** handling, processing or packaging "waste";

   C. Any equipment or device used for the processing, fabricating or alloying of "special nuclear material" if at any time the total amount of such material in the custody of the insured at the premises where such equipment or device is located consists of or contains more than 25 grams of plutonium or uranium 233 or any combination thereof, or more than 250 grams of uranium 235;

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

D. Any structure, basin, excavation, premises or place prepared or used for the storage or disposal of "waste";

and includes the site on which any of the foregoing is located, all operations conducted on such site and all premises used for such operations.

"Nuclear reactor" means any apparatus designed or used to sustain nuclear fission in a self-supporting chain reaction or to contain a critical mass of fissionable material.

"Property damage" includes all forms of radioactive contamination of property.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED BY CONTRACT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
GARAGE COVERAGE FORM

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Endorsement Effective: 6/1/2020	Policy Number: EBA 0087604
Named Insured: See attached certificate	
Countersigned by: WW Burke (Authorized Representative)	

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

SECTION II - LIABILITY COVERAGE, A. Coverage, I. Who is an Insured is amended to include as an insured any person or organization with which you have agreed in a valid written contract to provide insurance as is afforded by this policy.

This provision is limited to the scope of the valid written contract.

This provision does not apply unless the valid written contract has been executed prior to the "bodily injury" or "property damage".

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BLANKET WAIVER OF SUBROGATION - AUTO

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Endorsement Effective: 6/1/2020	Policy Number: EBA0087604
Named Insured: See Attached Certificate	
Countersigned by: WW Burke	

(Authorized Representative)

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

1. **Blanket Waiver of Subrogation**

   SECTION IV - BUSINESS AUTO CONDITIONS, A. Loss Conditions, 5. Transfer of Rights of Recovery Against Others to Us is amended by the addition of the following:

   We waive any right of recovery we may have against any person or organization because of payments we make for "bodily injury" or "property damage" arising out of the operation of a covered "auto" when you have assumed liability for such "bodily injury" or "property damage" under an "insured contract", provided the "bodily injury" or "property damage" occurs subsequent to the execution of the "insured contract".

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY INSURANCE

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

Endorsement Effective: 6/1/2020	Policy Number: EBA0087604
Named Insured: See Certificate	
Countersigned by: WW Burke	

(Authorized Representative)

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

1. **Noncontributory Insurance**

   SECTION IV - BUSINESS AUTO CONDITIONS, B. General Conditions, 5. Other Insurance is replaced by the following:

   c. Regardless of the provisions of Paragraph **a.** above, this Coverage Form's Liability Coverage is primary and we will not seek contribution from any other insurance for any liability assumed under an "insured contract" that requires liability to be assumed on a primary noncontributory basis.

Workers' Compensation Excellence Since 1987

BUILDERS TRUST®
OF NEW MEXICO

WAIVER OF SUBROGATION

Insured Name: HEI INC
Insured Policy Number: WC100-0005961-2020A

Builders Trust of New Mexico waives any right of recovery of subrogation against the certificate holder named on this certificate of insurance, but only to the extent that the employers to whom we provide coverage performs work under a written contract with the certificate holder that requires this waiver.

Name of Person	Name of Organization
	Blanket Waiver of Subrogation

Date: 12/18/2019 Countersigned by Randy L. Akin

Agency Number: 6 – 8
Agency Name: Burke Insurance Group LLC

(505) 345-3477 1-800-640-3369 FAX (505) 344-7245
5931 OFFICE BOULEVARD, NE SUITE 3 ALBUQUERQUE, NM 87109 - P.O. BOX 91330
ALBUQUERQUE, NM 87109
www.builderstrust.com

GSD/PD (Rev. 04/19)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor: **9 Vendors**

Price Agreement Number: **70-000-17-00063**

Price Agreement Amendment No.: **Three**

Term: **July 27, 2017 – July 26, 2021**

Ship To: **All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.**
Invoice: **As Requested**

Procurement Specialist: Mark Lujan

Telephone No.: (505) 827-0564

Email: Mark.Lujan@state.nm.us

Title: **Electrical On-Call**

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from July 27, 2020 to July 26, 2021 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

Valerie Pauk for

Mark Hayden, New Mexico State Purchasing Agent

Date: 06/17/2020

GSD/PD (Rev. 04/19)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor:
9 Vendors

Price Agreement Number: **70-000-17-00063**

Price Agreement Amendment No.: **Two**

Term: **July 27, 2017 – July 26, 2020**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested at time of order

Procurement Specialist: Mark Lujan

Telephone No.: (505) 827-0564

Email: Mark.Lujan@state.nm.us

Title: **Electrical On-Call**

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from July 27, 2019 to July 26, 2020 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

Mark Hayden, New Mexico State Purchasing Agent

Date: 6/24/2019

GSD/PD (Rev. 01/11)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor **9 Vendors** **Telephone No.** _____

Price Agreement Number: **70-000-17-00063**

Price Agreement Amendment No.: **One**

Term: **July 27, 2017 – July 26, 2019**

Ship To: **All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.**
Invoice: **As Requested**

Procurement Specialist: Mark Lujan

Telephone No.: (505) 827-0564

Title: **Electrical On-Call**

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from July 27, 2018 to July 26, 2019 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

New Mexico State Purchasing Agent

Date: 07/25/2018

Purchasing Division, 1100 St. Francis Drive 87505, PO Box 6850, Santa Fe, NM 87502-6850 (505) 827-0472

ML

State of New Mexico
General Services Department

Statewide Price Agreement

Awarded Vendor
9 Vendors (see pages 17, 18)

Telephone No. _____

Price Agreement Number: **70-000-17-00063**

Payment Terms: **Net 30**

F.O.B.: **Destination**

Delivery: **As Requested**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested

Procurement Specialist: **Clarke J. Fountain**

Telephone No.: (505) 827-1935

Title: **Electrical On-Call**

Term: **07/27/2017 – 07/26/2018**

This Price Agreement is made subject to the "terms and conditions" shown on the reverse side of this page, and as indicated in this Price Agreement.

Accepted for the State of New Mexico

Marty Pan-Dahlem For
New Mexico State Purchasing Agent

Date: 07/27/2017

Terms and Conditions

(Unless otherwise specified)

1. **General:** When the State Purchasing Agent or his/her designee issues a purchase document in response to the Vendor's bid, a binding contract is created.

2. **Variation in Quantity:** No variation in the quantity of any item called for by this order will be accepted unless such variation has been caused by conditions of loading, shipping, packing or allowances in manufacturing process and then only to the extent, if any, specified in this order.

3. **Assignment:**

a. Neither the order, nor any interest therein, nor any claim thereunder, shall be assigned or transferred by the Vendor, except as set forth in Subparagraph 3b or as expressly authorized in writing by the State Purchasing Agent or his/her designee. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.

b. Vendor agrees that any and all claims for overcharge resulting from antitrust violations which are borne by the State as to goods, services, and materials purchased in connection with this bid are hereby assigned to the State.

4. **State Furnished Property:** State furnished property shall be returned to the State upon request in the same condition as received except for ordinary wear, tear and modifications ordered hereunder.

5. **Discounts:** Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within twenty (20) days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise invoice, whichever is later.

6. **Inspection:** Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for nonconformance with specifications shall be removed at the Vendor's risk and expense, promptly after notice of rejection.

7. **Inspection of Plant:** The State Purchasing Agent or his/her designee may inspect, at any reasonable time, the part of the Contractor's, or any subcontractor's plant or place of business, which is related to the performance of this contract.

8. **Commercial Warranty:** The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the Vendor gives for such to any customer for such supplies or services. The rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other clause of this order. **Vendor agrees not to disclaim warranties of fitness for a particular purpose of merchantability.**

9. **Taxes:** The unit price shall exclude all state taxes.

10. **Packing, Shipping and Invoicing:**

a. The State's purchasing document number and the Vendor's name, user's name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipments. The user's count will be accepted by the Vendor as final and conclusive on all shipments not accompanied by a packing ticket.

b. The Vendor's invoice shall be submitted duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit price and extended totals. Separate invoices shall be rendered for each and every complete shipment.

c. Invoices must be submitted to the using agency and NOT the State Purchasing Agent.

11. **Default:** The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendor's default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include but are not restricted to, acts of God or the public enemy, acts of the State or Federal Government,

fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Vendor to meet the required delivery scheduled. The rights of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.

12. **Non-Collusion:** In signing this bid the Vendor certifies he/she has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the State Purchasing Agent or his/her designee.

13. **Nondiscrimination:** Vendor doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of the Act (Rev. 1979) and the Americans with Disabilities Act of 1990 (Public Law 101-336).

14. **The Procurement Code:** Sections 13-1-28 through 13-1-199 NMSA 1978, imposes civil and criminal penalties for its violation. In addition the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.

15. **Items:** All bid items are to be NEW and of most current production, unless otherwise specified.

16. **Payment for Purchases:** Except as otherwise agreed to: late payment charges may be assessed against the user state agency in the amount and under the conditions set forth in Section 13-1-158 NMSA 1978.

17. **Workers' Compensation:** The Contractor agrees to comply with state laws and rules pertaining to Workers' Compensation benefits for its employees. If the Contractor fails to comply with Workers' Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the contracting agency.

18. **Submission of Bid:** Bids must be submitted in a sealed envelope with the bid number and opening date clearly indicated on the bottom left hand side of the front of the envelope. Failure to label bid envelope will necessitate the premature opening of the bid in order to identify the bid number.

19. **Contractor Personnel**: Personnel proposed in the Contractor's written bid to the Procuring Agency are considered material to any work performed under this Price Agreement. Once a Purchase Order or contract has been executed, no changes of personnel will be made by the Contractor without prior written consent of the Procuring Agency. Replacement of any Contractor personnel, if approved, shall be with personnel of equal ability, experience, and qualifications. The Contractor will be responsible for any expenses incurred in familiarizing the replacement personnel to insure their being productive to the project immediately upon receiving assignments. Approval of replacement personnel shall not be unreasonably withheld. The Procuring Agency shall retain the right to request the removal of any of the Contractor's personnel at any time.

20. **Subcontracting:** The Contractor shall not subcontract any portion of the Price Agreement without the prior written approval of the Procuring Agency. No such subcontracting shall relieve the Contractor from its obligations and liabilities under this Price Agreement, nor shall any subcontracting obligate payment from the Agency.

21. **Records and Audit:** The Contractor shall maintain detailed time and expenditure records that indicate the date, time, nature, and cost of services rendered during this Price Agreement's term and effect, and retain them for a period of three (3) years from the date of final payment under this Price Agreement. The records shall be subject to inspection by the Agency, State Purchasing Division, Department of Finance and Administration, and for Information Technology contracts, State Chief Information Officer. The Agency shall have the right to audit billings, both before and after payment. Payment for services under this Price Agreement shall not foreclose the right of the Agency to recover excessive or illegal payments.

22. **Subcontracts:** The foregoing requirements for Contractor Personnel, Subcontracting, and Audit shall be inserted into all subcontracts from the prime contractor to the subcontractor.

New Mexico Employees Health Coverage

A. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to have in place, and agrees to maintain for the term of the contract, health insurance for its New Mexico Employees and offer that health insurance to its New Mexico Employees if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceeds $250,000 dollars.

B. Contractor agrees to maintain a record of the number of its New Mexico Employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.

C. Contractor agrees to advise all of its New Mexico Employees of the availability of State publicly financed health care coverage programs by providing each of its New Mexico Employees with, as a minimum, the following web site link to additional information: http://www.insurenewmexico.state.nm.us/.

D. For purposes of this Paragraph, the following terms have the following meanings:

(1) "New Mexico Employee" means any resident of the State of New Mexico employed by Contractor who performs the majority of the employee's work for Contractor within the State of New Mexico, regardless of the location of Contractor's office or offices; and

(2) "offer" means to make available, without unreasonable restriction, enrollment in one or more health coverage plans and to actively seek and encourage participation in order to achieve the goals of Executive Order 2007-049. This could include State publicly financed public health coverage programs such as *Insure New Mexico!*

New Mexico Pay Equity Initiative

Contractor agrees, if it has ten (10) or more New Mexico employees OR eight (8) or more employees in the same job classification, at any time during the term of this contract, to complete and submit the PE10-249 form on the annual anniversary of the initial report submittal for contracts up to one (1) year in duration. If contractor has (250) or more employees, contractor must complete and submit the PE250 form on the annual anniversary of the initial report submittal for contracts that are up to one (1) year in duration. For contracts that extend beyond one (1) calendar year, or are extended beyond one (1) calendar year, contractor also agrees to complete and submit the PE10-249 or PE250 form, whichever is applicable, within thirty (30) days of the annual contract anniversary date of the initial submittal date or, if more than 180 days has elapsed since submittal of the last report, at the completion of the contract, whichever comes first. Should contractor not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, contractor agrees to provide the required report within ninety (90) days of meeting or exceeding the size requirement. That submittal date shall serve as the basis for submittals required thereafter.

Contractor also agrees to levy this requirement on any subcontractor(s) performing more than 10% of the dollar value of this contract if said subcontractor(s) meets, or grows to meet, the stated employee size thresholds during the term of the contract. Contractor further agrees that, should one or more subcontractor not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, contractor will submit the required report, for each such subcontractor, within ninety (90) days of that subcontractor meeting or exceeding the size requirement. Subsequent report submittals, on behalf of each such subcontractor, shall be due on the annual anniversary of the initial report submittal. Contractor shall submit the required form(s) to the State Purchasing Division of the General Services Department, and other departments as may be determined, on behalf of the applicable subcontractor(s) in accordance with the schedule contained in this paragraph. Contractor acknowledges that this subcontractor requirement applies even though contractor itself may not meet the size requirement for reporting and be required to report it self.

Two copies of the Pay Equity Worksheet shall be submitted prior to Award by the prospective Awarded Vendor.

The PE10-249 and PE250 worksheet is available at the following website:
http://www.generalservices.state.nm.us/statepurchasing/Pay_Equity.aspx

Statewide Price Agreement

Article I – Statement of Work
Under the terms and conditions of this Price Agreement all State of New Mexico agencies, commissions, institutions, political subdivisions and local bodies allowed by law may issue orders for items and/or services described herein. The terms and conditions of this Price Agreement shall form a part of each order issued hereunder.

The items and/or services to be ordered shall be as listed under Article IX - Price Schedule. All orders issued hereunder will bear both an order number and this Price Agreement number. It is understood that no guarantee or warranty is made or implied by the New Mexico State Purchasing Agent, his/her designee or the user that any order for any definite quantity will be issued under this Price Agreement. The Contractor is required to accept the order and furnish the items and/or services in accordance with the articles contained hereunder for the quantity of each order.

Article II – Term
The term of this Price Agreement, for issuance of orders, shall be as indicated in the specifications.

Article III – Specifications
Items and/or services furnished hereunder shall conform to the requirements of specifications and/or drawings applicable to items listed under Article IX-Price Schedule. Orders issued against this schedule will show the applicable Price Agreement item(s), number(s), and price(s); however they may not describe the item(s) fully.

Article IV – Shipping and Billing Instructions
Contractor shall ship in accordance with the following instructions: Shipment shall be made only against specific orders which the user may place with the Contractor during the term; The Contractor shall enclose a packing list with each shipment listing the order number, price agreement number and the commercial parts number (if any) for each item; Delivery shall be made as indicated on page1. If vendor is unable to meet stated delivery the State Purchasing Agent or his/her designee must be notified.

Article V – Termination
The Agency may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the Agency's uncured, material breach of this Agreement. Contractor shall give Agency written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Agency's material breaches of this Agreement upon which the termination is based and (ii) state what the Agency must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the Agency does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the Agency does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach. Termination of this Contract, however, shall not affect any outstanding orders. This provision is not exclusive and shall not waive other rights and remedies afforded either party in the event of breach of contract or default. In such instances the contract may be cancelled effective immediately.

Article VI – Amendment
This Price Agreement may be amended by mutual agreement of the New Mexico State Purchasing Agent or his/her designee and the Contractor upon written notice by either party to the other. An amendment to this Price Agreement shall not affect any outstanding orders issued prior to the effective date of the amendment as mutually agreed upon, and as published by the New Mexico State Purchasing Agent or his/her designee. Amendments affecting price adjustments and/or the extension of a price agreement expiration date are not allowed unless specifically provided in the bid and price agreement specifications.

Article VII – Indemnity Clause
Contractor shall indemnify and hold harmless the State, its officers and employees, against liability, claims, damages, losses or expenses arising out of bodily injury to persons or damage to properties caused by, or resulting from Contractor's, and/or its employees, own negligent act or omission while Contractor, and/or its employees, perform or fails to perform its obligations and duties under the Terms and Conditions of this agreement. This save harmless and indemnification clause is subject to the immunities, provisions, and limitations of the Tort Claims Act (Section 41-4-1, et seq., N.M.S.A. 1978 comp. and Section 57-7-1 N.M.S.A. 1878 comp. and any amendments thereto.

It is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the agreement to maintain a suit(s) for wrongful death(s), bodily and/ or personal injury(s) to person(s), damage(s) to property(ies) and/or any other claim(s) whatsoever pursuant to the provisions of this agreement.

Vendor shall provide all insurance necessary to employees on the work site, including but not limited to Worker's Compensation.

Article VIII – Issuance or Orders
Only written signed orders are valid under this Price Agreement.

Article IX – Packing (if applicable)
Packing shall be in conformance with standard commercial practices.

Article X – Price Schedule
Prices as listed in the price schedule hereto attached are firm.

Specifications:

The State of New Mexico, General Services Department (GSD), Facilities Management Division (FMD) wishes to establish a price agreement contract for Miscellaneous Electrical services and work related to these systems. Procurement will be based on a vendor supplying pricing through an established cost schedule. The price agreement will contain the contractor's commitment to offer services on a zone basis and willingness to respond to contract vendor requests when such requests are originated by authorized procuring agencies. Determination for the award shall be based upon the lowest total cost of all the bid items according to the formula listed within the "Cost Proposal" section. The In-state Preference and Veteran's Preference bidding advantage will be applied if applicable. Each bidder MUST enter a price for the requested items #1-4, 13, 14,and 15 in the zone or their bid will be deemed unresponsive. This procurement may result in a multi-source award. A current Public Works Registration number must be provided or the bid will be deemed unresponsive.
Under the terms and conditions of this Price Agreement all State of New Mexico agencies may issue orders for items and/or services described herein. The terms and conditions of this Price Agreement shall form a part of each order issued hereunder.

Term:
The term of this agreement shall be for one (1) year from date of award with the option to extend for a period (s) of two (2) additional years, on a year-by-year basis, by mutual agreement of all parties and approval of the New Mexico state purchasing director at the same price, terms and conditions. This agreement shall not exceed three (3) years. Per NMSA 1978 Section 13-1-154.1, the cap of one million dollars ($1,000,000) is effective for every Project. The cap of ten million dollars ($10,000,000) is effective for each Contractor's contract Price Agreement.

Escalation Clause:

In the event of a Dept of Workforce Solutions wage rate decision increase or a Union required increase, an escalation request will be reviewed by NM State Purchasing Division on an individual basis. This measure is not intended to allow any increase in profit margin, only to compensate for an actual cost increase. Price decreases as well as increases shall apply. Since the wage decision lasts for the term of a project, the new rates will be effective for a wage decision pulled for a new project under the new rate schedule.
Effective dates for increase on this Price Agreement will not be any sooner than fifteen (15) days from the date the written request is received by this office. To facilitate prompt consideration, all requests for price increase must include all information listed below:

- Contract 'item' number
- Current 'item' price
- Proposed new 'item' price
- Percentage of increase
- DWS Wage Rate documentation of old and new rate schedules

Insurance:
The contractor shall provide all insurance necessary for its employees on the project, including, but not limited to, workman's compensation insurance. The contractor agrees to comply with state laws and rules pertaining to workers' compensation insurance coverage for its employees. If the contractor fails to comply with the workers' compensation act and applicable rules, when required to do so, this contract will be cancelled immediately.

Contractor shall indemnify and hold harmless the state, its officers and employees against liability claims, damages, losses or expenses arising out of bodily injury to persons or damage to property caused by or resulting from the contractor's, and/or its employees, own negligent act(s) or omissions while the contractor, and/or its employees, perform(s) or fails to perform its obligations and duties under the
Terms and Conditions of this agreement. This "save harmless and indemnification" clause is subject to the immunities, provisions and limitations of the tort claims act (41-4-1, et seq., N.M.S.A. 1978 comp), section 57-7-1 N.M.S.A. 1978 comp. and any amendments thereto.

It is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of the agreement to create the public or any member thereof a third party beneficiary or to authorize anyone not a party to the agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damages to property(ies) and/or any other claim(s) whatsoever, pursuant to the provisions of this agreement.

The contractor shall provide public liability insurance for the minimum amount of $300,000 for damage to or destruction of property arising out of each occurrence; the amount of $300,000 to any person for any number of claims arising out of each occurrence for all damages other than property damage as permitted under the New Mexico tort claims act; and the amount of $1,00,000 for all claims arising out of each occurrence.

Builder's Risk Insurance:
Before commencing the Work for a project under this Price Agreement, the Contractor shall secure and maintain a Builder's Risk Policy upon the entire project for the full cost of replacement at the time of loss. This insurance shall also name the Owner, Contractor, and Subcontractors of all tiers, as named insureds. The Owner and Contractor shall be named as loss payee(s).

This insurance shall be written as a Builder's Risk Policy or equivalent form to cover all risks of physical loss to property except those specifically excluded by the policy. The policy, at a minimum unless otherwise agreed to in writing, shall insure against the perils of:

a. fire, lightning, explosion, windstorm, hail, smoke, water from any source, aircraft (except aircraft, including helicopters, operated by or on behalf of the Contractor), vehicles, riot and civil commotion, terrorism, theft, vandalism, malicious mischief, earthquake, collapse, defective design, defective workmanship, defective materials and earth movement including mudslide.

b. This insurance shall also include, at a minimum, additional coverages for:
c. damage to land excavation, footings, and/or temporary structures;

d. property in transit or in temporary storage;

e. engineering, testing, applicable design and related soft costs;

f. loss of use, delays in occupancy resulting from a covered cause of loss;

g. fencing and signage;

h. demolition and debris removal including pollutants;

i. fire department service charges and refill of fire protection devices.

The Contractor shall be solely responsible for any deductible amounts or coinsurance penalties.

This policy shall provide for a waiver of subrogation in favor of the Owner, Contractor, and Subcontractors of all tiers. This insurance shall remain in effect until the project is accepted by the Owner, or occupied in whole or in part. Partial occupancy or use of the work shall not commence until the Owner has secured the consent of the insurance company or companies providing the coverage required in this subsection. Should any partial occupancy or use of the work occur prior to the foregoing consent being obtained, such partial occupancy or use does not create an automatic right of cancellation of the coverage required in this subsection.

The Builder's Risk Policy shall be provided by an insurance company with an A.M. Best rating of A VI, or better, acceptable to the Owner, and authorized to conduct business in the State of New Mexico.

Before commencing a project, the contractor shall provide a copy of the Builder's Risk Policy or coverage binder with endorsements obtained in compliance with this subsection.

If the Contractor does not maintain Builder's Risk insurance as required by this Price Agreement, including all the endorsements, coverages, and deductibles described herein, the Contractor shall give written notice to the Owner before commencing the Work or immediately upon notice by the insurance company. The Owner may elect to provide insurance options to the Contractor or secure insurance to protect its interests, including the coverage of deductibles in consultation with the Contractor. The cost difference, if any, of the force-placed insurance shall be the sole responsibility of the Contractor and will not be considered a change order to the Price Agreement. In any event, no work shall commence pursuant to the Price Agreement until a Builder's Risk Policy is in place to the satisfaction and protection of the Owner.

The coverages afforded to the Owner by the State of New Mexico General Services Department/Risk Management Division (GSD/RMD) under their Certificate of Coverage including property in course of construction shall be excess over the Builder's Risk

policy secured by the Contractor. The State's Certificate of Coverage will not indemnify any private sector contractor, entity, business, person, or organization.

Wage rates:
All work covered by this invitation to bid shall be in accordance with applicable state laws and is subject to the minimum wage rate determination issued by the Department of Workforce Solutions if applicable.
A wage rate decision is required by the public works minimum wage act for construction, demolition or renovation purposes on projects costing $60,000 or more and funded in part by state or local funding. When a specific project is anticipated that will exceed $60,000, the agency will make a written request to Department of Workforce Solutions for a Wage Rate Determination decision at least 3 weeks before they solicit quotes from the contractor. The contractor must agree to comply with that current wage decision for the project. The subcontractors, if applicable, will also be subject to the Wage Decision. When applicable, or for additional information, visit http://'

For the purposes of bidding the 'wage decision project' wage rate items, use the current effective DWS Wage Rates as the guideline since increases in wage rates will be handled under the escalation clause.

Performance, Payment and Material Bonding:
A 100% performance bond and a 100% payment and material bond executed by a surety company authorized to do business in the State of New Mexico will be required of the successful bidder(s) prior to each project over $25,000.00. Said bonds must be provided to the requesting agency and are to be filed with the agency's purchasing office. Failure to comply shall result in order being issued to another vendor and difference being charged back to the awarded contractor(s). Bond cost shall be billed as an actual cost with no markup. A copy of the bond is required to be sent to the Agency.

Firm Lump Sum Fixed Price:
Price shall include New Mexico gross receipts tax or local option tax (es) on a separate line. Such tax or taxes shall be added to its purchase order at the current tax rate at the project's location.. The total project contract amount represents the total compensation to be paid by the state for goods and/or services provided and referred to hereafter as the firm lump sum fixed price. It is understood that the party providing said goods and/or services in such lump sum fashion to the state is responsible for payment of all its costs necessary to complete the work including but not limited to labor, equipment, tools, materials, subcontractors, professional services fee for drawings and specifications if not provided, taxes, licenses, fee, permits, bonds if required, profit and overhead and insurance. The prices quoted herein represent the total compensation to be paid by the State for goods and/or services provided.

A single Project will be limited to total costs not to exceed $1,000,000 including NM Gross receipts tax. The Agency shall not separate work and issue separate Purchase Orders whose combined totals exceed the Project limits threshold in order to utilize this Price Agreement. By awarding the Price Agreement, the Agency makes no promise of work to be generated. The volume and location of work will vary by need and funding on a yearly basis.

General:
All work shall be performed in accordance with the New Mexico building codes and electrical industry standards.

The awarded contractor shall be responsible for all permits associated with this work as required by the State of New Mexico, Construction Industries Division. The Construction Industries Division will issue permits for work performed at state owned buildings. Permit costs shall be billed as an actual cost with no markup.

The user agency, in a GSD owned building, shall not initiate any project utilizing this agreement, until the scope of work is reviewed and approved by the director of the FMD of the GSD. The user agency must obtain any and all approvals from the FMD, prior to its commencement of any work applicable to this contract.

The contractor will be contacted on an as needed basis to perform work associated with this contract in the zones specified. The user agency may solicit quotes from more than one vendor listed in this price agreement. The contractor may lower his rates on any of the bid items in order to submit a more competitive quote. The user agency may issue a purchase order to the contractor with the lowest quote that meets all of the requirements of the scope of work. The user agency reserves the right to accept offers from contractors that desire to submit quotes which better meet the hours and identified costs in order to obtain a fair and reasonable price based on the level of effort and mix of labor proposed to perform the specific project in the zone originally bid. Upon agreement of the cost by the contractor and the user agency, a firm lump sum fixed price purchase order will be executed.

Failure to respond to the state's requests without reasonable cause shall be grounds for termination of this contract.

The contractor and the subcontractors' employees agree to cooperate with and to abide by the rules and requirements of the requesting state agency to not interfere with the daily operations of the agency or to jeopardize the health, safety or welfare of the user agency's employees or general public conducting business with the state.

The using agency reserves the right to purchase materials directly from existing statewide price agreement sources, and to provide these materials to the contractor.

Travel:
Contractors will be allowed to quote anticipated travel mileage one way trip from vendor's place of business to jobsite in excess of fifty (50) miles. The rate used for travel cost will be the current rate allowed by the Federal Government. Mileage will be based by mapquest.com. No per diem will be allowed. The travel mileage will be calculated by finding the exact one way trip mileage on mapquest, subtracting 50 miles and multiplying that mileage times the Federal Government rate times the number of days to be at the site.

Debarred or Suspended Contractors:
A business (Contractor, Subcontractor, or Supplier) that has either been debarred or suspended pursuant to the requirements of Sections 13-1-177 through 13-1-180, and 13-4-11 through 13-4-17, NMSA 1978, shall not be permitted to do business with the State and shall not be considered for award of contract during the period for which it is debarred or suspended.

Bribes, Gratuities and Kickbacks:
It is illegal in the State of New Mexico for any public employee to solicit or accept anything of value in connection with award of contract for this Bid and for any person to offer or pay anything of value to any such public employee (30-24-1 and 30-24-2, NMSA 1978).

Pursuant to Section 13-1-191, NMSA 1978, reference is hereby made to the Criminal Laws of New Mexico (including Sections 30-24-1 through 30-24-3, NMSA 1978, and 30-41-1 through 30-41-3, NMSA 1978), which prohibit bribes, kickbacks, and gratuities, violations of which constitutes a felony. Further, the Procurement Code (Sections 13-1-28 through 13-1-199, NMSA 1978) imposes civil and criminal penalties for its violation.

Assignment of Antitrust Claims:
The Contractor agrees that any and all claims that the Contractor may have or that may inure to the Contractor for overcharges resulting from antitrust violations as to goods, services, and materials purchased in connection with this Bid are hereby assigned to the State of New Mexico, but only to the extent that such overcharges are passed on to the State. The Contractor further agrees to require each of its Suppliers, Subcontractors, and Sub subcontractors to assign any and all such claims for overcharges to the State by executing an assignment on the form provided by the Owner for such purpose. The executed form (see Section 00600-7) shall be submitted prior to the commencement of the Work or the supplying of any materials by the Supplier, Subcontractor, or Sub subcontractor. The submission of this executed form may be waived by the Owner upon a showing of a good-faith effort by the Contractor to obtain agreement in writing from his Supplier, Subcontractor, or Sub subcontractor. Waiver by the Owner may not unreasonably be denied.

It is agreed that the Contractor retains all rights to any such antitrust claims to the extent of any overcharges not passed on to the State, including the right to any treble damages attributable thereto.

Subcontractors:
Subcontractors are allowed for work on this contract only with written prior approval by the agency contracting for the work. Subcontractors' activities must be defined and the cost of their work broken out on a separate line(s) on the quote. The subcontractor's quote must follow the price agreement item breakdown. If a subcontractor's quote is included in the accepted primary contractor's quote then subcontractor approval is implied. If a contractor desires to change the subcontractor after contract award, written approval must be obtained from user agency.

The Primary contractor will be wholly responsible for the entire performance of the subcontractor and must adequately supervise the work of the subcontractor in order to ensure that the quality of their work meets the State's standards. Subcontractors are subject to the same applicable licensing and insurance coverage as the primary contractor. Subcontractors who have been suspended or debarred from doing state or federal work may not be used by the Primary Contractor.

Scope of Work:

The contractor for this work shall provide all materials, labor, tools and equipment, and pay for any permits and fees necessary to perform the work. All work shall be in strict compliance with the national and state electrical code.

The owner shall provide, at a minimum, a detailed scope of work and/or drawings, generally defining the electrical work required for the project.

This contractor shall be capable of providing all new or upgrades to the existing electrical service and systems, diagnostic services, perform trouble shooting services for the owner and to prepare proposals for all costs and services needed to perform the work required, in compliance with the national and state electrical codes.

The work shall include the repair, replacement or extension of electrical systems within, attached to or servicing buildings or sites above ground or underground. The work shall include, but not be limited to: installation of new power and lighting circuits; new power services; new electrical devices, equipment and lighting fixtures; and any other related electrical work. Work shall also include the removal and disposal of existing power circuits, lighting fixtures and equipment; and the termination of associated circuits and services. Any related work required to accomplish the requested electrical work is included. Low voltage work could be included.

All work shall be performed in a neat and workmanlike manner, while maintaining the work area(s) in a clean condition. All work shall be installed in strict compliance with industry standards, by workers trained and certified to perform the work. All materials shall be new and of the highest quality available for the type of work being performed.

The contractor shall provide all protective coverings necessary to protect existing finishes and improvements which are in the area where the new work will occur.

The contractor shall restore any damage to existing finishes. Restoration work shall be inconspicuous with existing finishes.

The contractor shall provide all clean-up for its operations. All hazardous and non-hazardous construction debris shall be removed from the work areas and disposed of at an approved waste disposal site. The owner's trash container for the building shall not be used for disposal of construction debris.

Labor:
Personnel working on the project and providing these services shall be experienced in all areas related to this work and required by this contract. Journeymen level personnel shall have the ability and necessary skills to diagnosis problems and to make the appropriate decisions needed to provide these services.

Work is to be warrantied against defects in materials and workmanship for a period of one year from the date of completion and acceptance by the owner or using agency.

Hourly rates are requested for the three levels of personnel as follows.

Journeyman: a person licensed by the State of New Mexico as a journeyman in the specialized field of work required and being performed on this project.

Apprentice: a person with substantial experience in this field of work, but not yet licensed as a journeyman.

Laborer: a person with minimal experience, performing simple tasks as clean-up and other minor forms of labor.

Other Direct Labor: Hourly rates for other direct personnel that may be anticipated during the course of this contract should be added under other labor categories listed in the bid documents.

Materials, Subcontracts and Other Associated Costs:
Materials, subcontracts and other associated costs necessary to perform the work stipulated in the scope of work shall be identified and quoted individually with estimates from suppliers. After acceptance of the costs identified in this section by the Agency, those costs shall be treated as provided in the section on Firm Lump Sum Fixed Price. If there is to be a discount on the retail materials, the quote must show the discount.

All material specified in the quote regardless of whether incorporated in the work shall be deemed included as paid for by the Owner or Agency. As such, any unused materials shall be turned over to the owner or agency for whom the work was provided.

The State of New Mexico requires that all materials shall be new and of the highest quality and at the best attainable price available for the type of work being performed.

Equipment Rental:
If special equipment is required to perform the work required, the Contractor may quote the cost of said equipment.

Quote Request:
When a service is needed, the using agency shall provide, at a minimum, a detailed scope of work and/or drawings defining work required.

The contractor shall visit the site and compare the owner's scope of work and/or drawings to the existing conditions and provide all services called for in addition to the requirements set forth in this contract.
The contractor will be required to provide a written quote at no cost to the State, to include the work to be performed as well as the number of days required for the completion of the project and submit it to the using agency.

Change Orders:
Change Orders are lump sum amounts which are added to the Purchase Order as a line item or put into a new Purchase Order. They are to be used for unforeseen conditions or Agency identified but unestimated work. When they are quantified and identified, the resultant cost must be submitted to the Agency with material or subcontractor quotes. No extra work can be started until the Change Order is approved in writing and the Purchase Order is approved.
Written justification shall accompany the request. The justification shall include the reason, the scope, the history of the issue, the place of the work and any other relevant details.

Work Commencement:
Prior to commencement of any work performed the using agency will issue a notice to proceed for the work upon receipt of a purchase order, based on the prices set forth by vendor's quote. The contractor is required to submit a work schedule which will indicate the approximate completion date of the project. It should be updated with any changes as the work proceeds. The contractor shall begin the work based on the priority identified by the using agency. Any delay beyond the stated completion date shall be upon agreement by the owner and the contractor. If submittals or shop drawings are required, then they must be approved before the relevant work is started.

The Contractor shall supervise and direct the work. He shall be solely responsible for all construction means, methods, techniques, sequences and procedures and for coordinating all portions of the work under the project. The contractor shall be responsible to the user agency for the acts and omissions of his employees and, if prior approved, Subcontractors and their agents and employees and other persons performing any of the work under a contract with the Contractor.

Where work is to be conducted in a state correctional or secured facility, security clearances and background checks that may be required by the facility for the contractor and its employees must be obtained prior to commencement of any work at that facility. The using agency reserves the right to deny any employee of the contractor, access to the facility should the employee be in violation of any criteria required for the security clearance.

The user agency reserves the right to provide an escort and/or full time supervision of the contractor and its employees during any or all phases of a project, should the user agency feel it is in its best interest to provide these extraordinary security services.

The user agency reserves the right to escort any or all employees of the contractor off its property, for any inappropriate conduct or actions that jeopardize the safety, security or well-being of the facility. Inappropriate behavior by the contractor, its employees or subcontractors shall immediately cancel this contract. Any employee of the contractor found in violation of any law, while on the user agency's property, will be prosecuted.

The user agency may order the Contractor to stop the work or a portion of it if the contractor fails to correct defective work or persistently fails to carry out the work. The user agency would do so in writing with justifications with the knowledge that if the 'stop work' was not sufficiently justified, the contractor may be owed for demobilizing and remobilizing.

Review of Project Documents:
The contractor shall carefully study and compare the project documents and shall report at once to the user agency any error, inconsistency or omission he may discover. If this occurs during the work, the contractor shall not continue the related work until the issue is resolved.

Testing:
Any testing required by the project documents and retesting required as a result of the failure of the first or subsequent tests, including but not limited to testing for job mix formulae and design mixes, shall be performed by a testing laboratory under the direct supervision of a Registered Professional Engineer licensed to practice in the State of New Mexico and shall be paid for by the contractor.

Safety:
The Contractor is responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the work. This includes precautions to prevent damage, injury or loss to: 1) all employees on the work and all other persons who may be affected thereby, 2) all the work an all materials and equipment to be incorporated therein, whether in storage on or off site, under the care, custody or control of the Contractor or any of his Subcontractors or sub-Subcontractors, 3) other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.

The contactor shall erect and maintain, as required by existing conditions an progress of work all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying agencies and users of adjacent utilities. All OSHA regulations shall be followed as well as any other Codes which pertain to safety procedures.

Payments:
Contractor shall submit invoices or pay requests at regular intervals but not less than once a month. Pay requests will be based on Lump Sum Fixed Price and percent of project completion. If there are anticipated to be more than several pay applications for the project, then a schedule of values must be submitted and approved after the Notice to Proceed is issued.

Close-out Documents:
Substantial completion will occur when the contractor considers the work to be substantially complete and the agency concurs. Substantial completion means that the user agency can occupy or utilize the work/area. The contractor is responsible for creating a list of items still to be completed or corrected. The user agency must approve the list. When the work is finally complete and inspected and accepted by the user agency, the final pay application may be submitted along with any required close-out documents. Such documents might include the certificate of occupancy, the permit signed off by CID, Lien releases, Consent of Surety, as-built drawings, warranty certificates, maintenance & Operations manuals, and verification of user training.

Warranties:
The Contractor warrants to the user agency that all work and all materials and equipment furnished under this price agreement will be of good quality, free from defects and faults and in conformance with the Project documents. All work not conforming to these requirements, including substitutions not properly approved and authorized, may be considered defective. If required by the user agency, the contractor shall furnish satisfactory evidence as the kind and quality of the materials and equipment. Unless otherwise specified, the contractor's workmanship, materials and equipment will be warranted for a period of one year beginning at the agreed upon date of substantial completion.

State Purchasing Zones:
Purchasing zones will be used to determine area covered by each awarded contractor and their pricing. Purchasing zones may be found below. Bidders are not required to bid on all purchasing zones but are encouraged to bid only for the areas where they can guarantee to provide cost effective service under this price agreement.

PURCHASING ZONES:
Zone 1: San Juan, McKinley
Zone 2: Santa Fe, Los Alamos, Rio Arriba, Taos, San Miguel, Mora, Colfax, Union, Harding
Zone 3: Bernallilo, Sandoval, Valencia, Cibola, Catron, Socorro, Torrance, Guadalupe, Roosevelt, De Baca, Quay, Curry
Zone 4: Dona Ana, Sierra, Grant, Luna, Hildago, Otero, Lincoln
Zone 5:Chavez, Eddy, Lea

CONTRACTOR REQUIRED INFORMATION:
No person shall act as a contractor without a license issued by the Construction Industries Division, classified to cover the type of work to be performed. No bid on a contract shall be submitted unless the contractor has a valid contractor's license issued by the Construction Industries Division to bid and to perform the type of work to be undertaken, as set forth in § 60-13-12, NMSA 1978.

New Mexico Public Works Registration No: _____

Contractor's New Mexico License No.: _____.

Contractor Classification No.: _____.

State Tax ID No.: _____

NM RESIDENTPREFERENCE:

In-state resident contractors or businesses must attach a copy of their current valid certificate **issued from the State Taxation and Revenue Department** in order for the 5% bidding advantage to be applied.

NM RESIDENT VETERAN'S PREFERENCE:
NM Resident Veteran businesses must attach a copy of their current valid certificate **issued from the State Taxation and Revenue Department** in order for the 10% bidding advantage to be applied.

COST PROPOSAL:
Bids for services are requested on a statewide basis and separate awards for each or combinations of zones may be utilized. Bidders are encouraged to bid only in areas where the bidder may adequately service this price agreement. The intent of this contract is to award the price agreement to companies who may best be able to perform the work in an effective, efficient manner.

If the contractor is bidding on multiple zones, contractor is to indicate price per zone where the work would be performed. See the attached five zone map to determine the zones in which to bid.

Zones to be serviced: _____ 1, _____ 2, _____ 3, _____ 4, _____ 5.
Contractors bidding in zones 1 and 2 must have a physical office in Albuquerque, Santa Fe or within 60 miles of either of those cities

BID ITEMS: (mandatory items are bolded)

0001 1 HOUR CERTIFIED, LICENSED JOURNEYMAN, REGULAR HOURS WORKED, NON WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____.

0002 1 HOUR CERTIFIED, LICENSED JOURNEYMAN, REGULAR HOURS WORKED, WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____.

0003 1 HOUR CERTIFIED, LICENSED JOURNEYMAN, AFTER HOURS WORKED, NON WAGE DECISION PROJECT

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____.

0004 **1 HOUR CERTIFIED, LICENSED JOURNEYMAN, AFTER HOURS WORKED, WAGE DECISION PROJECT**

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0005 1 HOUR EXPERIENCED APPRENTICE, REGULAR HOURS WORKED, NON WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0006 1 HOUR EXPERIENCED APPRENTICE, REGULAR HOURS WORKED, WAGE DECISION PROJECT .

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0007 1 HOUR EXPERIENCED APPRENTICE, AFTER HOURS WORKED, NON WAGE DECISION PROJECT

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0008 1 HOUR EXPERIENCED APPRENTICE, AFTER HOURS WORKED, WAGE DECISION PROJECT

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0009 1 HOUR LABORER, REGULAR HOURS WORKED, NON WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0010 1 HOUR LABORER, REGULAR HOURS WORKED, WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____ .

0011 1 HOUR LABORER, AFTER HOURS WORKED, NONWAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____

0012 1 HOUR LABORER, AFTER HOURS WORKED, WAGE DECISION PROJECT.

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____

0013 1 HOUR PROJECT MANAGER/ SUPERVISOR

ZONE 1 $_____; ZONE 2 $_____; ZONE 3 $_____;

ZONE 4 $_____; ZONE 5 $_____.

0014 PERCENTAGE SUPERVISION AND COORDINATION ON SUBCONTRACTORS
(maximum) _____%

0015 PERCENTAGE OFF RETAIL FOR ALL PARTS AND MATERIALS. _____%

The bid tabulation will be calculated by adding all of items **1-4** and dividing by 4. Then that amount will be multiplied by the percentage of supervision of subcontractors plus 1and then multiplied by 1 minus the percentage off retail parts/materials.
Example: The labor rates totaled $300. Divide by 4= $75.
The supervision rate is 20%. $75 x 1.20= $90.
The percent off for parts is 10%. $90 x .90=$81.
The final calculation for this vendor for that zone is $81.

ITEMS BELOW ARE TO BE SHOWN ON PROJECT QUOTES AND AS PART OF THE APPROVED FIXED PRICE CONTRACT PER PROJECT

0010 SUBCONTRACTOR WORK INCLUDING PROFESSIONAL SERVICES-
ACTUAL QUOTE (PROVIDE DOCUMENTATION)

0011 PARTS/MATERIAL

0012 EQUIPMENT RENTAL or UTILIZATION
ACTUAL QUOTE (PROVIDE DOCUMENTATION) or Utilization costs which shall be based on the life expectancy of the equipment and the purchase price of the equipment.

0013 OTHER ASSOCIATED COSTS
ACTUAL QUOTE (PROVIDE DOCUMENTATION EACH COST MUST BE DESCRIBED ON INDIVIDUAL LINES)

ONE WAY PER MILE COST BASED ON FEDERAL GOVERNEMENT RATE TIMES MILES over 50, PER SERVICE VEHICLE REQUIRED, MEASURED FROM THE AWARDED CONTRACTOR'S OFFICE/SHOP TO THE REQUESTED JOB SITE, FOR TRAVEL IN EXCESS OF 50 MILES ONE WAY, BASED ON MAPQUEST.COM.

PHYSICAL ADDRESS: _____

COMPANY NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP CODE: _____

0015 PERMIT AND FEES AT ACTUAL COST

0016 BOND AT ACTUAL COST

0017 NEW MEXICO GROSS RECEIPTS TAX
WILL BE CALCULATED BY AGENCY BASED ON PROJECT LOCATION RATE

0018 BUILDER'S RISK INSURANCE AT ACTUAL COST

PO WILL BE ISSUED FOR A LUMP SUM FOR ALL OF THE ABOVE LISTED ITEMS # 1-18 ON A PER-PROJECT BASIS.

BILLING WILL BE PER FIXED PRICE CONTRACT FOR MATERIALS RECEIVED AND PERCENT OF PROJECT COMPLETION.

Awarded Vendors:

(AA) 0000009253
Allied Electric Inc.
P.O. Box 28430
Santa Fe, NM 87592-8430
505-438-8899

(AB) NOT IN SHARE
Alpha & Omega Electric, LLC
1301 Alcazar St., NE
Albuquerque, NM 87110
505-554-3313

(AC) 0000097177
APIC Solutions Inc.
5550 Midway Park Place NE
Albuquerque, NM 87109
505-345-1381

(AD) 0000046277
B&D Industries Inc.
9720 Bell Avenue SE
Albuquerque, NM 87123
505-299-4464

(AE) 0000049380
BIXBY ELECTRIC INC.
521 Wheeler Avenue SE
Albuquerque, NM 87102
505-842-5384

(AF) 0000049954
Great Western Electrical, Inc.
3310 Girard Blvd. NE
Albuquerque, NM 87107
505-881-6525

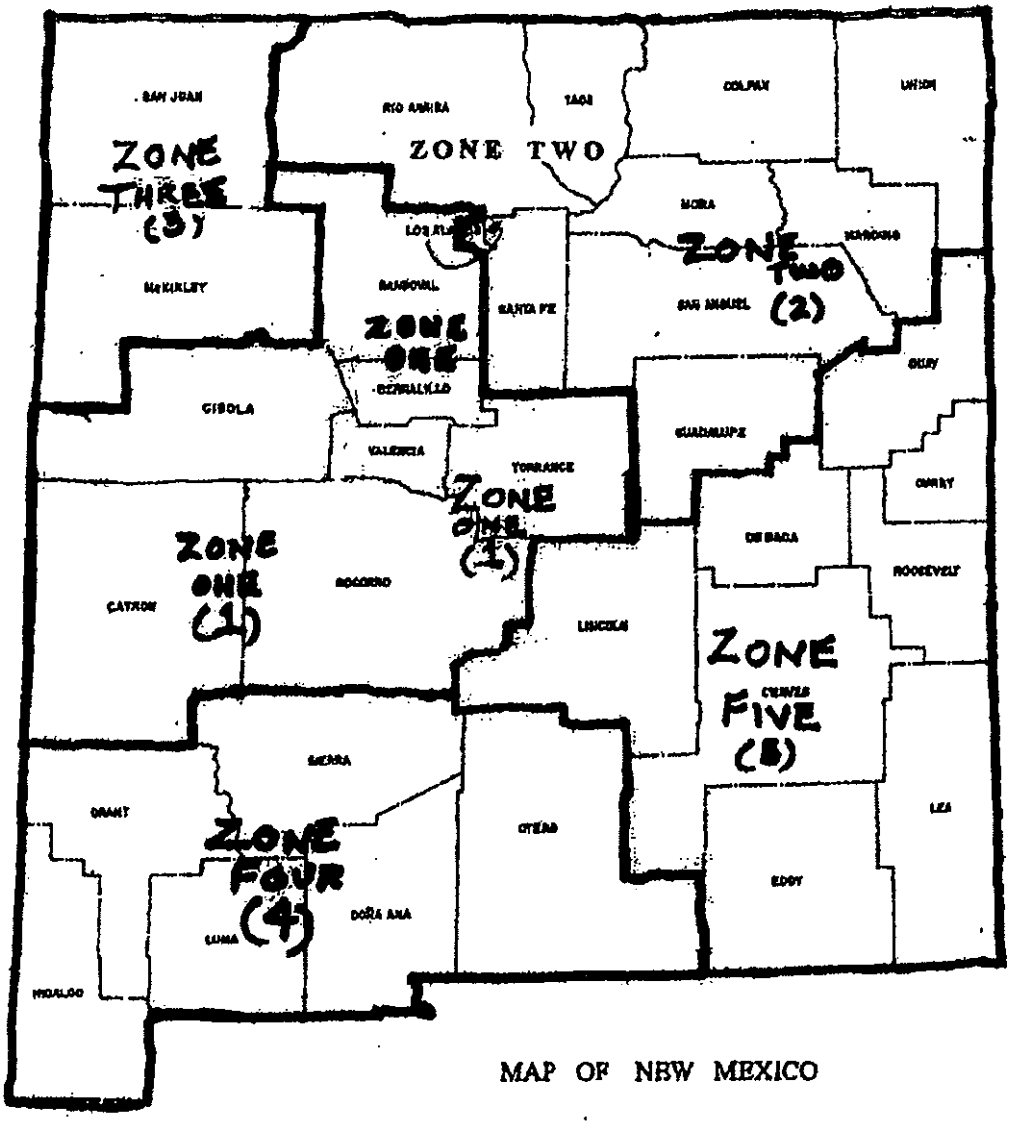
(AG) 0000052470
HEI, Inc.
3800 Vassar Dr. NE
Albuquerque, NM 87107
505-880-1819

(AH) 0000043517
Murrill Electric LLC
807 Del Rio St.
Carlsbad, NM 88221
575-234-9905

(AI) 0000081759
Omega Electrical Contractors, Incorporated
PO Box 1690
Peralta, NM 87042-1690
505-344-2761

Item	Approx. Qty.	Unit	Article and Description	Unit Price

Purchasing zones on page 13 deleted by amendment 1. See zone map following and 3 following sheets for awarded items per vendor.



MAP OF NEW MEXICO

Zone One: Bernalillo, Catron, Cibola, Sandoval, Socorro, Torrance and Valencia counties
Zone Two: Colfax, Guadalupe, Harding, Los Alamos, Mora, Rio Arriba, Santa Fe, San Miguel, Taos and Union counties
Zone Three: McKinley and San Juan counties
Zone Four: Dona Ana, Grant, Hidalgo, Luna, Otero and Sierra counties
Zone Five: Chavez, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt counties

70-000-17-00063 Electrical On-Call

Item	Unit	Article and Description	Unit Price	(AA)	(AB)	(AC)	(AD)	(AE)	(AF)	(AG)	(AH)	(AI)
001	hr.	**Certified, licensed Journeyman, regular hours worked, non-wage-decision project. (required bid item)**	ZONE 1	$51.00	$50.00	$50.00	$60.00	$88.73	$75.00	$60.00		$54.50
			ZONE 2	$51.00		$50.00	$60.00	$86.69	$80.00	$60.00		$64.50
			ZONE 3	$51.00		$50.00	$60.00	$70.82	$80.00	$60.00		$64.50
			ZONE 4	$51.00		$50.00	$60.00	$88.73	$85.00	$60.00		$64.50
			ZONE 5	$51.00		$50.00	$60.00	$88.73	$85.00	$60.00	$76.00	$54.50
002	hr.	**Certified, licensed Journeyman, regular hours worked, wage-decision project. (required bid item)**	ZONE 1	$55.00	$50.00	$55.00	$67.60	$104.47	$75.00	$68.00		$87.50
			ZONE 2	$55.00		$55.00	$67.60	$102.69	$80.00	$68.00		$97.50
			ZONE 3	$55.00		$55.00	$67.60	$87.09	$80.00	$68.00		$97.50
			ZONE 4	$55.00		$55.00	$67.60	$104.47	$85.00	$68.00		$97.50
			ZONE 5	$55.00		$55.00	$67.60	$104.47	$85.00	$68.00	$98.14	$87.50
003	hr.	**Certified, licensed Journeyman, after hours worked, non-wage-decision project. (required bid item)**	ZONE 1	$56.00	$50.00	$65.00	$79.33	$115.12	$100.00	$60.00		$60.00
			ZONE 2	$56.00		$65.00	$79.33	$112.43	$105.00	$60.00		$70.00
			ZONE 3	$56.00		$65.00	$79.33	$95.91	$105.00	$60.00		$70.00
			ZONE 4	$56.00		$65.00	$79.33	$115.12	$110.00	$60.00		$70.00
			ZONE 5	$56.00		$65.00	$79.33	$115.12	$110.00	$60.00	$115.00	$60.00
004	hr.	**Certified, licensed Journeyman, after hours worked, wage-decision project. (required bid item)**	ZONE 1	$58.00	$50.00	$75.00	$104.29	$157.55	$100.00	$68.00		$87.50
			ZONE 2	$58.00		$75.00	$104.29	$155.25	$105.00	$68.00		$97.50
			ZONE 3	$58.00		$75.00	$104.29	$139.13	$105.00	$68.00		$97.50
			ZONE 4	$58.00		$75.00	$104.29	$157.55	$110.00	$68.00		$97.50
			ZONE 5	$58.00		$75.00	$104.29	$157.55	$110.00	$68.00	$147.21	$87.50
005	hr.	Experienced Apprentice, regular hours worked, non-wage-decision project.	ZONE 1	$20.00	$28.00	$35.00	$34.51	$42.36	$60.00	$55.00		$43.75
			ZONE 2	$20.00		$35.00	$34.51	$38.04	$65.00	$55.00		$53.75
			ZONE 3	$20.00		$35.00	$34.51	$33.72	$65.00	$55.00		$53.75
			ZONE 4	$20.00		$35.00	$34.51	$42.36	$70.00	$55.00		$53.75
			ZONE 5	$20.00		$35.00	$34.51	$42.36	$70.00	$55.00	$55.00	$43.75

006	hr.	Experienced Apprentice, regular hours worked, wage-decision project.	ZONE 1	$25.00	$28.00	$40.00	$34.51	$61.36	$60.00	$60.00		$75.00
			ZONE 2	$25.00		$40.00	$34.51	$57.04	$65.00	$60.00		$85.00
			ZONE 3	$25.00		$40.00	$34.51	$52.72	$65.00	$60.00		$85.00
			ZONE 4	$25.00		$40.00	$34.51	$61.36	$70.00	$60.00		$85.00
			ZONE 5	$25.00		$40.00	$34.51	$61.36	$70.00	$60.00	n/a	$75.00
007	hr.	Experienced Apprentice, after hours worked, non-wage-decision project.	ZONE 1	$26.00	$28.00	$35.00	$45.20	$55.98	$80.00	$55.00		$57.00
			ZONE 2	$26.00		$35.00	$45.20	$51.66	$85.00	$55.00		$67.00
			ZONE 3	$26.00		$35.00	$45.20	$47.34	$85.00	$55.00		$67.00
			ZONE 4	$26.00		$35.00	$45.20	$55.98	$90.00	$55.00		$67.00
			ZONE 5	$26.00		$35.00	$45.20	$55.98	$90.00	$55.00	$85.00	$57.00
008	hr.	Experienced Apprentice, after hours worked, wage-decision project.	ZONE 1	$28.00	$28.00	$40.00	$45.20	$99.74	$80.00	$60.00		$75.00
			ZONE 2	$28.00		$40.00	$45.20	$95.42	$85.00	$60.00		$85.00
			ZONE 3	$28.00		$40.00	$45.20	$91.10	$85.00	$60.00		$85.00
			ZONE 4	$28.00		$40.00	$45.20	$99.74	$90.00	$60.00		$85.00
			ZONE 5	$28.00		$40.00	$45.20	$99.74	$90.00	$60.00	n/a	$75.00
009	hr.	Laborer, regular hours worked, non-wage-decision project	ZONE 1	$16.00	$24.50	$30.00	$34.51	$33.55	$40.00	$50.00		$33.00
			ZONE 2	$16.00		$30.00	$34.51	$29.23	$43.00	$50.00		$43.00
			ZONE 3	$16.00		$30.00	$34.51	$24.91	$43.00	$50.00		$43.00
			ZONE 4	$16.00		$30.00	$34.51	$33.55	$48.00	$50.00		$43.00
			ZONE 5	$16.00		$30.00	$34.51	$33.55	$48.00	$50.00	$64.00	$33.00
010	hr.	Laborer, regular hours worked, wage-decision project	ZONE 1	$21.00	$24.50	$35.00	$34.51	$47.08	$40.00	$55.00		$55.25
			ZONE 2	$21.00		$35.00	$34.51	$42.76	$43.00	$55.00		$65.25
			ZONE 3	$21.00		$35.00	$34.51	$38.44	$43.00	$55.00		$65.25
			ZONE 4	$21.00		$35.00	$34.51	$47.08	$48.00	$55.00		$65.25
			ZONE 5	$21.00		$35.00	$34.51	$47.08	$48.00	$55.00	$33.25	$55.25
011	hr.	Laborer, after hours worked, non-wage-decision project	ZONE 1	$22.00	$24.50	$30.00	$45.20	$44.78	$58.00	$50.00		$42.50
			ZONE 2	$22.00		$30.00	$45.20	$40.46	$60.00	$50.00		$52.50
			ZONE 3	$22.00		$30.00	$45.20	$36.14	$60.00	$50.00		$52.50
			ZONE 4	$22.00		$30.00	$45.20	$44.78	$65.00	$50.00		$52.50
			ZONE 5	$22.00		$30.00	$45.20	$44.78	$65.00	$50.00	$96.00	$42.50

012	hr.	Laborer, after hours worked, wage-decision project	ZONE 1	$25.00	$24.50	$35.00	$45.20	$48.04	$58.00	$55.00		$55.25
			ZONE 2	$25.00		$35.00	$45.20	$43.72	$60.00	$55.00		$65.25
			ZONE 3	$25.00		$35.00	$45.20	$39.40	$60.00	$55.00		$65.25
			ZONE 4	$25.00		$35.00	$45.20	$48.04	$65.00	$55.00		$65.25
			ZONE 5	$25.00		$35.00	$45.20	$48.04	$65.00	$55.00	$49.88	$55.25
013	hr.	**Project manager/supervisor (required bid item)**	ZONE 1	$55.00	$54.00	$50.00	$60.00	$152.77	$100.00	$75.00		$54.50
			ZONE 2	$55.00		$50.00	$60.00	$143.81	$105.00	$75.00		$64.50
			ZONE 3	$55.00		$50.00	$60.00	$134.85	$105.00	$75.00		$64.50
			ZONE 4	$55.00		$50.00	$60.00	$152.77	$110.00	$75.00		$64.50
			ZONE 5	$55.00		$50.00	$60.00	$152.77	$110.00	$75.00	$95.00	$54.50
014	%	**Supervision and coordination subcontractors (maximum %) (required bid item)**	_____%	15%	10%	15%	12%	10%	15%	10%	15%	5%
015	%	**Percentage off retail for all parts and materials (required bid item)**	_____%	5%	0%	15%	10%	10%	20%	5%	8%	15%

Log # *(Finance use only)*:	
Batch # *(Finance use only)*:	

City of Santa Fe, New Mexico
BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME	DATE
PUD/Water/CIP	7/16/2020

ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE
EXPENDITURES				*(enter as positive #)*	*(enter as negative #)*
Water CIP	5050395	572970	WTR1950519	839,962	
REVENUES				*(enter as negative #)*	*(enter as positive #)*
				$ 839,962	$ -

JUSTIFICATION: *(use additional page if needed)*
--Attach supporting documentation/memo

Budget Increase from Cash Balance in Water Enterprise Fund for contract amendment with HEI Inc. for Booster Station 3 & Booster Station 4 VFD/RTU Replacements

(Complete section below if BAR results in a net change to ANY Fund)

Fund(s) Affected	Fund Balance Increase/(Decrease)
505	(839,962)
TOTAL:	**(839,962)**

(Use this form for Finance Committee/City Council agenda items ONLY)

Andy Hopkins (Jul 30, 2020 12:38 MDT)

Maya Martinez 7/16/2020
Prepared By *(print name)* Date

Budget Officer Date

Division Director Signature *(optional)* Date

Finance Director *(≤ $5,000)* Date

Shannon Jones (Jul 29, 2020 08:37 MDT)

Department Director Signature Date

City Manager *(≤ $60,000)* Date

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

ACTION SHEET
ITEM FROM QUALITY OF LIFE COMMITTEE MEETING OF 08/05/2020
FOR CITY COUNCIL MEETING OF 08/12/2020

ISSUE:
Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity from April 2019 Through April 2020 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2020 through April 2021 (Zoe Isaacson, River and Watershed Project Administrator: zrisaacson@santafenm.gov, 955-6853)

COMMITTEE REVIEW
Quality of Life Committee (Scheduled): 08/05/2020
Governing Body (Scheduled): 08/12/2020

QUALITY OF LIFE COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

SEND TO:
Governing Body

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR RIVERA	X		
COUNCILOR GARCIA	X		
COUNCILOR CASSUTT-SANCHEZ	X		

ACTION SHEET
PUBLIC WORKS AND PUBLIC UTILITES COMMITTEE MEETING OF 07/27/2020

ISSUE NO. 7A

Approval of the Annual Report for the Santa Fe River Target Flows: Target Year Activity from April 2019 Through April 2020 and Anticipated Activity for the Santa Fe River Target Flow Year of April 2020 through April 2021 (Zoe Isaacson, River and Watershed Project Administrator, zrisaacson@santafenm.gov 955-6853)

COMMITTEE REVIEW

Quality of Life Committee (Scheduled)	08/05/2020
Governing Body (Scheduled)	08/12/2020

PUBLIC UTILITES COMMITTEE ACTION: Approved on Consent Calendar to forward to 08/05/20 Quality of Life.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

City of Santa Fe, New Mexico

memo

DATE: July 6, 2020
TO: Public Works /Public Utilities Committee/City Council

VIA: John Romero
John J. Romero, PE, Acting Public Works Director
Melissa A. McDonald, RLA, River and Watershed Manager MM

FROM: Zoe R. Isaacson, River and Watershed Project Administrator ZRI

CC: Jesse D. Roach, PE, Water Division Director
Alan G. Hook, Water Resources Coordinator & SF Municipal Watershed Program Manager

ITEM: Approval of the Annual Report for the Santa Fe River Target Flows: Target year activity from April 2019 through April 2020 and anticipated activity for the Santa Fe River target flow year of April 2020 through April 2021.

Pursuant to the Santa Fe River Target Flow Ordinance (Ordinance #2012-10) and the Santa Fe River Target Flow Administrative Procedures (City Resolution #2012-28), staff is directed to provide the governing body with an annual report that describes target flow operations and flow volumes for the preceding year, plus the planned target flow hydrograph for the coming year.

Please note the target hydrograph is typically approved by the River Commission as per ordinance 2012-10; however, due to unprecedented circumstances caused by the COVID-19 pandemic, there was no mechanism in place to vote to approve the 2020-2021 target hydrograph. A variation of the ordinance has been administered, in compliance with standards set by the New Mexico Attorney General's Open Meeting Act; a question and answer period was provided prior Commissioners registering their support for the hydrograph with city staff. The group was unanimous in its decision to support the Living River Target Flow Hydrograph. The Commission will revisit this item, once in-person meetings are permitted or alternative meeting methods such as virtual meetings are approved, and an official vote will be conducted. Until that time, the River Commission will be kept abreast of any changes or alterations to the target flow hydrograph herein. Additionally, they will continue to monitor the target flow releases.

LAST YEAR'S REPORT: THE TARGET YEAR ENDING APRIL 14, 2019:
In 2019, the Santa Fe River target flow allocation began April 15, 2019 and concluded on April 14, 2020, in order to reach the targeted 1000- acre-feet of bypass flows for the 2019-2020 "Living River" year.

The river flows are administered under the terms of the City of Santa Fe's Administrative Procedures for the Santa Fe River Target Flows. The ordinance provides that up to 1,000 acre-provide feet to bypass flow to the Santa Fe River downstream of Nichols Reservoir. In years when the forecast for the runoff from mountain snows fall below 75% of the annual average, Santa Fe River target flows are scaled downward. This past target year, the April 1st forecast was 100% of the thirty-year average streamflow yield for the Santa Fe River. Therefore, the Santa Fe River target flows were projected to be 1000-acre-

feet, 100% of the total allowed annual river allocation as per the administrative procedures (see exhibit 2). Actual releases are shown in the 2019 – 2020 Santa Fe River Target Hydrograph (see exhibit 1).

It is important to note that the other determinant of Santa Fe River bypass flows administered through the Santa Fe River target flow program is the concept of the bypass constraint. The administrative procedures for the program define the bypass constraint as follows:

"Bypass constraint": an operation principle that requires the rate at which water is passed through the outlet works of Nichols Reservoir dam is always equal or less than the stream inflow at the 'above McClure' gage.

In other words, at any given time, the volume of Nichols Reservoir outflow administered for the Santa Fe River target flows is not allowed to exceed the volume of inflow at the City's upper reservoir, McClure Reservoir.

The purposes of the target flows are to help support the Santa Fe River's green corridor of trees, grasses, and other plants; to support healthy wildlife habitat; and to add to the beauty of free-flowing water to the parks and open spaces along the Santa Fe River. Other benefits of maintaining a vegetated, green river corridor include: shading and cooling of the urban environment, supporting plants that convert carbon dioxide into oxygen and controlling erosion. Additionally, the target flow hydrograph is administered to provide flows that support community and cultural events scheduled along the Santa Fe River.

This past year, city staff administered the planned 1000-acre-feet of target flow. There were spring and summer pulses (releases in mid-May and July, respectively), the annual Children's Fishing Derby was held, as was the Blessing of San Ysidro and the summer flows were kept constant at 2 cubic feet per second (cfs). Flows were stepped down in October and very low flows were held (0.3 cfs) through the winter months and into early spring 2020. The flows were stopped at the end of March through April 14, 2020 due to construction improvements and repairs at the Ricardo Road pedestrian bridge (see exhibit 1).

THE CURRENT TARGET YEAR APRIL 15, 2020 THROUGH APRIL 14, 2021 (THE YEAR AHEAD):

The Natural Resources Conservation Service (NRCS) forecast for this year's streamflow runoff, as of April 1st (see exhibit 3), is that the upper Santa Fe River is 71% of the thirty-year average streamflow yield. Therefore, the Santa Fe River target flows are recommended to be administered in accordance with the hydrograph of 710 acre-feet for the 2020-2021 target year as per the administrative procedures (see exhibit 2).

A number of considerations will determine the nature of the Santa Fe River Target Flow Hydrograph (for both the timing and volume of the flows) that has been developed for this year's target flows. This year is predicted to be dryer than average, therefore, by recommendation of the River Commission, the most notable changes are the following:

1) Releases for cultural and community events are likely and will be coordinated with the River and Watershed Section and the River Commission. With this year's snowpack and predicted storm flows, the river will be flowing for periods that coincide with the spring snowmelt and the spring pulse. Areas disturbed by recent construction to repair infrastructure, between Ricardo Street pedestrian bridge and the Calle Don Jose Loop, have been revegetated with cottonwood and willow. It was the

recommendation of the River and Watershed Section, as well as the River Commission, to time the cultural spring pulse for the San Isidro Blessing in a way that optimized benefit to the transplants. The annual Blessing occurred at the end of May; provided flows were 6.0 cfs for the blessing and the riparian vegetation. Due to COVID-19 restrictions, the annual Children's Fishing Derby did not occur. Providing there are enough flows, and COVID-19 protocols allow, there will be an additional release for the Jewish holiday, Tashlic, in mid-September.

2) In accordance with the goals and objectives of the Living River Ordinance, the River and Watershed Section and the River Commission recommended front-loading the spring and summer releases to maximize benefit for riparian plantings. Multiple spring pulses, averaging 6 cfs, were planned from late-April through early June to ensure proper channel saturation for vegetation. A summer pulse of 3.0 cfs is planned for mid-July. Summer baseflows will average 1.0 cfs from late June to mid-September and then will drop to 0.6 cfs until reaching baseflows of 0.3 cfs in November to carry out the rest of the water year. The pulse releases will be coordinated with any necessary reservoir and acequia releases, and are dependent on upon native Santa Fe River inflows above McClure Reservoir. The River and Watershed Section, working with the water division and operations staff, may increase or decrease the flow rates to meet the flow objectives, provided that the average is maintained and flows are not reduced below 0.3 cfs. The River Commission will be notified of any changes to the planned target hydrograph.

3) Additional repairs are anticipated to begin in November 2020 and last through March 2021. Construction activities are not expected to impact the target flow hydrograph.

Exhibit 1: 2019-2020 Actual Hydrograph of 1,000 acre-feet Santa Fe River Target Flows
Exhibit 2: 2020-2021 Planned Hydrograph of 710 acre-feet Santa Fe River Target Flows
Exhibit 3: Natural Resource Conservation Service, New Mexico Basin Outlook, Rio Grande Basin Forecast
Exhibit 4: Resolution 2012-28; Exhibit A_ Administrative Procedures for SF River Target Flows; Ordinance No 2012-10

Exhibit 1: 2019-2020 Hydrograph (Actuals)

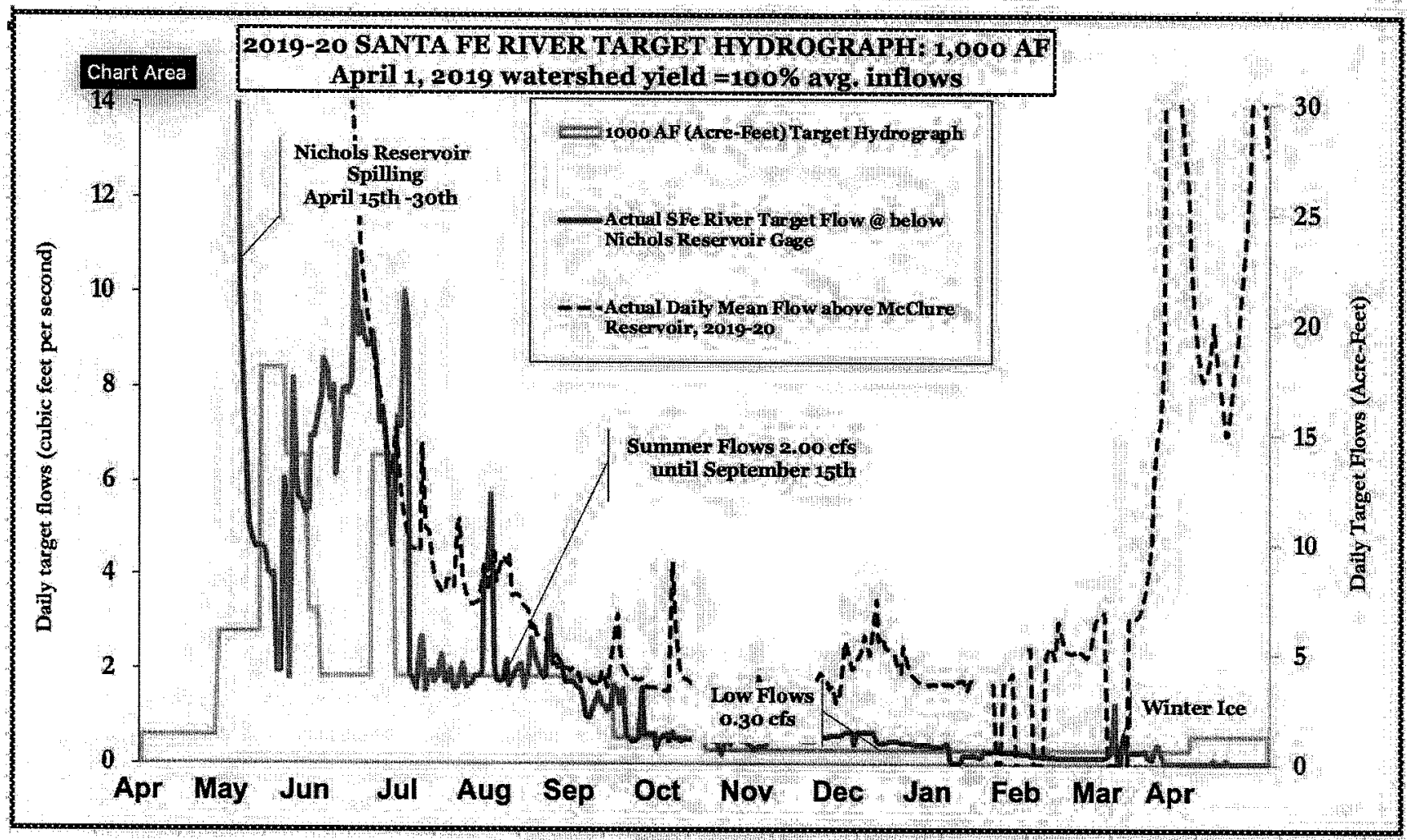


Exhibit 2: 2020-2021 Planned Target Flow Hydrograph

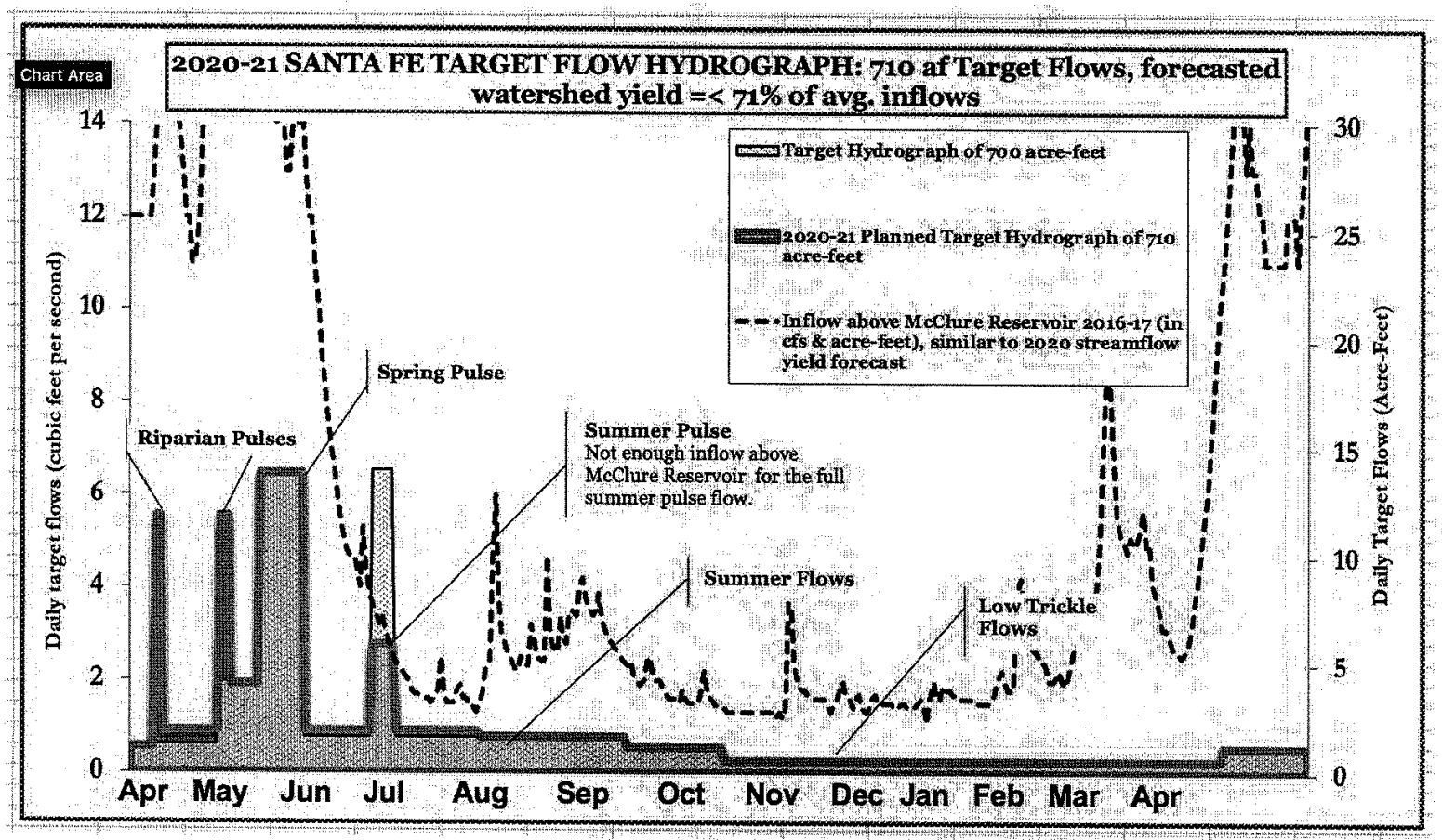


Exhibit 3

USDA NRCS National Water & Climate Center
 * - DATA CURRENT AS OF: April 03, 2020 05:46:49 PM
   - Based on April 01, 2020 forecast values

Northwestern Rio Grande in Colorado

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Rio Grande at Thirty Mile Bridge (2)	93	70	54	113	APR-JUL	81	72	113
					APR-SEP	94	73	136
	110	79	60	129				
Rio Grande at Wagon Wheel Gap (2)	290	205	154	340	APR-SEP	245	72	355
SF Rio Grande at South Fork (2)	98	75	60	127	APR-SEP	86	68	116
Rio Grande nr Del Norte (2)	415	300	230	515	APR-SEP	355	69	505
Saguache Ck nr Saguache (2)	34	22	15.4	32	APR-SEP	28	88	44
Alamosa Ck ab Terrace Reservoir	52	39	30	68	APR-SEP	45	66	62
La Jara Ck nr Capulin	5.9	3.3	1.92	8.2	APR-JUL	4.5	55	8.2
Platoro Reservoir Inflow (2)	45	36	29	56	APR-JUL	40	71	52
					APR-SEP	43	69	57
	49	38	31	62				
Conejos R nr Mogote (2)	143	108	85	194	APR-SEP	125	64	172
San Antonio R at Ortiz	8.3	5.4	3.6	15.6	APR-SEP	6.7	43	10.8
Los Pinos R nr Ortiz	44	33	25	73	APR-SEP	38	52	53
Rio Grande nr Lobatos Obs	80	42	21	200	APR-JUL	59	30	116

Northeastern Rio Grande in Colorado

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Ute Ck nr Fort Garland	13.3	8.9	6.2	12.8	APR-SEP	11.0	86	17.2
Sangre de Cristo Ck (2)	15.6	8.9	5.2	16.3	APR-SEP	12.0	74	22
Trinchera Ck ab Turners Ranch	11.3	8.7	7.0	12.6	APR-SEP	10.0	79	13.5
Culebra Ck at San Luis (2)	22	14.5	10.0	23	APR-SEP	18.0	78	28
Costilla Reservoir Inflow (2)	9.9	6.3	4.1	10.3	APR-JUL	8.0	78	13.1
Costilla Ck nr Costilla (2)	23	13.5	8.1	24	APR-JUL	18.0	75	32

Middle Sangre Mtns in New Mexico

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Red R bl Fish Hatchery nr Questa	30	22	16.6	34	MAR-JUL	26	76	38
	27	18.9	13.7	31	APR-JUL	23	74	35
Rio Hondo nr Valdez	18.4	13.8	10.9	18.4	MAR-JUL	16.0	87	22
	17.5	12.9	10.0	17.4	APR-JUL	15.1	87	21
Rio Lucero nr Arroyo Seco	11.2	8.1	6.1	10.9	MAR-JUL	9.6	88	13.8
	10.6	7.5	5.5	10.3	APR-JUL	9.0	87	13.2
Rio Pueblo de Taos nr Taos	15.4	10.4	7.4	17.0	MAR-JUL	12.8	75	19.9
	14.2	9.2	6.2	15.9	APR-JUL	11.6	73	18.7
Rio Pueblo de Taos bl Los Cordovas	26	14.8	8.8	36	MAR-JUL	20	56	37
	24	12.4	6.4	33	APR-JUL	17.7	54	35
Embudo Ck at Dixon	40	22	13.2	48	MAR-JUL	30	63	55
	37	19.6	10.4	44	APR-JUL	27	61	52
Santa Cruz R at Cundiyo	16.3	10.5	7.2	18.3	MAR-JUL	13.2	72	21
	14.8	9.0	5.7	16.7	APR-JUL	11.7	70	19.9
Nambe Falls Reservoir Inflow (2)					MAR-JUL	5.0	77	7.7

6.0	4.1	2.9	6.5				
5.5	3.6	2.4	6.1				
Tesuque Ck ab diversions							
1.55	0.95	0.63	1.34				
1.27	0.67	0.35	1.19				
Santa Fe R nr Santa Fe (2)							
3.9	2.7	2.0	4.3				
3.3	2.1	1.36	3.8				
				APR-JUL	4.5	74	7.2
				MAR-JUL	1.23	92	2.1
				APR-JUL	0.95	80	1.84
				MAR-JUL	3.3	77	5.0
				APR-JUL	2.7	71	4.4

El Vado, Jemez

30% Forecast Point (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
El Vado Reservoir Inflow (2)							
147	106	80	225	MAR-JUL	125	56	182
140	99	73	205	APR-JUL	118	58	175
Jemez R nr Jemez							
22	15.5	11.6	42	MAR-JUL	18.5	44	27
17.7	11.2	7.3	35	APR-JUL	14.2	41	23
Jemez R bl Jemez Canyon Dam							
17.1	10.3	6.7	34	MAR-JUL	13.4	39	23
13.8	7.0	3.4	29	APR-JUL	10.1	35	20

Mainstem Routings

30% Forecast Point (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Rio Grande at Otowi Bridge (2)							
455	320	235	720	MAR-JUL	385	53	580
400	265	180	635	APR-JUL	330	52	525
Rio Grande at San Marcial (2)							
275	104	-24	510	MAR-JUL	191	37	405
235	62	-66	440	APR-JUL	149	34	365

Pecos

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Pecos R nr Pecos	58	38	26	57	MAR-JUL	47	82	76
	54	34	22	53	APR-JUL	43	81	72
Pecos R nr Anton Chico	62	32	17.3	63	MAR-JUL	46	73	92
	56	26	11.2	57	APR-JUL	40	70	86
Gallinas Ck nr Montezuma	11.0	5.8	3.1	9.8	MAR-JUL	8.2	84	16.1
	10.2	5.0	2.3	8.6	APR-JUL	7.4	86	15.3
Pecos R ab Santa Rosa Lk	52	25	12.1	56	MAR-JUL	37	66	78
	51	24	10.6	52	APR-JUL	36	69	77

Ruidoso and Mimbres

Forecast Point	30% (KAF)	70% (KAF)	min (KAF)	30-yr avg	period	50% (KAF)	% of avg	max (KAF)
Rio Ruidoso at Hollywood	5.8	4.3	3.5	6.7	MAR-JUN	5.0	75	7.3
	2.8	1.32	0.57	5.0	APR-JUN	2.0	40	4.3
Mimbres R at Mimbres (3)	2.2	1.10	0.59	1.09	APR-MAY	1.58	145	3.3

Max (10%), 30%, 50%, 70% and Min (90%) chance that actual volume will exceed forecast.
Averages are for the 1981-2010 period.
All volumes are in thousands of acre-feet.

footnotes:
1) Max and Min are 5% and 95% chance that actual volume will exceed forecast
2) streamflow is adjusted for upstream storage
3) median value used in place of average

NRCS Natural Resources Conservation Service

USI

New Mexico Basin Outlook Report April 1, 2020



Basin Outlook Reports
and
Federal - State - Private
Cooperative Snow Surveys

For more water supply and resource management information, contact:

Chris Romero
Snow Survey Hydrologic Technician
Natural Resources Conservation Service
100 Sun Avenue NE, Suite 602
Albuquerque, NM 87109
(505) 761-4431

Rick Strait
State Soil Scientist
Natural Resources Conservation Service
100 Sun Avenue NE, Suite 602
Albuquerque, NM 87109
(505) 761-4433

http://www.nrcs.usda.gov/wps/portal/nrcs/main/nm/snow/

How forecasts are made

Most of the annual streamflow in the western United States originates as snowfall that has accumulated in the mountains during the winter and early spring. As the snowpack accumulates, hydrologists estimate the runoff that will occur when it melts. Measurements of snow water equivalent at selected manual snow courses and automated SNOTEL sites, along with precipitation, antecedent streamflow, and indices of the El Niño / Southern Oscillation are used in computerized statistical and simulation models to prepare runoff forecasts. These forecasts are coordinated between hydrologists in the Natural Resources Conservation Service and the National Weather Service. Unless otherwise specified, all forecasts are for flows that would occur naturally without any upstream influences.

Forecasts of any kind, of course, are not perfect. Streamflow forecast uncertainty arises from three primary sources: (1) uncertain knowledge of future weather conditions, (2) uncertainty in the forecasting procedure, and (3) errors in the data. The forecast, therefore, must be interpreted not as a single value but rather as a range of values with specific probabilities of occurrence. The middle of the range is expressed by the 50% exceedance probability forecast, for which there is a 50% chance that the actual flow will be above, and a 50% chance that the actual flow will be below, this value. To describe the expected range around this 50% value, four other forecasts are provided, two smaller values (90% and 70% exceedance probability) and two larger values (30%, and 10% exceedance probability). For example, there is a 90% chance that the actual flow will be more than the 90% exceedance probability forecast. The others can be interpreted similarly.

The wider the spread among these values, the more uncertain the forecast. As the season progresses, forecasts become more accurate, primarily because a greater portion of the future weather conditions become known; this is reflected by a narrowing of the range around the 50% exceedance probability forecast. Users should take this uncertainty into consideration when making operational decisions by selecting forecasts corresponding to the level of risk they are willing to assume about the amount of water to be expected. If users anticipate receiving a lesser supply of water, or if they wish to increase their chances of having an adequate supply of water for their operations, they may want to base their decisions on the 90% or 70% exceedance probability forecasts, or something in between. On the other hand, if users are concerned about receiving too much water (for example, threat of flooding), they may want to base their decisions on the 30% or 10% exceedance probability forecasts, or something in between. Regardless of the forecast value users choose for operations, they should be prepared to deal with either more or less water. (Users should remember that even if the 90% exceedance probability forecast is used, there is still a 10% chance of receiving less than this amount.) By using the exceedance probability information, users can easily determine the chances of receiving more or less water.

Summary

Early March left the southeastern portion of New Mexico with much needed moisture with some areas experienci upwards of 150 percent of the average monthly precipitation. This resulted in the expansion of D0 drought status across eastern New Mexico. The remainder of the month saw isolated precipitation in the four corners region as w as snow in the higher elevations but no major accumulations. Snow water equivalent values also took a major hit state-wide as temperatures began to rise with some basins such as the Gila reporting as low as 29 percent of avera Overall a below average month for New Mexico when looking at the state as a whole. On average statewide streamflow forecasts are average to below average with the higher values in the southern half of the state as a resu melt out and timely precipitation. Melt out is occurring in the mid to low elevation basins with hopes that temperatures will remain cold enough in the northern mountains to retain the higher elevation snowpack until late the spring. Water users and managers a. continue to monitor conditions to see how the forecasts develop as we progress into the water year.

Snowpack

The April 1st snowpack values continue to drop as winter snows slowed in the southern half of the state and begar taper off in the north. Statewide temperatures were also on the rise for much of March causing early winter snow: begin their transition to lower elevations as water. With the exception of the Canadian basin, all northern basins a just are below the average for April 1st while New Mexico's southern basins saw big drops in snowpack and recei moisture as rain. Ranging from a high of 107 percent of median in the Canadian River Basin to a low of bare gro in the Mimbres Basin there remains a significant water supply difference between the northern and southern porti of the state. Statewide snowpack average is currently at 78 percent of the median as compared to 112 percent at th time last year.

NEW MEXICO STATEWIDE SNOWPACK	Percent of Median	Last Year Percent of Median
CANADIAN RIVER BASIN	107	133
PECOS RIVER BASIN	86	104
RIO GRANDE BASIN	80	121
MIMBRES RIVER BASIN	0	0
SAN FRANCISCO-UPPER GILA RIVER BASIN	31	13
ZUNI-BLUEWATER BASINS	0	0
SAN JUAN RIVER BASIN	97	151
CHUSKA MOUNTAINS	0	0
RIO HONDO BASIN	7	5
Statewide Snowpack Total	**78**	**112**
# of sites	21	21

Precipitation

Water year precipitation starting October 1 through February is currently at 96 percent of average. March saw mi values throughout the state with isolated storms and localized weather making impacts throughout the month. Mo northern areas in New Mexico saw below average monthly precipitation values. However, the southern half of th state received large amounts of isolated precipitation. The Mimbres received 139 percent of the average rain for t month along with the San Francisco and Upper Gila accumulating 114 percent of the average. The Rio Hondo received 214 percent of the average during the month due to major storm tracking directly over the region! Wate users and managers should continue to monitor the evolution of the forecast to help determine their water supply a as the water-year progresses.

Reservoirs

Reservoir storage across New Mexico currently remains significantly improved over last year at this time. Elepha Butte is currently at 552,900 acre-feet as compared to last year's 219,600. Navajo Reservoir is holding 1,292,500 acre-feet in comparison to 955,500 last year Statewide reservoir storage is currently at 66 percent of the average compared to 46 percent last year at this time. Total reservoir storage is 2,419,400 acre-feet as compared to 1,697, acre-feet last year. This equates to 44 percent of the average capacity and 29 percent of the actual capacity. Wate users should continue to monitor weather conditions to evaluate their water needs as the water-year progresses.

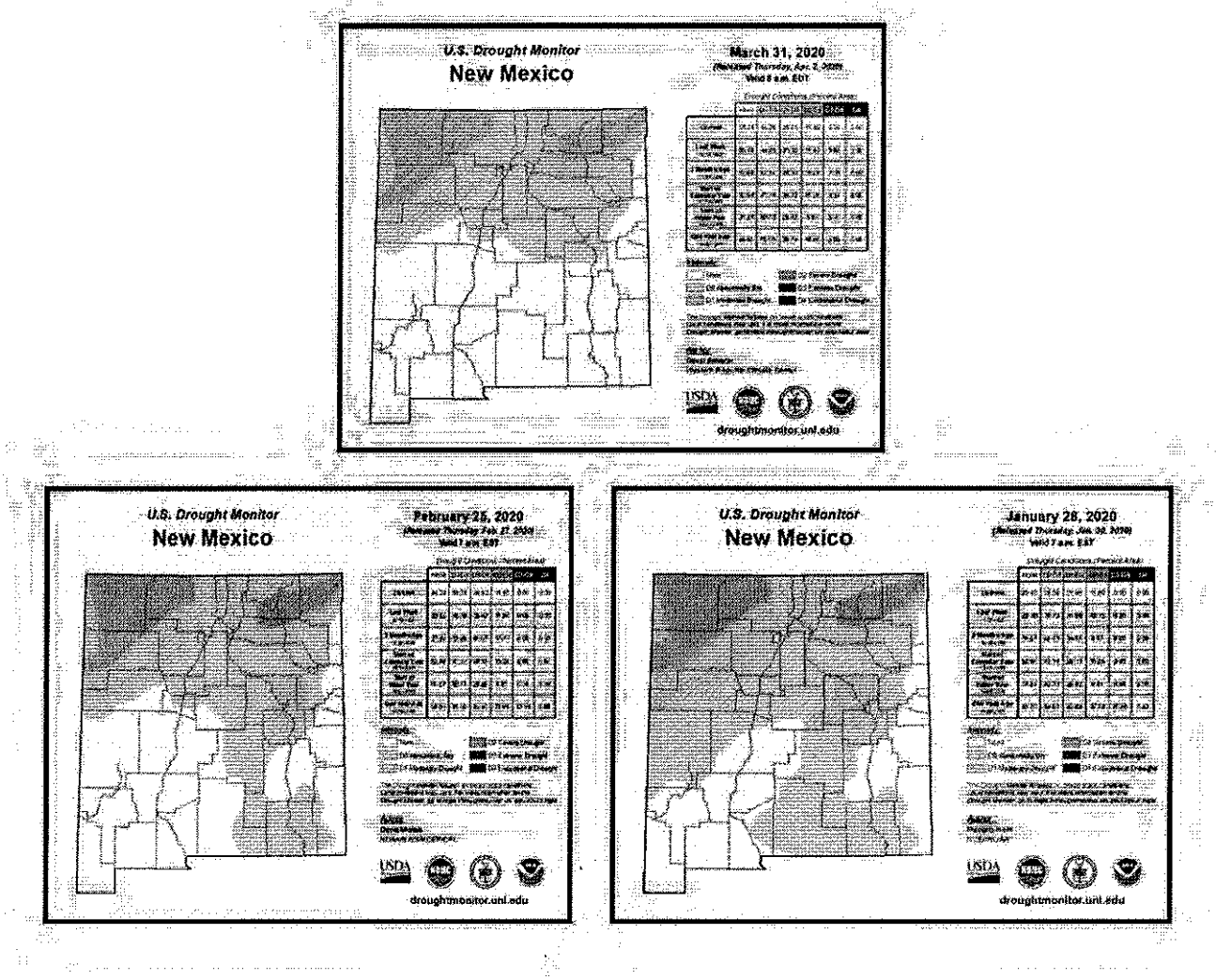
NEW MEXICO STATEWIDE	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)	Current % Capacity	Last Year % Capacity	Average % Capacity	Current % Average	Last Ye Aver
Abiquiu Reservoir	89.9	63.3	153.9	1192.8	8%	5%	13%	58%	
Bluewater Lake	7.2	11.6	9.7	38.5	19%	30%	25%	75%	
Brantley Lake nr Carlsbad	41.1	29.8	30.1	1008.2	4%	3%	3%	137%	
Caballo Reservoir	78.8	31.1	84.6	332.0	24%	9%	25%	93%	
Cochiti Lake	45.2	45.6	58.0	491.0	9%	9%	12%	78%	
Conchas Lake	72.1	128.1	202.7	254.2	28%	50%	80%	36%	
Costilla Reservoir		4.3	7.3	16.0		27%	46%		
Eagle Nest Lake nr Eagle Nest, NM	47.4	36.6	55.6	79.0	60%	46%	70%	85%	
El Vado Reservoir	27.0	25.7	113.0	190.3	14%	14%	59%	24%	
Elephant Butte Reservoir	552.9	219.6	1283.0	2195.0	25%	10%	58%	43%	
Heron Reservoir	108.4	59.2	287.7	400.0	27%	15%	72%	38%	
Lake Avalon	3.4	1.3	1.6	4.0	85%	33%	39%	218%	
Lake Sumner	25.7	32.9	29.7	102.0	25%	32%	29%	87%	
Navajo Reservoir	1292.5	955.5	1310.0	1696.0	76%	56%	77%	99%	
Santa Rosa Reservoir	27.8	57.5	52.4	438.3	6%	13%	12%	53%	
Basin-wide Total	2419.4	1697.8	3672.0	8421.3	29%	20%	44%	66%	
# of reservoirs	14	14	14	14	14	14	14	14	

* Costilla stream gauge is currently inoperative

Streamflow

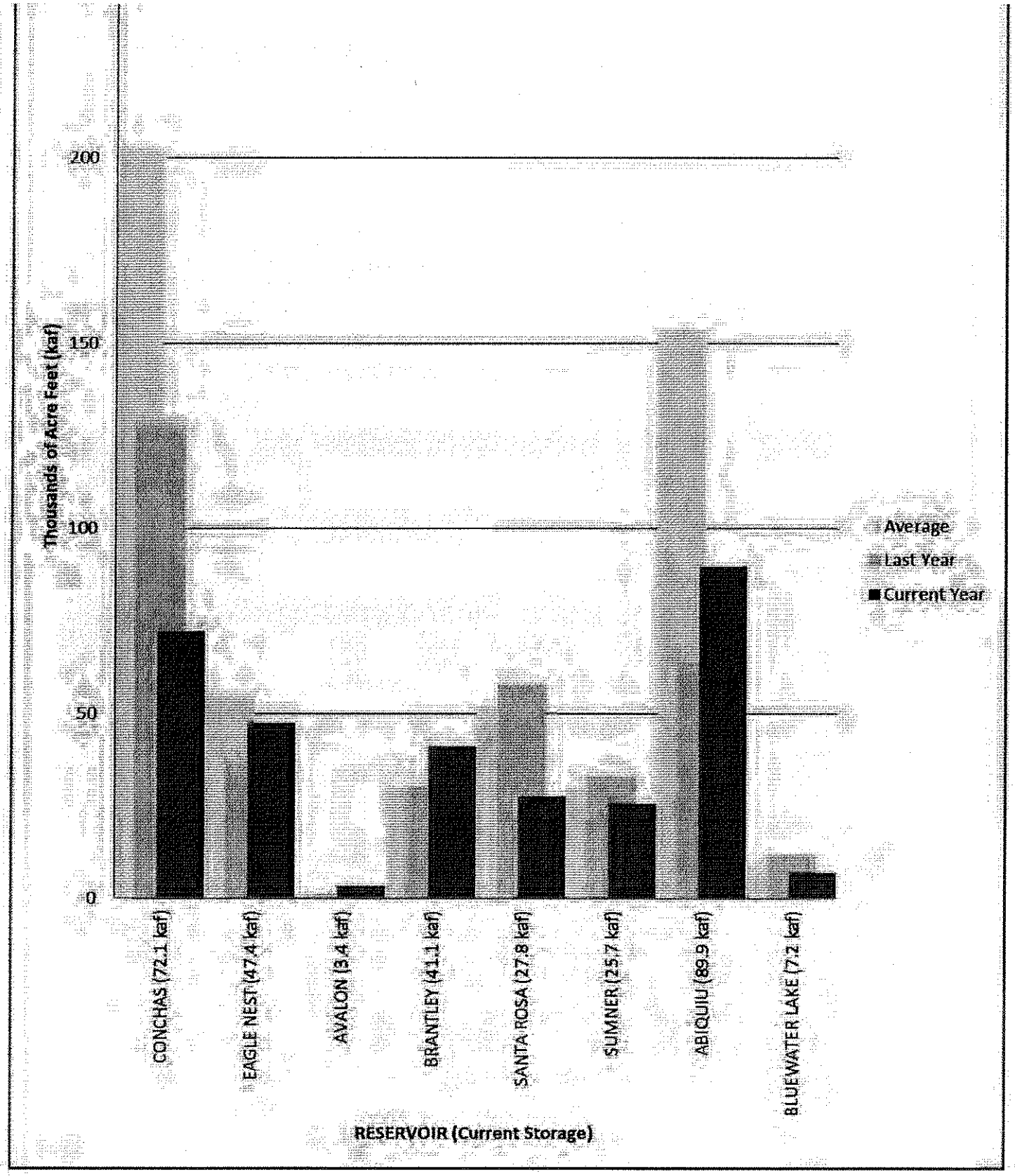
Forecasts across the state have dropped noticeably for most basins following a somewhat dry March. Isolated sto coupled with snow melt due to temperatures in the south has resulted in marginal increases in forecast values in th Mimbres, Gila, and Rio Hondo River Basins. Water users and managers should continue to watch the forecasts a water supply conditions evolve across the state.

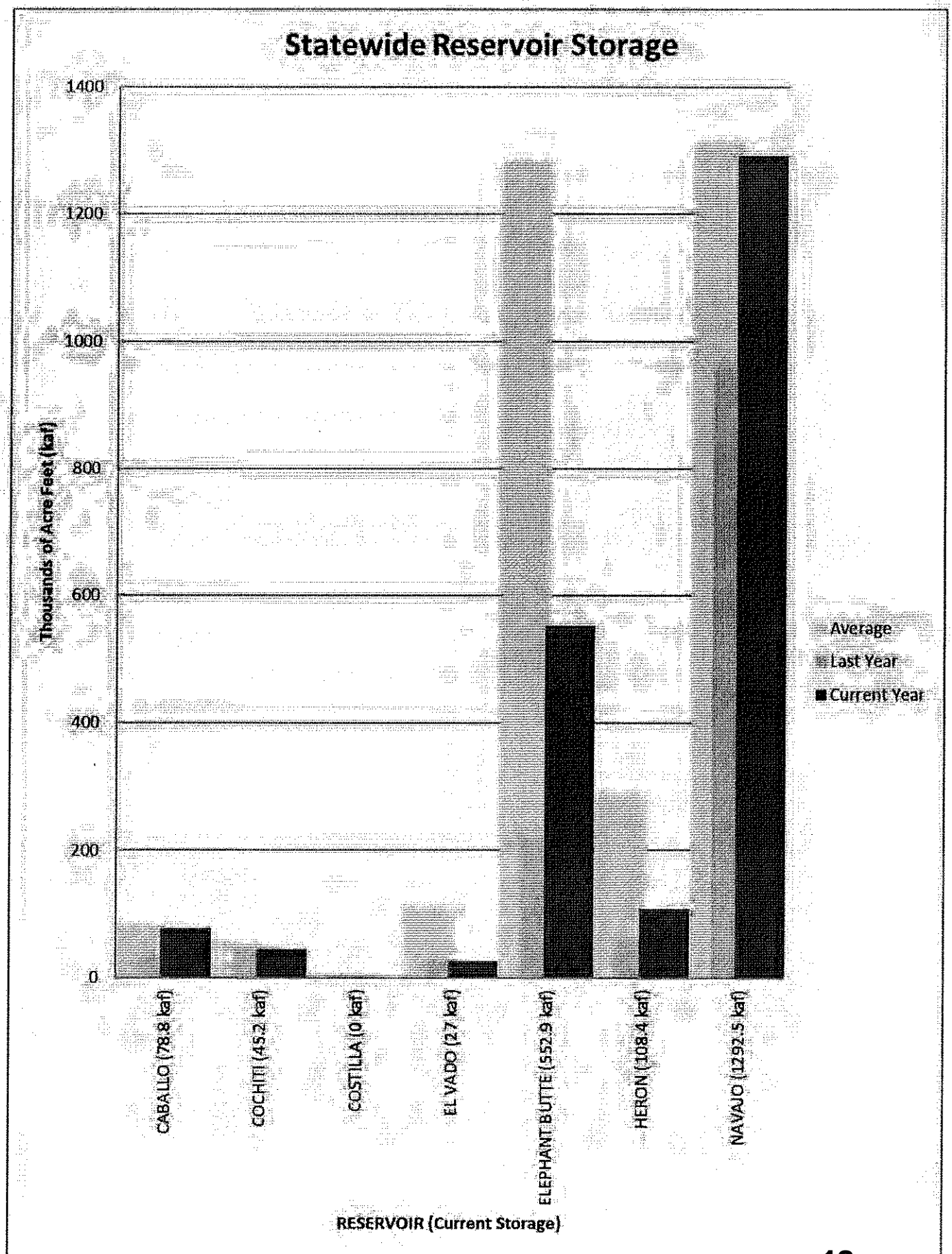
New Mexico Drought Monitor, real versus perceived conditions?



Every week, The U.S. Drought Monitor is produced in partnership between the National Drought Mitigation Cent the University of Nebraska-Lincoln, the United States Department of Agriculture, and the National Oceanic and Atmospheric Administration. This useful tool uses multiple inputs, including precipitation received, to give an indication of the extent and severity of drought conditions nationwide.

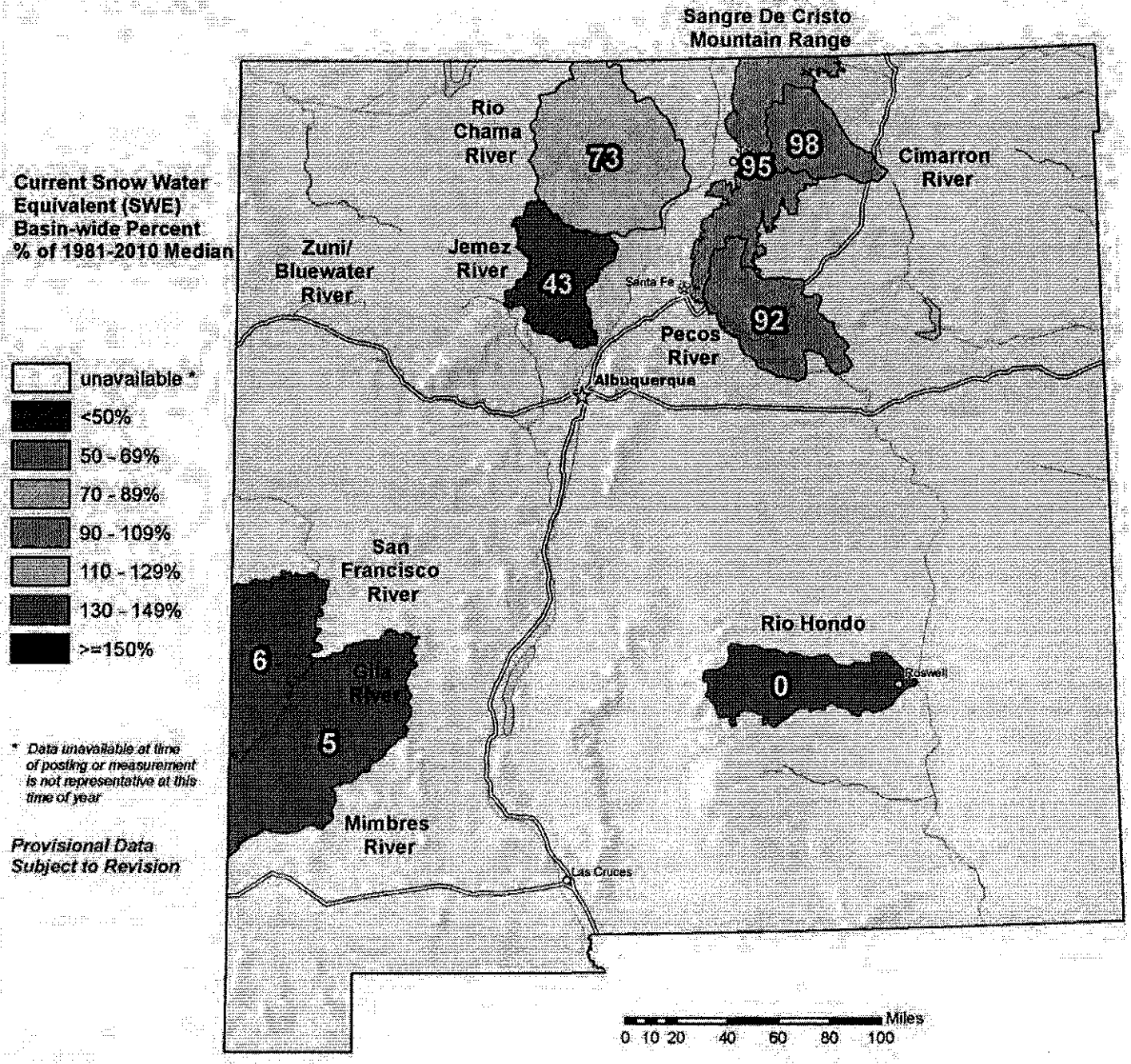
Drought remains firmly in place over the northern one-third of New Mexico due to a combination of a below norr 2019 monsoon season and a near to below normal winter 2019-2020. Temperatures for March remained significai above normal, especially over the upper Rio Grande Valley and the Eastern Plains. When combined with the lack precipitation and normal springtime winds, this has led to above normal evapotranspiration demands over northea New Mexico, helping to further impact already dry rangeland. Precipitation during March was mainly focused or southern two-thirds of the state with the lower Rio Grande and Pecos Valleys seeing much of the precipitation. Hi elevations in the Chuska Mountains did well, however much of the lowland areas of the Four Corners didn't recei much of the needed precipitation to begin to improve conditions in that region. Finally, precipitation in the upper Grande Valley and the Northeast Plains remained well below normal during March, continuing the moderate to se drought in those areas.


Thousands of Acre Feet (kaf)
200
150
100
50
0
CONCHAS (72.1 kaf)
EAGLE NEST (47.4 kaf)
AVALON (3.4 kaf)
BRANTLEY (41.1 kaf)
SANTA ROSA (27.8 kaf)
SUMNER (25.7 kaf)
ABIQUIU (89.9 kaf)
BLUEWATER LAKE (7.2 kaf)
RESERVOIR (Current Storage)
Average
Last Year
Current Year


Statewide Reservoir Storage
1400
1200
1000
800
600
400
200
0
Thousands of Acre Feet (kaf)
Average
Last Year
Current Year
CABALLO (78.8 kaf)
COCHITI (45.2 kaf)
COSTILLA (0 kaf)
EL VADO (2.7 kaf)
ELEPHANT BUTTE (552.9 kaf)
HERON (108.4 kaf)
NAVAJO (1292.5 kaf)
RESERVOIR (Current Storage)

New Mexico
SNOTEL Current Snow Water Equivalent (SWE) % of Normal

Apr 06, 2020



Current Snow Water Equivalent (SWE) Basin-wide Percent % of 1981-2010 Median

- unavailable *
- <50%
- 50 - 69%
- 70 - 89%
- 90 - 109%
- 110 - 129%
- 130 - 149%
- >=150%

* *Data unavailable at time of posting or measurement is not representative at this time of year*

Provisional Data Subject to Revision

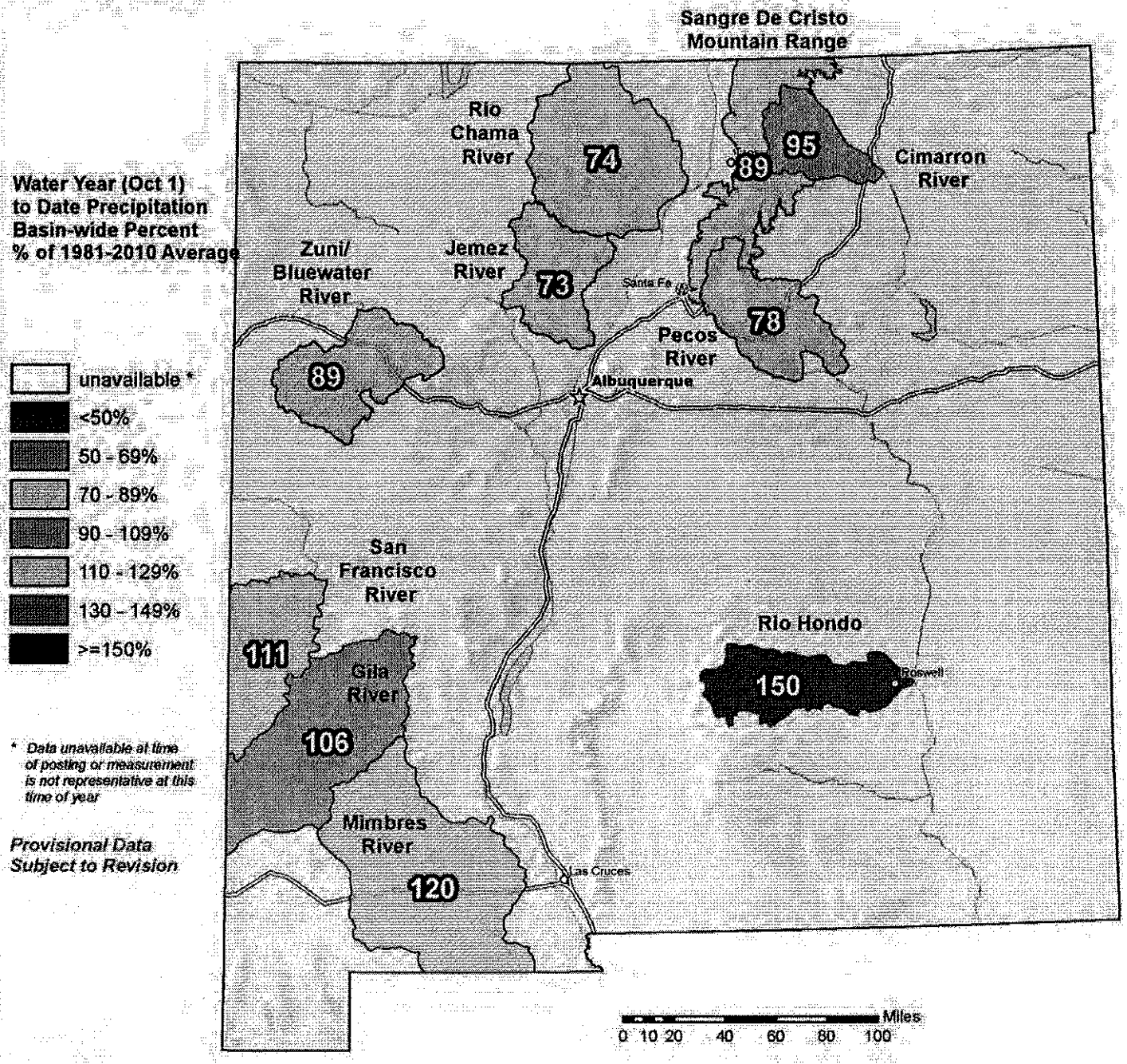
USDA NRCS

The snow water equivalent percent of normal represents the current snow water equivalent found at selected SNOTEL sites in or near the basin

Prepared by:
USDA/NRCS National Water and Climate Center

New Mexico
SNOTEL Water Year (Oct 1) to Date Precipitation % of Normal

Apr 06, 2020



Water Year (Oct 1) to Date Precipitation Basin-wide Percent % of 1981-2010 Average

- unavailable *
- <50%
- 50 - 69%
- 70 - 89%
- 90 - 109%
- 110 - 129%
- 130 - 149%
- >=150%

* *Data unavailable at time of posting or measurement is not representative at this time of year*

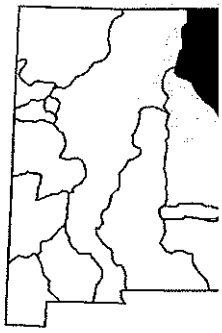
Provisional Data Subject to Revision

USDA NRCS

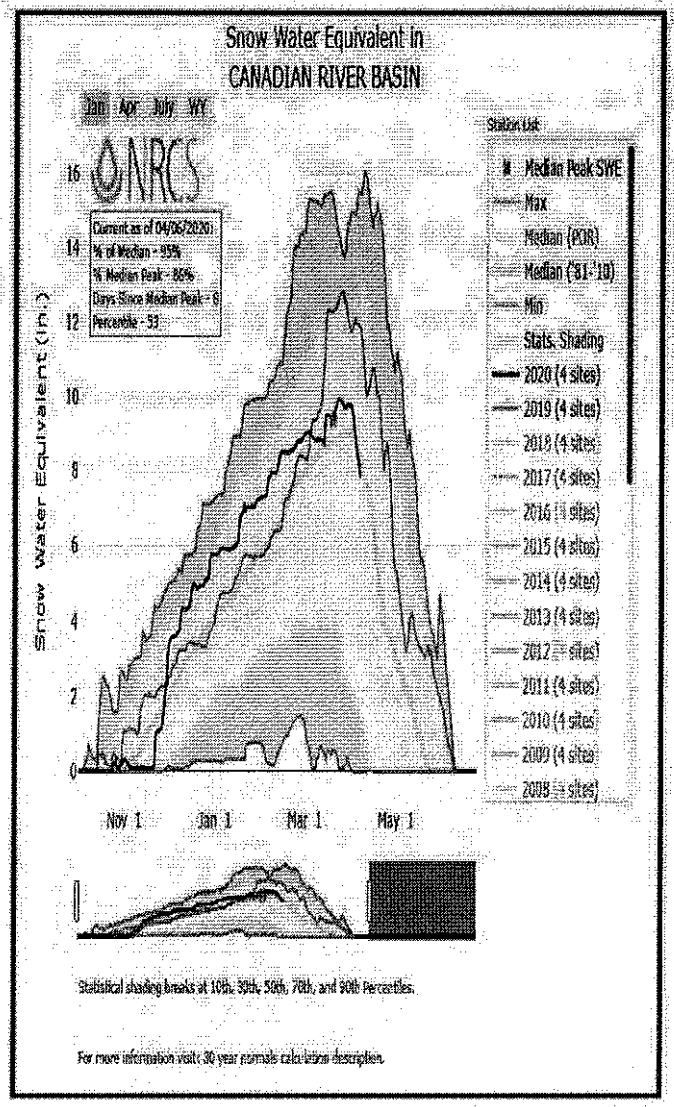
The water year to date precipitation percent of normal represents the accumulated precipitation found at selected SNOTEL sites in or near the basin compared to the average value for those sites on this day. Data based on the first reading of the day (typically 00:00).

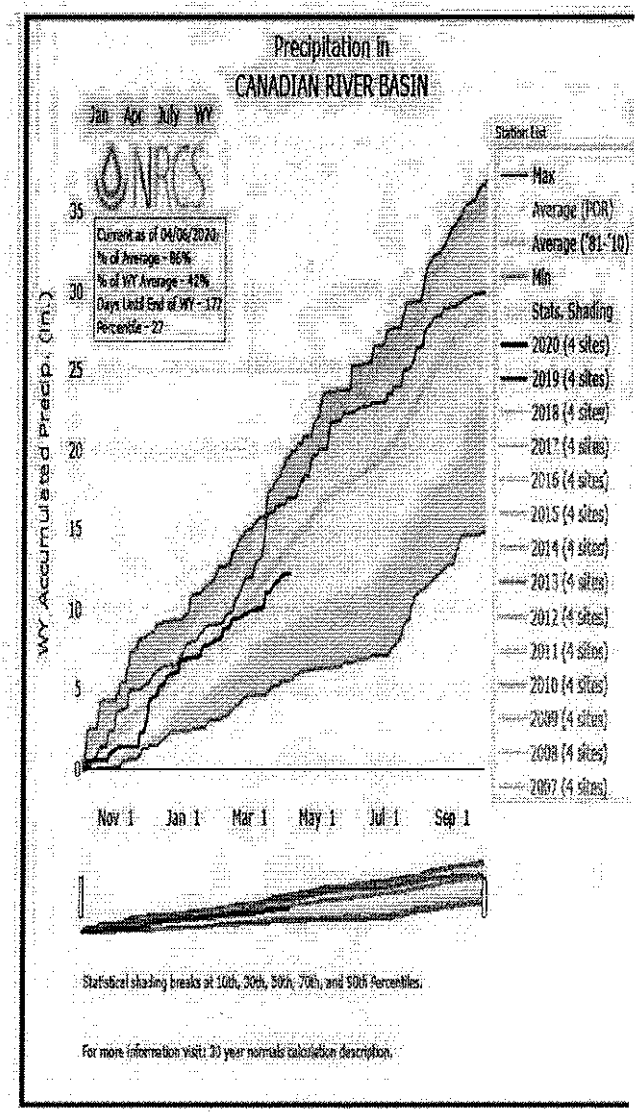
Prepared by:
USDA/NRCS National Water and Climate Center
Portland, Oregon
http://www.wcc.nrcs.usda.gov

Canadian River Basin
Water Supply Outlook Report
as of April 1, 2020



The month of March received 71 percent of the average amount of precipitation for the month. This puts the wate year-to-date average amount of precipitation at 89 percent as compared to 122 percent last year at this time. Snov in the basin is at 107 percent of the median. The April to June Forecasts are all well below the average with the hi being 81 percent of average at Rayado Creek near Cimarron. Reservoirs are currently holding 119,500 acre-feet c storage, which is a decrease of 45,200 acre-feet from last year at this time. This equates to 46 percent of the avera stored water, as compared to 64 percent for the basin at the end of March last year.





Data Current as of: 4/7/2020 2:24:38 PM

Canadian River Basin
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

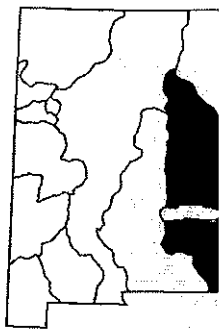
CANADIAN RIVER BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Vermejo R nr Dawson								
	MAR-JUN	2.5	4.1	5.5	71%	7.2	10.4	7.8
	APR-JUN	2.1	3.7	5.1	71%	6.8	10	7.2
Eagle Nest Reservoir Inflow								
	MAR-JUN	3.2	5.6	7.8	70%	10.5	15.4	11.2
	APR-JUN	1.67	3.8	6	67%	8.9	14.7	8.9
Cimarron R nr Cimarron[2]								
	MAR-JUN	0.5	5.8	11	70%	16.2	24	15.8
	APR-JUN	0	3.7	8.7	66%	13.7	21	13.2
Ponil Ck nr Cimarron								
	MAR-JUN	2.3	3.8	5	69%	6.5	9.1	7.2
	APR-JUN	2.2	3.6	4.9	73%	6.4	9.2	6.7
Rayado Ck nr Cimarron								
	MAR-JUN	2.1	4.1	5.9	84%	8.2	12.6	7
	APR-JUN	1.5	3.3	5.2	81%	7.6	12.5	6.4
Conchas Reservoir Inflow[2]								
	MAR-JUN	3.6	11.6	21	70%	34	63	30
	APR-JUN	2.9	10.3	19.5	81%	33	62	24

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

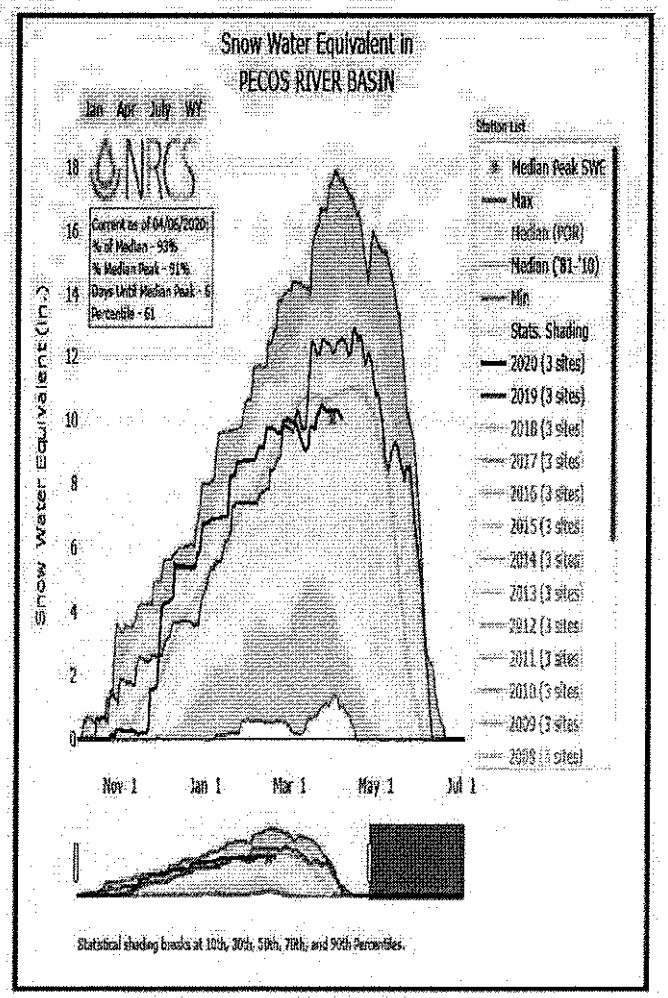
Reservoir Storage End of March, 2020	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
Conchas Lake	72.1	128.1	202.7	254.4
Eagle Nest Lake nr Eagle Nest, NM	47.4	36.6	55.6	79.0
Basin-wide Total	119.5	164.7	258.3	333.4
# of reservoirs	2	2	2	2

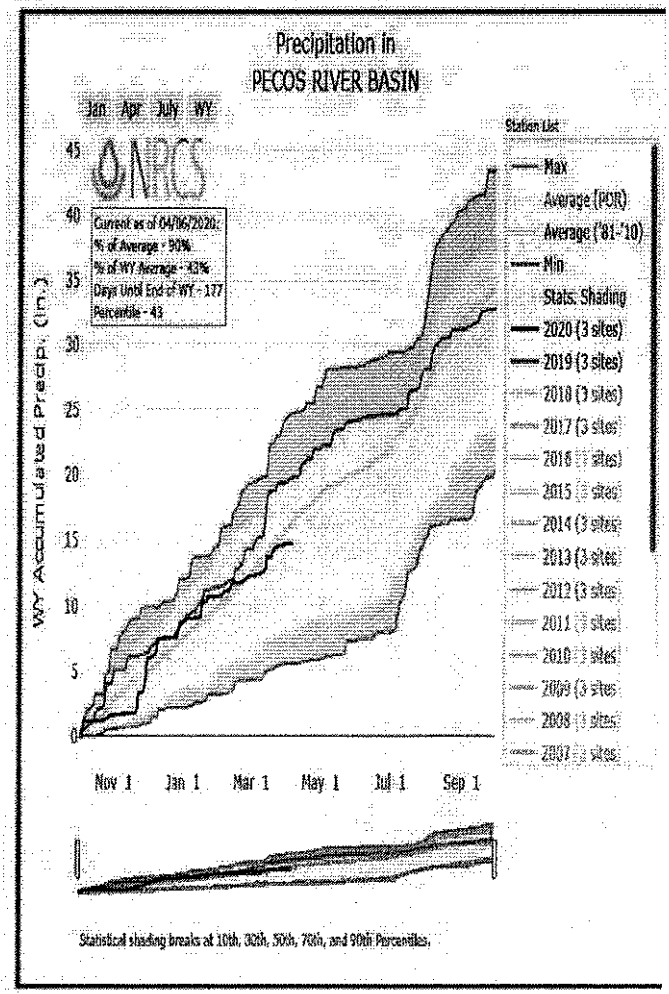
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
CANADIAN RIVER BASIN	4	107%	133%

Pecos River Basin
Water Supply Outlook Report
as of April 1, 2020



March received just 74 percent of the average precipitation for the month, putting the basin at 94 percent of avera the water year-to-date. Snowpack in the Pecos River Basin is at 86 percent of the median. Last year at this time t basin had 104 percent of the median snowpack. Forecasts in the Pecos Basin are all slightly below average rangir from 70 to 86 percent of average for the April to July time frame. As of April 1st, reservoir storage in the basin is 98,000 acre-feet. This is 86 percent of the average stored water. Last year at this time reservoir storage was 107 percent of the average.





Data Current as of: 4/7/2020 2:24:44 PM

Pecos River Basin
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

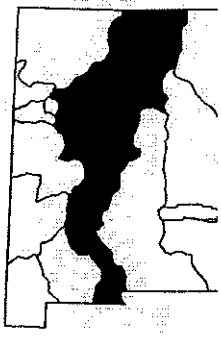
PECOS RIVER BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Pecos R nr Pecos								
	MAR-JUL	26	38	47	82%	58	76	57
	APR-JUL	22	34	43	81%	54	72	53
Pecos R nr Anton Chico								
	MAR-JUL	17.3	32	46	73%	62	92	63
	APR-JUL	11.2	26	40	70%	56	86	57
Gallinas Ck nr Montezuma								
	MAR-JUL	3.1	5.8	8.2	84%	11	16.1	9.8
	APR-JUL	2.3	5	7.4	86%	10.2	15.3	8.6
Pecos R ab Santa Rosa Lk								
	MAR-JUL	12.1	25	37	66%	52	78	56
	APR-JUL	10.6	24	36	69%	51	77	52

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

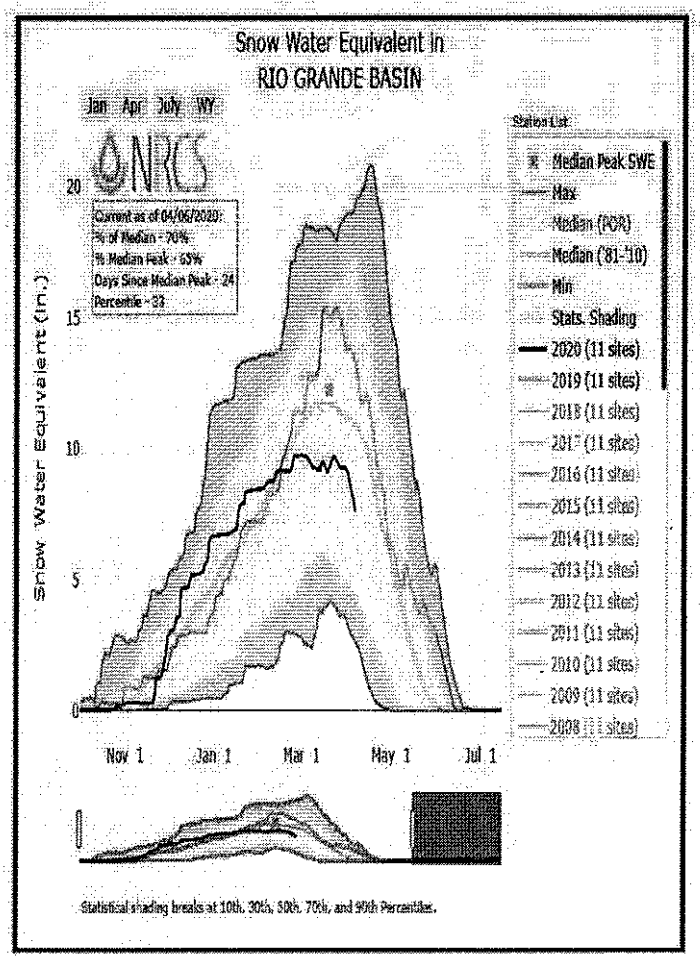
Reservoir Storage End of March, 2020	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
Lake Avalon	3.4	1.3	1.6	4.0
Brantley Lake nr Carlsbad	41.1	29.8	30.1	1008.2
Santa Rosa Reservoir	27.8	57.5	52.4	432.2
Lake Sumner	25.7	32.9	29.7	102.0
Basin-wide Total	98.0	121.5	113.8	1546.4
# of reservoirs	4	4	4	4

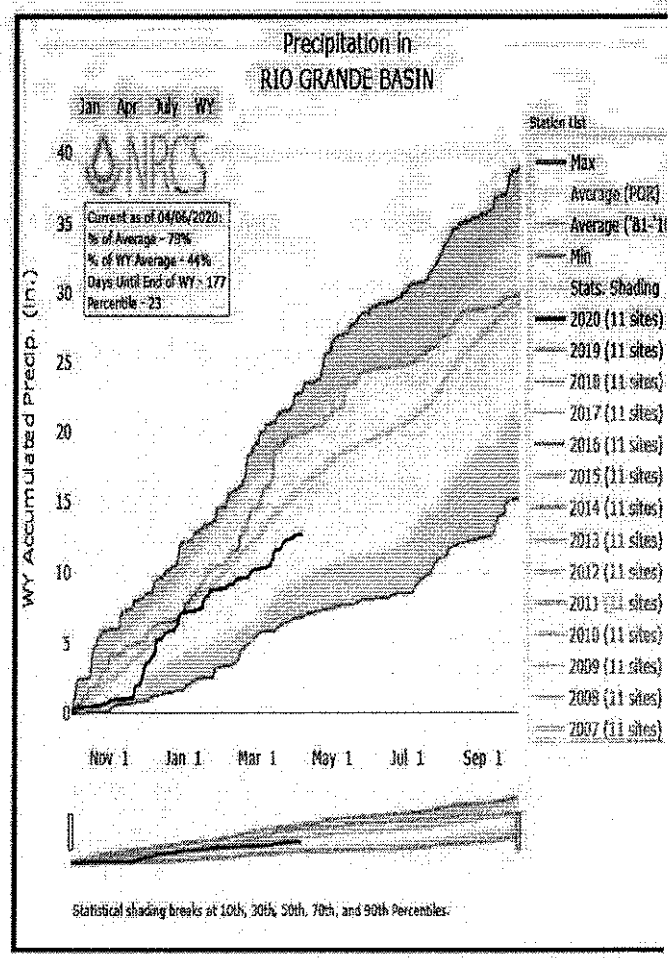
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
PECOS RIVER BASIN	4	86%	104%

Rio Grande Basin
Water Supply Outlook Report
as of April 1, 2020



March was another below average month for precipitation in the basin accumulating just 81 percent of the averag leaving the water year-to-date precipitation at 82 percent of the average. Snowpack in the basin is also below the median at 80 percent. This is 41 percent below last year's median. Snowpack in southern Colorado near the headwaters of the Rio Grande is at 100 percent of the median as compared to 147 percent last year at this time. Forecasts for the Rio Grande Basin have continued to drop and currently range from 30 to 72 percent of average. Current reservoir storage in the basin remains well above last year's values. Current storage in the basin is 909,4(acre-feet as compared to 456,100 acre-feet from this time last year! This is 46 percent of the average stored wate the basin.





Date Current as of 4/1/2020 2:24:49 PM

Rio Grande Basin
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

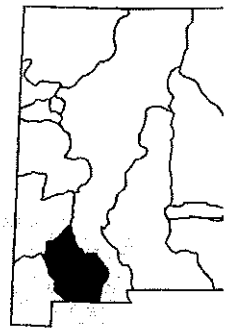
RIO GRANDE BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Rio Grande nr Del Norte [2]	APR-SEP	230	300	355	69%	415	505	515
Platoro Reservoir Inflow	APR-JUL	29	36	40	71%	45	52	56
	APR-SEP	31	38	43	69%	49	57	62
Conejos R nr Mogote [2]	APR-SEP	85	108	125	64%	143	172	194
Costilla Reservoir Inflow	APR-JUL	4.1	6.3	8	78%	9.9	15.1	10.3
Costilla Ck nr Costilla [2]	APR-JUL	8.1	13.5	18	75%	23	32	24
Red R bl Fish Hatchery nr Questa	MAR-JUL	16.6	22	26	76%	30	38	34
	APR-JUL	13.7	18.9	23	74%	27	35	31
Rio Hondo nr Valdez	MAR-JUL	10.9	13.8	16	87%	18.4	22	18.4
	APR-JUL	10	12.9	15.1	87%	17.5	21	17.4
Rio Pueblo de Taos nr Taos	MAR-JUL	7.4	10.4	12.8	75%	15.4	19.9	17
	APR-JUL	6.2	9.2	11.6	73%	14.2	18.7	15.9
Rio Lucero nr Arroyo Seco	MAR-JUL	6.1	8.1	9.6	88%	11.2	13.8	10.9
	APR-JUL	5.5	7.5	9	87%	10.6	13.2	10.3
Rio Pueblo de Taos bl Los Cordovas	MAR-JUL	8.8	14.8	20	56%	26	37	36
	APR-JUL	6.4	13.4	17.7	54%	24	35	33
Embudo Ck at Dixon	MAR-JUL	13.2	22	30	63%	40	55	48
	APR-JUL	10.4	19.6	27	61%	37	52	44
El Vado Reservoir Inflow [2]	MAR-JUL	80	108	125	56%	147	182	225
	APR-JUL	73	99	116	58%	140	175	205
Santa Cruz R at Cundiyo	MAR-JUL	7.2	10.5	13.2	72%	16.3	21	18.3
	APR-JUL	5.7	9	11.7	70%	14.8	19.9	16.7
Nambe Falls Reservoir Inflow	MAR-JUL	2.9	4.1	5	77%	6	7.7	6.5
	APR-JUL	2.4	3.6	4.5	74%	5.5	7.2	6.1
Tesuque Ck ab diversions	MAR-JUL	0.83	0.95	1.23	92%	1.55	2.1	1.34
	APR-JUL	0.35	0.67	0.95	80%	1.27	1.84	1.19
Rio Grande at Otowi Bridge [2]	MAR-JUL	235	320	385	53%	455	580	720
	APR-JUL	180	265	330	52%	400	525	635
Santa Fe R nr Santa Fe [2]	MAR-JUL	2	2.7	3.3	77%	3.9	5	4.3
	APR-JUL	1.36	2.1	2.7	71%	3.3	4.4	3.8
Jemez R nr Jemez	MAR-JUL	11.6	15.5	18.5	44%	22	27	42
	APR-JUL	7.3	11.2	14.2	41%	17.7	23	35
Jemez R bl Jemez Canyon Dam	MAR-JUL	6.7	10.3	13.4	39%	17.1	23	34
	APR-JUL	3.4	7	10.1	35%	13.8	20	29
Rio Grande at San Marcial [2]	MAR-JUL	-24	104	191	37%	275	405	510
	APR-JUL	-66	62	149	34%	235	365	440

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

Reservoir Storage End of March, 2020	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
Abiquiu Reservoir	99.9	63.3	153.9	1198.5
Bluewater Lake	7.2	11.6	9.7	36.5
Caballo Reservoir	78.8	31.1	84.6	332.0
Cochiti Lake	45.2	45.6	58.0	491.5
Costilla Reservoir		4.3	7.3	16.0
El Vado Reservoir	27.0	25.7	113.0	194.8
Elephant Butte Reservoir	552.9	219.6	1283.0	2195.0
Heron Reservoir	108.4	59.2	287.7	400.0
Basin-wide Total	909.4	456.1	1969.9	4839.8
# of reservoirs	7	7	7	7

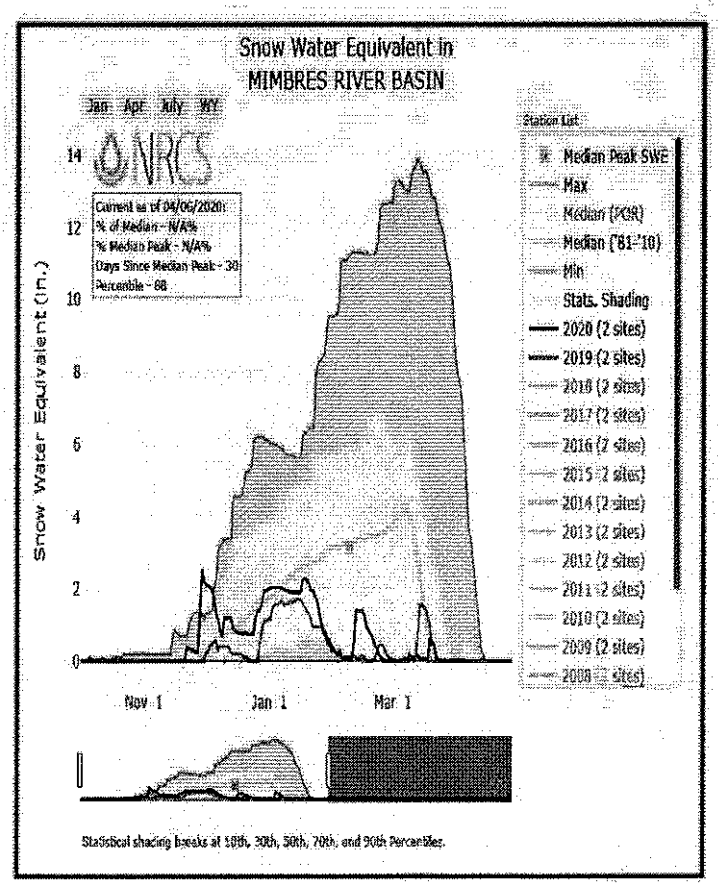
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
RIO GRANDE BASIN	12	80%	121%

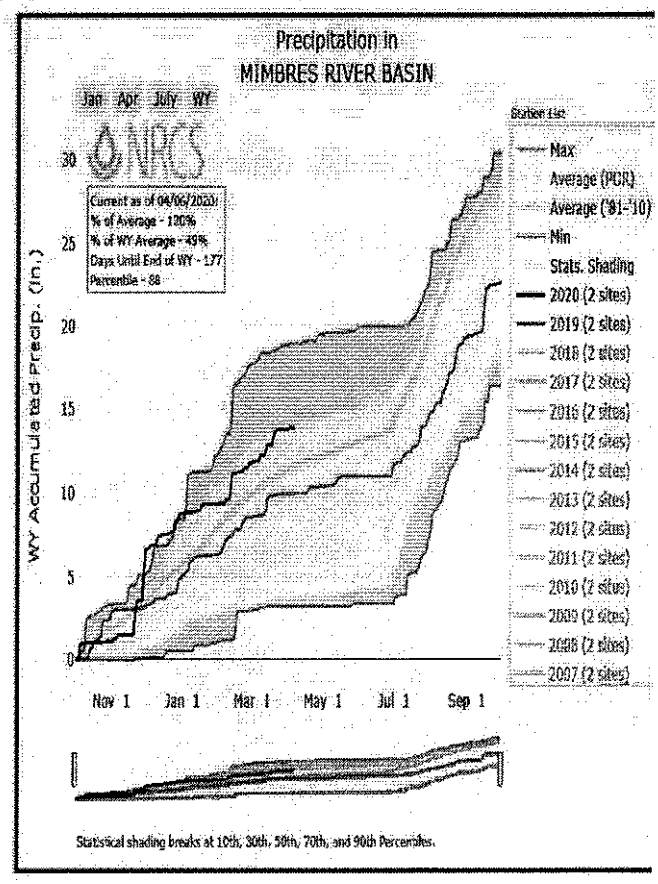
Mimbres River Basin
Water Supply Outlook Report
as of April 1, 2020



March was a wet month for the basin receiving 139 percent of the average monthly precipitation which now bring water year-to-date total up to 122 percent of the average. As of April 1st, snowpack in the basin has melted out. Forecasts for the Mimbres River have increased significantly due to snow melt and recent precipitation are now at percent of the average.

Users of NRCS Snow Survey data should be aware, due to reduced budget allocations; the manual snow courses a McKnight Cabin and Emory Pass #2 have been discontinued. Data is still being recorded at the automated SNOT sites in the basin.





Data Current as of: 4/7/2020 2:25:08 PM

Mimbres River Basin
Streamflow Forecasts - April 1, 2020

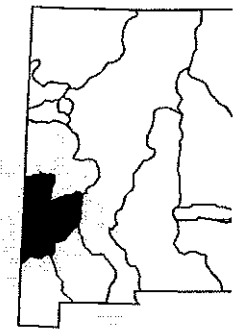
Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

MIMBRES RIVER BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Mimbres R at Mimbres[3]								
	APR-MAY	0.59	1.1	1.58	145%	2.2	3.3	1.09

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

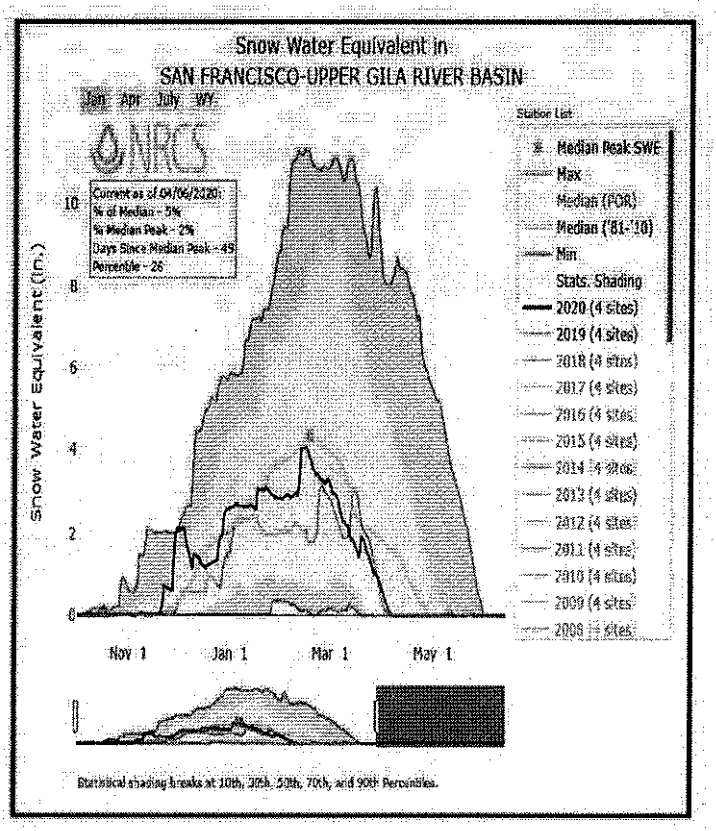
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
MIMBRES RIVER BASIN	2		

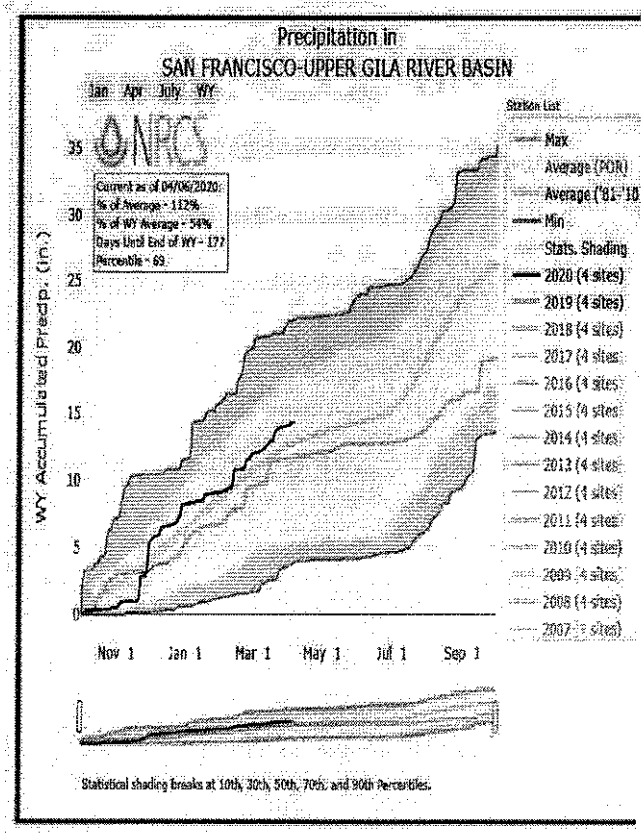
San Francisco / Upper Gila River Basin
Water Supply Outlook Report
as of April 1, 2020



Water year-to-date precipitation is now at 113 percent of the average after receiving 114 percent of the average monthly precipitation! Snowpack in the basin is currently at 31 percent of the median as compared to 13 percent a time last year. Forecasts for the basin currently range from 95 to 118 percent of the average.

Due to budget and contracting issues, the aerial markers at Hummingbird Saddle and Whitewater Baldy are not currently being measured. Plans are in effect to automate these sites with depth sensors which will transmit out d daily as soon as possible.





Data Current as of: 4/7/2020 2:25:13 PM

San Francisco-Upper Gila River Basin
Streamflow Forecasts - April 1, 2020

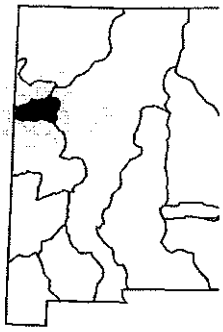
Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

SAN FRANCISCO-UPPER GILA RIVER BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Gila R at Gila[3]	APR-MAY	9.4	13.1	16.1	98%	19.6	25	16.5
Gila R bl Blue Ck nr Virden[3]	APR-MAY	8	14.6	20	95%	27	38	21
San Francisco R at Glenwood[3]	APR-MAY	4	6.4	8.6	118%	11.1	15.8	7.3
San Francisco R at Clifton[3]	APR-MAY	8	13.7	18.5	107%	24	33	17.3

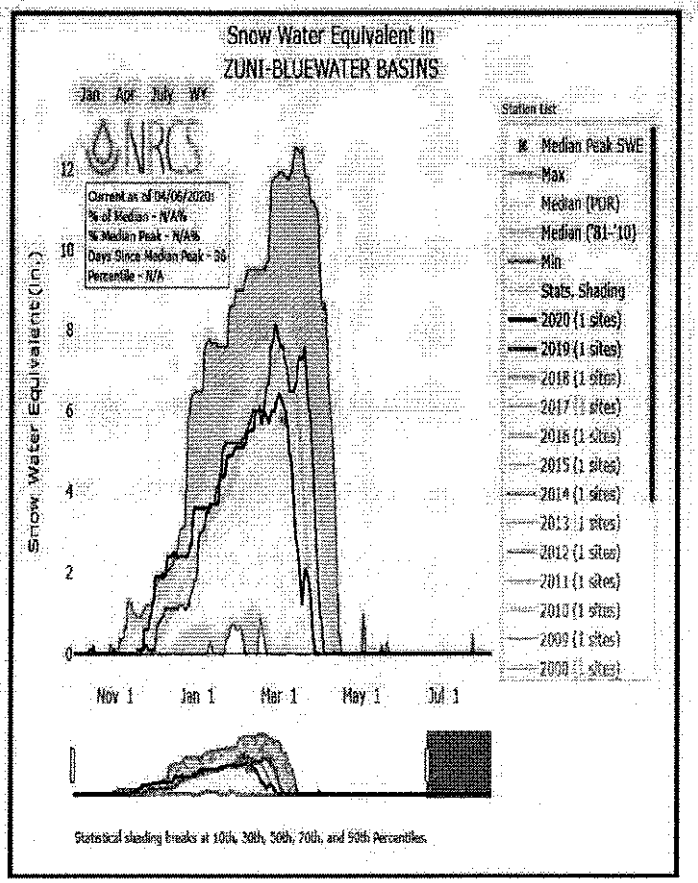
1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

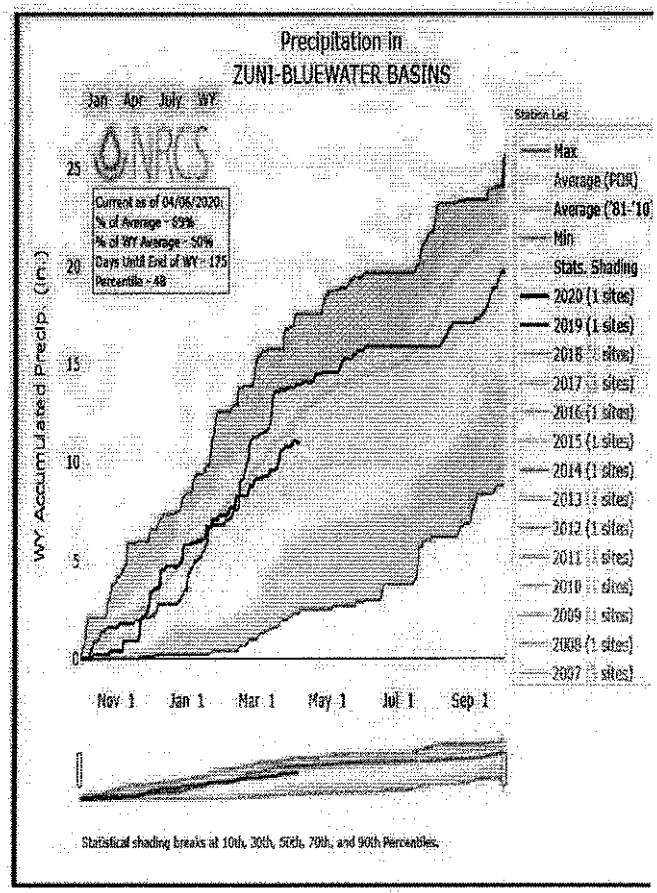
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
SAN FRANCISCO-UPPER GILA RIVER BASIN	4	31%	13%

Zuni / Bluewater Basins
Water Supply Outlook Report
as of April 1, 2020



Snowpack in the basin has melted out at this time. February received 95 percent of the average monthly precipita This puts the water year-to-date total at 94 percent of the average. Forecasts for the Rio Nutriah and Zuni River a average ranging from 70 to 100 percent. Bluewater Lake is currently at 7,200 acre-feet of water versus 11,600 ac feet at this time last year.





Data Current as of: 4/7/2020 2:25:19 PM

Zuni-Bluewater Basins
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

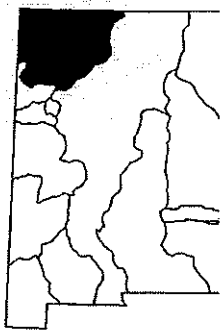
ZUNI-BLUEWATER BASINS	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Rio Nutria nr Ramah[3]	APR-MAY	0	0.07	0.19	100%	0.41	0.98	0.19
Zuni R ab Black Rock Reservoir[3]	APR-MAY	0	0	0.07	70%	0.41	1.2	0.1

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

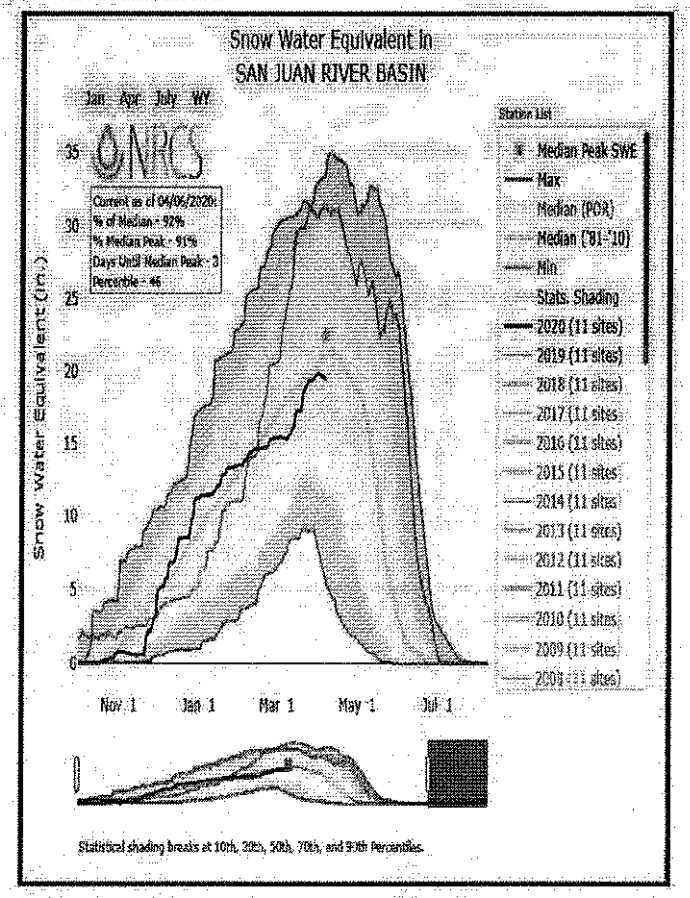
Reservoir Storage End of March, 2020	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
Bluewater Lake	7.2	11.6	9.7	38.5
Basin-wide Total	7.2	11.6	9.7	38.5
# of reservoirs	1	1	1	1

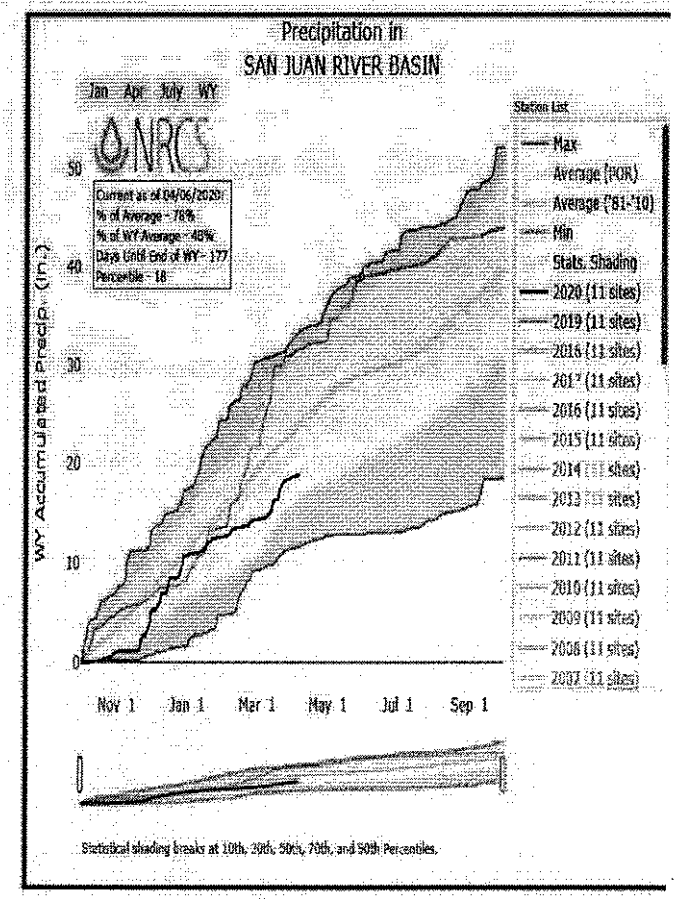
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
ZUNI-BLUEWATER BASINS	1		

San Juan River Basin
Water Supply Outlook Report
as of April 1, 2020



March received 106 percent of the average monthly precipitation bringing the water year-to-date total to 80 percer the average. Snowpack is just below the median at 97 percent, which is well below the 147 percent at this time la year! Forecasts for the San Juan Basin are all below average ranging from 61 to 80 percent of average. Navajo reservoir storage contains 1,292,500 acre-feet or 99 percent of the average water stored at the end of March!





Data Current as of: 4/7/2020 2:24:56 PM

San Juan River Basin
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

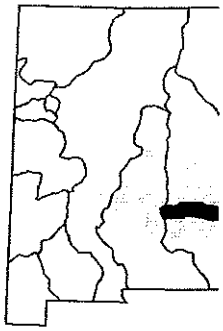
SAN JUAN RIVER BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Rio Blanco at Blanco Diversion [2]	APR-JUL	23	30	35	65%	40	49	54
Navajo R at Oso Diversion [2]	APR-JUL	27	34	40	62%	46	56	65
Navajo Reservoir Inflow [2]	APR-JUL	295	385	450	61%	525	640	735
Animas R at Durango	APR-JUL	240	290	330	80%	370	435	415
La Plata R at Hesperus	APR-JUL	13.2	16	18	78%	20	24	23

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

Reservoir Storage End of March, 2020	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
Navajo Reservoir	1292.5	955.5	1310.0	1696.0
Basin-wide Total	1292.5	955.5	1310.0	1696.0
# of reservoirs	1	1	1	1

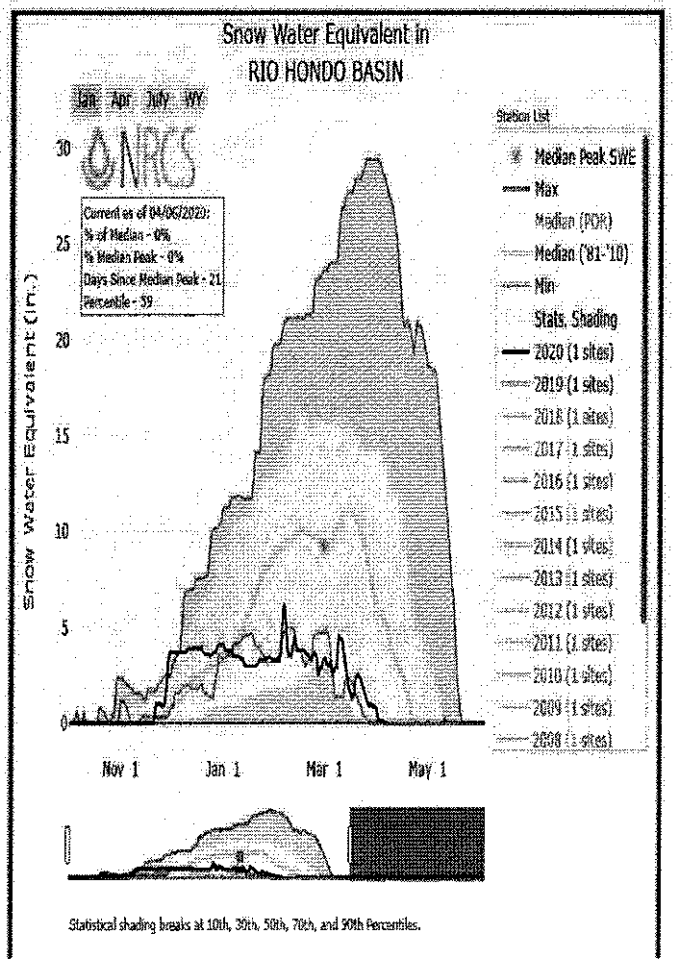
Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
SAN JUAN RIVER BASIN	11	97%	151%

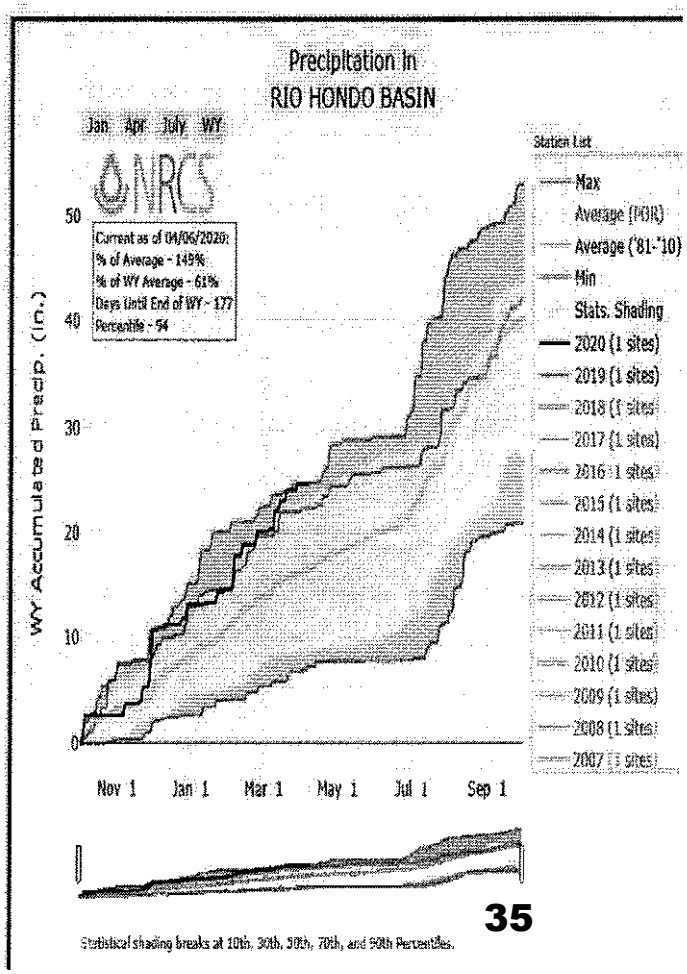
Rio Hondo Basin
Water Supply Outlook Report
as of April 1, 2020



March was a very good month for the Rio Hondo having received 214 percent of the average monthly precipitatio This now puts the water year-to-date total at 154 percent of the average. Snowpack in the basin is currently at 7 percent of the median which is on par with values at this time last year. The forecast for the Rio Ruidoso at Hollywood well below the average at 40 percent for the April to July time frame. This measurement however sho be used with caution as the Sierra Blanca SNOTEL site was impacted by the Little Bear Fire five years ago.

It should be noted that the switch to using median snowpack values four years ago has had a significant influence the "average" calculations for the Rio Hondo Basin. Using the old system of computing averages based on the 19 2000 period, 6.7 inches of SWE was considered normal for January 1. Using the new median calculations based the 1981-2010 period, 3.2 inches of SWE is now normal. For this reason, comparisons of "percent of average" fr year to year will be limited in this basin to minimize confusion.





Data Current as of: 4/7/2020 2:25:03 PM

Rio Hondo Basin
Streamflow Forecasts - April 1, 2020

Forecast Exceedance Probabilities for Risk Assessment
Chance that actual volume will exceed forecast

RIO HONDO BASIN	Forecast Period	90% (KAF)	70% (KAF)	50% (KAF)	% Avg	30% (KAF)	10% (KAF)	30yr Avg (KAF)
Rio Ruidoso at Hollywood								
	MAR-JUN	3.5	4.3	5	75%	5.8	7.3	6.7
	APR-JUN	0.57	1.32	2	40%	2.8	4.3	5

1) 90% and 10% exceedance probabilities are actually 95% and 5%
2) Forecasts are for unimpaired flows. Actual flow will be dependent on management of upstream reservoirs and diversions
3) Median value used in place of average

Watershed Snowpack Analysis April 1, 2020	# of Sites	% Median	Last Year % Median
RIO HONDO BASIN	1	7%	5%

NEW MEXICO STATEWIDE	Network	Elevation (ft)	Depth (in)	SWE (in)	Median (in)	% Median	Last Year SWE (in)	Last Year % Median
Alamitos	SC	9320			5.2			
Aztec #2	SC	9890			4.3		6.8	158%
Bateman	SNOTEL	9300	31	11.9	12.2	98%	16.0	131%
Bloom	SC	8140			0.8		0.0	0%
Bowl Canyon	SC	8990			7.8		13.5	173%
Chamita	SNOTEL	8400	15	6.1	7.9	77%	13.4	170%
Dan Valley	SC	7640			0.1		0.0	0%
Elk Cabin	SNOTEL	8210	0	0.0	0.6	0%	0.3	50%
Frisco Divide	SNOTEL	8000	0	0.0	0.0		0.0	
Gallegos Peak	SNOTEL	9900	19	7.5	10.4	72%	12.6	121%
Hensalte Park	SC	9500			3.6		9.8	272%
Hidden Valley	SC	8400					11.7	
Hopewell	SNOTEL	10000	49	14.9	19.5	76%	21.5	110%
Lookout Mountain	SNOTEL	8500	0	0.0	0.0		0.0	
Mogollon	SC	8120			0.0		0.0	
Midnight Cabin	SNOTEL	9240	0	0.0	0.0		0.0	
Missionary Spring	SC	7940			0.0		0.0	
Navajo Whiskey Ck	SNOTEL	9050	0	0.0			15.1	
North Costilla	SNOTEL	10600	19	7.1	4.8	148%	9.8	204%
Ojo Redonda	SC	8200			0.2		0.0	0%
Palo	SNOTEL	9350	0	0.0			7.0	
Palo	SC	9300			7.4		10.7	145%
PanchueLa	SC	8400					0.2	
Quemazon	SNOTEL	9500	0	0.0	7.0	0%	4.5	64%
Red River Pass #2	SNOTEL	9850	22	7.5	7.4	101%	10.4	141%
Rice Park	SNOTEL	8460	0	0.0	0.0		0.9	
Rio En Medio	SC	10300	15	5.0	9.1	55%	6.6	73%
Rio Santa Barbara	SNOTEL	10664	40	12.5			18.5	
San Antonio Sink	SNOTEL	9100	10	4.9			10.7	
San Antonio Sink	SC	9200			7.5		11.2	149%
Santa Fe	SNOTEL	11445	50	16.2	15.9	102%	19.2	121%
Senorita Divide #2	SNOTEL	8800	11	4.5	8.5	53%	7.9	93%
Shuree	SNOTEL	10100	6	2.8			9.4	
Shuree	SC	10097			2.6		9.3	358%
Sierra Blanca	SNOTEL	10280	1	0.4	5.9	7%	0.3	5%
Signal Peak	SNOTEL	8360	0	0.0	0.0		0.0	
Silver Creek Divide	SNOTEL	9000	5	2.2	7.0	31%	0.9	13%
State Line	SC	8000			0.0		0.0	
Taos Canyon	SC	9100			4.4		5.2	118%
Taos Powderhorn	SNOTEL	11057	67	21.7			24.5	
Taos Powderhorn	SC	11250			25.8		27.4	106%
Tolby	SNOTEL	10180	24	9.0	7.6	118%	10.1	133%
Tres Ritos	SNOTEL	9800	0	0.0			0.0	
Tres Ritos	SC	9800			4.4		4.5	102%
Vacas Locas	SNOTEL	9306	20	8.9	8.1	110%	13.5	167%
Wesner Springs	SNOTEL	11120	43	14.7	16.0	92%	17.3	108%
Whiskey Creek	SC	9050			8.7		17.7	203%
Basin Index						**78%**		**112%**
# of sites						21		21

Issued by:

Matt Lohr
Chief
Natural Resources Conservation Service
U.S. Department of Agriculture

Released by:

J. Xavier Montoya
State Conservationist
Natural Resources Conservation Service
Albuquerque, New Mexico

Report Created by:

Chris Romero
Natural Resources Conservation Service
Water Supply Specialist
Albuquerque, NM

100 Sun Ave. NE, Suite 602
Albuquerque, NM 87109

New Mexico
Basin Outlook Report

Natural Resources Conservation Service
Albuquerque, New Mexico

CITY OF SANTA FE

ADMINISTRATIVE PROCEDURES FOR SANTA FE RIVER TARGET FLOWS

Adopted by:	Resolution No. 2012-28 February 29, 2012
Amended by:	Resolution No. 2012-52 May 9, 2012

Table of Contents

1. **Article I**
   Introduction
2. **Article II**
   - **2.1 Title**
   - **2.2 Authority**
   - **2.3 Applicability**
   - **2.4 Purpose**
   - **2.5 Interpretation**
3. **Article III – Definitions of Terms Used**
4. **Article IV – Administrative Procedures**
   - **4.1 Objectives**
     - 4.1.1 Target Flow Objectives
     - 4.1.2 Use of Objectives for Adaptive Management
   - **4.2 Target Hydrograph and Target Flow Seasons**
     - 4.2.1 Development of the Target Hydrograph and Target Flow Season
     - 4.2.2 Target Hydrograph and Target Flows
   - **4.3 - Dry and Critically Dry Year Hydrographs**
     - 4.3.1 Reduction of Target Flows in Dry and Critically Dry Years
     - 4.3.2 Dry Year Hydrographs
     - 4.3.3 Critical-Dry Year Hydrograph
   - **4.4 Wet Year Flows**
   - **4.5 Management and Accounting of Releases and Spills**
     - 4.5.1 Management of Municipal Reservoir Flood Flows
     - 4.5.2 Accounting of Releases and Spills vis-à-vis the Target Hydgrograph
   - **4.6 Water Rights**
     - 4.6.1 Use of the City's Santa Fe River Water and Storage Rights
     - 4.6.2 Bypass Constraint
     - 4.6.3 Recognition of Other Surface Water Right Users
   - **4.7 Management and Operational Procedures**
     - 4.7.1 Flow Management
     - 4.7.2 Flow Operations
     - 4.7.3 Flow Adjustment Infrastructure
   - **4.8 Emergencies and Flow Suspension**
     - 4.8.1 Water Emergency Implementation Stages
   - **4.9 Monitoring**
     - 4.9.1 Stream Flow
     - 4.9.2 Wetted Distance
     - 4.9.3 Future Monitoring
   - **4.10 Accounting and Reporting**
     - 4.10.1 Flow Accounting
     - 4.10.2 Flow Reporting
   - **4.11 Adaptive Management**
     - 4.11.1 Adaptive Management Goals
     - 4.11.2 Adaptive Management Triggers
5. **Article V – Annual Fishing Derby**
6. **Article VI – Miscellaneous Provisions**
   - 6.1 Amendments
   - 6.2 Severability

Article I: Introduction

These administrative procedures describe how City staff will implement Section 25-13 SFCC 1987 to provide 1,000 AFY in target flows to the Santa Fe River.

As the City of Santa Fe has worked in recent years to further diversify its water supply portfolio, it has also worked on a range of initiatives to make substantial improvements along the Santa Fe River and within the river's broader watershed. These improvements have included forest management practices in the upper watershed; riparian rehabilitation projects along the entire river corridor; a variety of erosion control and storm water management projects; construction of significant new reaches of the Santa Fe River Trail; and enhancements within the City's parklands along the river's banks. Consistent with these efforts to protect the City's water supply, improve the drainage and hydrologic functions of the river system, support greenery, shade and wildlife habitat, and to beautify the corridor with aesthetic enhancements, the City also seeks to increase water flows in the river below the City's reservoirs.

A commitment to manage water resources in ways that allow for a programmatic approach to provide for water flows in the Santa Fe River is consistent with the City's Long Range Water Supply Plan (LRWSP). The LRWSP states that, "The City will provide water to maintain a living Santa Fe River, except under drought or emergency conditions." Further, the Plan states, "After the BDD (the Buckman Direct Diversion facility) is online in 2011 and barring legal restrictions, the City will, in accordance with public input, initially release approximately 1,000 AFY [acre feet per year] of water from the Santa Fe River canyon reservoirs to the Santa Fe River, except under drought or emergency conditions."

Following successful river flow programs that were implemented during 2009, 2010 and 2011, the City now seeks to formalize its commitment to provide for river flows in the Santa Fe River in future years. These Administrative Procedures, along with enabling legislation (City ordinance and resolution), establish an approach to codify and give guidance for the City's river flow commitment.

Prior year flows administered for the Santa Fe River yielded valuable information regarding the management of flow regimes; resulted in positive impacts within the riparian corridor; and were extremely popular with people who visited the river, experienced water flowing through the City, and sat or played along the river's banks. These Administrative Procedures address issues such as ideal and contingent flow scenarios; flow volume accounting procedures; adjustments to flow scenarios due to water surpluses or shortages; and other operational details.

Article II: Title, Authority, Applicability, Purpose & Interpretation

2.1 **Title.** Administrative Procedures for Target Flows in the Santa Fe River shall be cited and referred to herein as the "Administrative Procedures."

2.2 **Authority**. Administrative Procedures for Target Flows in the Santa Fe River are adopted pursuant to the Santa Fe River Target Flow Ordinance, Article 25-13 SFCC 1987 and Resolution No. 2012-____.

2.3 **Applicability**. Pursuant to the Santa Fe River Target Flow Ordinance, these Administrative Procedures apply to target flows on or after February 29, 2012, the date of adoption of the Santa Fe River Target Flow Ordinance.

2.4 **Purpose.**
Ord. No. 2012-10 directs the City of Santa Fe to bypass flow to the Santa Fe River downstream of Nichols Reservoir. These administrative procedures describe the means and methods by which the flows will be administered, monitored, measured, adapted to variable conditions and reported in order to ensure that the objectives for the flows are met to the greatest extent possible.

2.5 **Interpretation.**
These Administrative Procedures shall be liberally interpreted to accomplish the purposes set forth in Article 25-13 To the extent of ambiguity, omission or clear error in these Administrative Procedures, City staff and the flow manager shall have authority to interpret and clarify any such matter during implementation of these regulations and procedure so as to effectuate the intent of Article 25-13.

Article III - Definitions of Terms and Phrases

Defined Terms and Phrases. The following defined terms and phrases shall apply to the Administrative Procedures.

1. **"above McClure gage":** the stream gaging station 08315480 (or 08315479 for low flows) located above McClure Reservoir; this is the measuring point for flows entering McClure Reservoir.
2. **"acre-foot (af)":** a quantity or unit of water that is equal to the amount of water required to fill an area of 1 acre with 12 inches (i.e., 1 foot) of water; one acre-foot is equal to 325,851 gallons.
3. **"actual daily flow":** the daily rate of stream flow at the below Nichols gage as recorded by the flow operator.
4. **"annual target":** the quantity of water in af to be bypassed to the river based upon anticipated watershed yield, within the target year.
5. **"anticipated watershed yield":** the expected annual yield of water to the Santa Fe River and the municipal reservoirs within the Santa Fe River upper watershed, expressed as the percentage of the historical average; the anticipated watershed yield is estimated as of April 15th using the best available information including the amount of snow, both as depth (in inches) and snow-to water equivalent (in inches) at the weather stations in the upper watershed (Santa Fe and Elk Cabin); the Santa Fe Basin forecast predictions from Natural Resource Conservation Service (NRCS); weather forecast from the National Weather Service and NOAA; and any other pertinent appropriate weather-related information.
6. **"below Nichols gage":** the stream gaging station 08316505 located below Nichols Reservoir, or at a comparable location of measurement at or below the outlet from Nichols Dam; this is the measuring point for target flows administration under these Administrative Procedures.
7. **"Buckman Direct Diversion Project (BDD)":** a water supply project that provides water supply to the region using the San Juan Chama Project water and Rio Grande surface waters; the project began producing water in January of 2011 and is expected to be fully operational by July of 2011.
8. "**bypass constraint**": an operating principle that requires the rate at which water is passed through the outlet works of Nichols Reservoir dam is always equal or less than the stream inflow at the 'above McClure' gage.
9. "**bypass flows**": generally, water that flows past a diversion or storage facility. In these Administrative Procedures, it refers to water that the City chooses not to store in the municipal reservoirs and thus allows to flow to the Santa Fe River below Nichols Reservoir

provided that the rate at which the bypass flow is passed through the outlet works of Nichols Reservoir dam is always equal to or less than the stream inflow at the 'above McClure' gage.

10. **"critical-dry year":** a year in which the anticipated watershed yield is less than 30% of the historical average watershed yield.
11. **"critical-dry year hydrograph":** the graphical representation of the desired target flows in critically dry years in which the annual discharge is 300 afy.
12. "**cubic feet per second (cfs)":** a *rate* of water flow; one cubic feet per second equals two acre-feet per day and 0.65 million gallons per day
13. **"daily target flow":** the desired daily stream flow at the below Nichols gage.
14. **"dry year":** a year in which the anticipated watershed yield is between 30% and 75% of the historical average watershed yield.
15. **"dry year hydrograph":** the graphical representation of the desired target flows in dry years in which annual discharge is scaled down from 1000afy (to between 300 and 700 afy) based on decreased, anticipated watershed yield.
16. **"flow manager":** a member of City of Santa Fe staff responsible for managing releases of water to the River, record-keeping, reporting, and determining changes to daily target flows as prudent under adaptive management; the flow manager is the River and Watershed Coordinator, unless otherwise designated by the City Manager.
17. **"flow operator":** a water Division staff member responsible for making water utility system adjustments to meet the daily target flow and for measuring and recording the actual stream flow.
18. **"historical average watershed yield":** the average of annual yield of stream flow in the Santa Fe River within the Santa Fe River upper watershed as determined by stream flow measurements at USGS gage 08316000 (Santa Fe near Santa Fe) and USGS gage 08315479 and 08315480 (18-inch and 8-foot above McClure Reservoir, respectively); between 1914 to 2007 the average annual yield measured at Santa Fe near Santa Fe gage was 4,909 af.
19. **"hydrograph":** a graphic representation of the variation in stream discharge, in cubic feet per second, plotted against time.
20. **"municipal reservoirs":** the reservoirs on the Santa Fe River in the upper watershed - Nichols and McClure with 684 and 3,256 acre-feet of capacity, respectively.
21. **"natural hydrograph":** the graphical representation of stream flow as it varies over time in response to climatic (snow melt, precipitation) and man-made (storage, urban storm flow runoff) conditions. The natural hydrograph herein refers to the condition prior to the addition of the target flows governed by these Administrative Procedures, as measured on the Santa Fe River at the existing stream gage locations.
22. **"public process":** the public engagement and community outreach process through which the objectives for river flows were developed. From December 2010 through February 2011 input was gathered through conversations with over thirty stakeholders (including many River Commissioners) and two community meetings with over ninety, culturally and generationally diverse participants.
23. **"river":** The Santa Fe River reach that begins below Nichols Reservoir
24. **"release flows":** the flows from the outlet works of Nichols Reservoir that are discharged from Nichols dam in order to manage flood or potential flood flows.
25. **"spills":** flows from Nichols Reservoir that are discharged over the Nichols dam spillway when the reservoir is full.
26. **"target flows":** the daily, seasonal or annual amount of water (as a volume or a rate) desired in the river as measured at the below Nichols stream gage. The quantity is variably identified in various sections of the Administrative Procedures depending upon the anticipated watershed yield.
27. "**target hydrograph":** means the graphical representation of the daily target flow

necessary to provide up to 1,000 acre-acre of water in the Santa Fe River as measured at the below Nichols gage. The quantity of water is variably identified in several sections of the Administrative Procedures for Target Flows in the Santa Fe River depending upon anticipated watershed yield.

28. **"target year":** the period beginning April 15th and continuing through April 14th the following year; this definition allows the flow manager to adjust the target flows as necessary according to anticipated watershed yield from the mountain snow pack.
29. **"upper river":** the reach in the river for which target flows are maintained year-round to support all aspects of a healthy riverine and riparian ecosystem; at a minimum as far as Two-Mile Pond, and ideally, as far as the head gate for the Acequia Madre.
30. **"water service":** water provided to a customer through the municipal water utility system.
31. **"water service emergency":** a situation that would cause an interruption in the Water Division's ability to provide water service or that threatens public health and safety.
32. **"water system":** the water utility system owned and operated by the City, and includes without limitation all the physical plant, wells, pumps, transmission and distribution facilities, water treatment facilities, storage facilities and all water rights and rights to water owned by the City for use in its water utility.

Article IV – Administrative Procedures

4.1 Objectives

4.1.1 Target Flow Objectives

a) Create an ecologically healthy vegetative corridor
b) Benefit the entire community with flows (e.g., equity)
c) Nurture a beautiful, natural urban greenspace with water in an arid environment
d) Provide an educational resource for schools and steward the resource for the community

4.1.2 Adaptive Management to Address Objectives and Purpose

The hydrographs presented in these Administrative Procedures provide guidance, or examples, for the administration of flows in a manner that meets the objectives and purpose of the target flows. Actual flows may be adjusted in response to watershed yield forecasts, evolving seasonal conditions and/or feedback from monitoring. When changes to daily target flows are necessary or merited (i.e., adaptive management), the flow manager and/or flow operator shall take into consideration the objectives identified above and the purpose identified for the various components of the hydrographs.

4.2 Target Hydrograph and Target Flow Seasons

4.2.1 Target Hydrograph and Target Flows

The target hydrograph (Figure 1) contains stream flow targets in cfs and af and a schedule for increasing and decreasing flows. The total volume of the target hydrograph is 1,000 afy. The target hydrograph will be adjusted in dry and critical-dry years to conform with the dry year hydrographs and critical-dry year hydrograph as described in Section 3. The schedule is approximate and subject to modification under the guidelines in the Article 4.11: Adaptive Management.

The target hydrograph includes the following aspirational goals:

- **Low Flows for the Upper River.** Flows are 0.3 cfs during the colder season from mid-

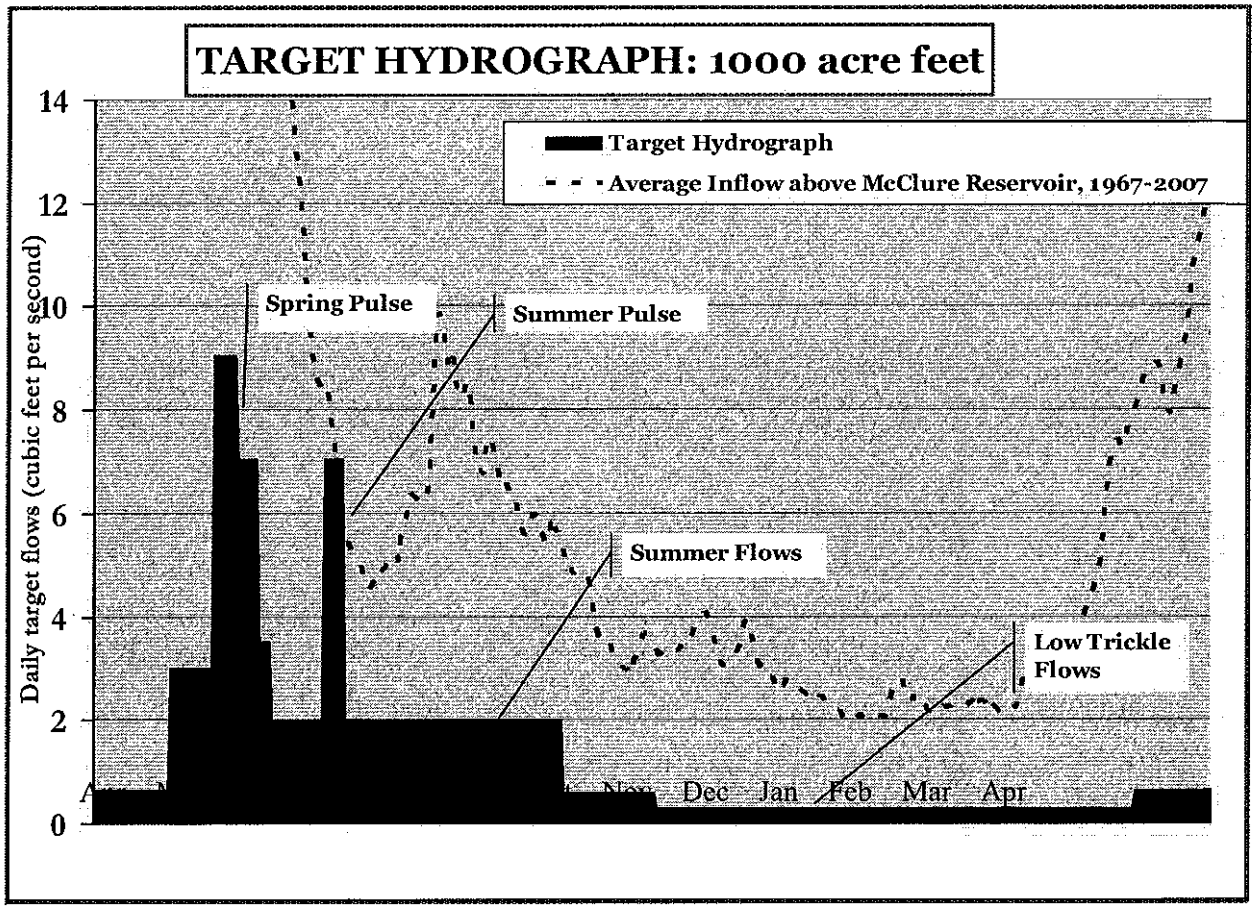
October to mid-March when vegetation is dormant. Flows increase to 0.6 cfs from mid March to early May and from mid-September to mid-October. The purpose of the mid-September to early May flows is to provide for flows in the upper river to:

- support plant life with irrigation and maximize riverine and riparian ecological health;
- recharge ground water, subsurface flows and bank storage during periods of plant dormancy to increase availability of water in the warmer months;
- maintain a wet environment to support the life cycles of macroinvertebrates;
- recharge local groundwater and sub-surface flows;
- ensure a wetted river bed so that spring and summer flows will travel farther and more efficiently along the river course.

- **Spring Pulse.** Flows are 3 cfs for two weeks beginning in early May, then increase to 9 cfs for a week following, and then drop to 7 cfs for a week in early June. The purpose of the spring pulse is to provide as much water to the river reach (including San Ysidro crossing and the intersection with Route 599) as feasible. The timing and magnitude of the spring pulse is designed to provide necessary flows through downtown for the Fishing Derby and River Festival and for the blessing of the river in the village of Agua Fria around the day of San Ysidro, patron of the crops. The purpose of the spring pulse is to:
  - mimic natural spring runoff that is provided by the melting of accumulated winter snows;
  - irrigate the trees and other vegetation along the river corridor to support the typical spring time activities within tree/plant (and faunal) annual life cycles as plants are beginning to draw water, beginning to produce buds and leaves;
  - extend surface water flows as far as possible with the objective of reaching beyond the San Ysidro crossing down to the City's Waste Water Treatment Plant;
  - recharge local groundwater and sub-surface flows;
  - continue the process of ground water recharge that will benefit plant life into the summer months.
- **Summer Flows.** Flows are an average of 2 cfs from mid-June to mid-September. The flow manager may increase or decrease the flow rates to meet flow objectives, with particular regard for major events in Santa Fe, provided that the average is maintained and flows are not reduced below .3 cfs.

  The purpose of the summer flows is to:
  - provide flows through downtown, and the Santa Fe River Park, for aesthetic and social benefit;
  - supply irrigation to enhance the river's function as an appealing urban greenbelt;
  - recharge local groundwater and sub-surface flows;
  - maintain the wetted river bed so that flows from rainfall events will travel downstream farther and more efficiently.
- **Summer Pulse.** Flows are 7 cfs for one week in early July. The purpose of the summer pulse is to:
  - push flows once again downstream to San Ysidro Crossing and the river's intersection with Route 599 during the hot and dry periods in advance of the summer monsoon rains;
  - sustain vegetation during the hottest time of year, with moisture for new/germinating seedlings, and ultimately enhancing the river corridor as an appealing urban greenbelt;
  - provide flows for river bank irrigation and wetting of the river bed in the period between spring runoff and the likely arrival of monsoon rainfall.

Figure 1



4.3 Dry and Critical-Dry Year Target Flow Reductions

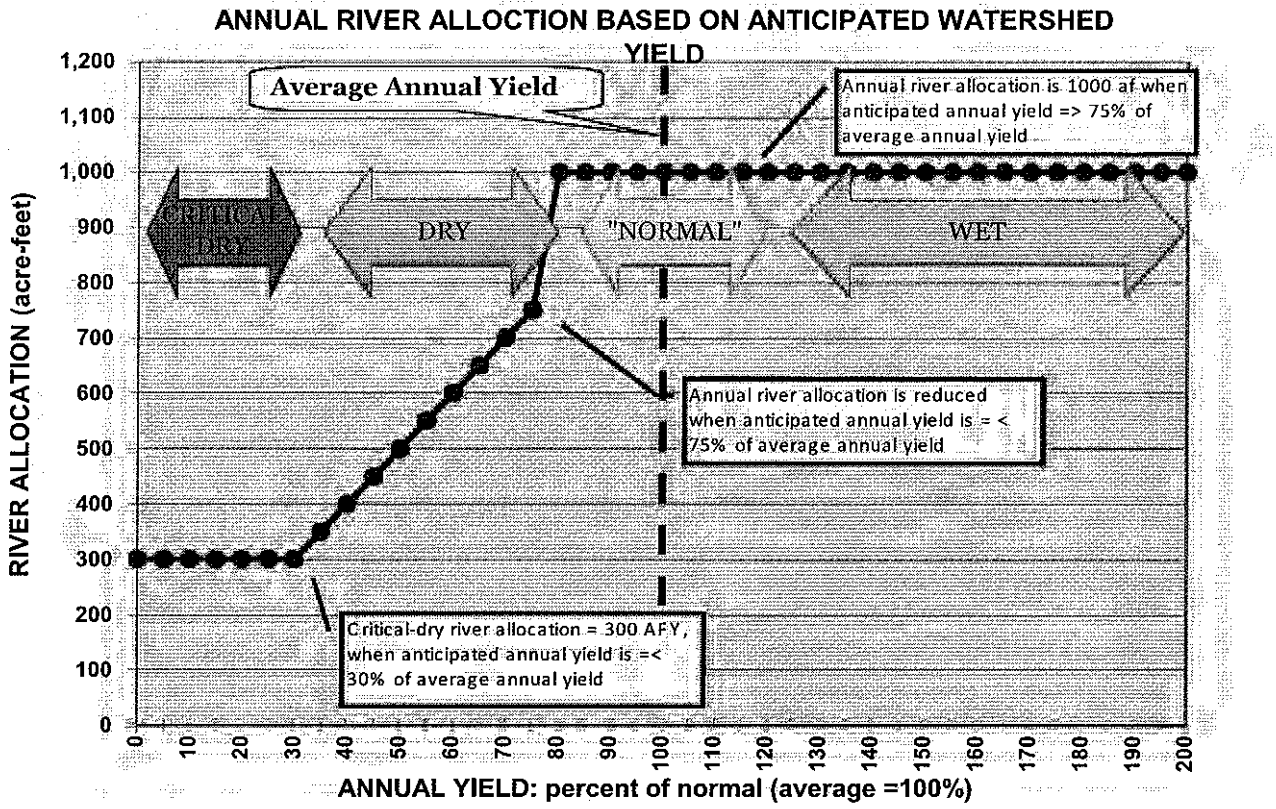
4.3.1 Reduction of Target Flows in Dry and Critically Dry Years

A dry year is defined as a year in which the anticipated watershed yield is equal to or less than 75% but greater than 30% of historical average. A critical-dry year is a year in which the anticipated watershed yield is equal or less than 30% of the historical average. In dry and critical-dry years, the total volume of the target hydrograph (1,000 af) will be reduced, by multiplying 1,000 by the percentage of the anticipated watershed yield:

$$TargetHydrograph \times AnticipatedWatershedYield_{yearX} = target\ flows_{yearX}$$

For example, in a year where the anticipated watershed yield is 65% of average, the target flow for the target year is calculated by 1,000 afy x 65% = 650 af. The reduction calculation is depicted graphically in Figure 2.

Figure 2



4.3.2 **Dry Year Hydrographs**

In dry years, the flow manager will allot the timing and magnitude of the daily target flows in a manner consistent with the following guidelines:

(a) reduction in summer flows,

(b) scaling-down – but not eliminating – the spring pulse and,

(c) reduction in low flows from 0.30 cfs to 0.15 cfs.

The timing and magnitude of dry year target flows for 700 af, 600, afy, 500 afy, and 400 afy are described in the Dry Year Hydrographs in Appendix A.

While scaling back the quantity of the annual target flow in dry years, the priority is to provide for spring and summer pulses to fulfill the purposes of the pulses as outlined for the 1000 afy target flow in section 4.2.1 above.

4.3.3 **Critical-Dry Year Hydrograph**

In critical-dry years, in which the total target flows equal 300 af per target year, the daily target flows will be managed in a manner consistent with the following guidelines and as illustrated by Figure 3:

a) sustained low flows of 0.15 cfs,

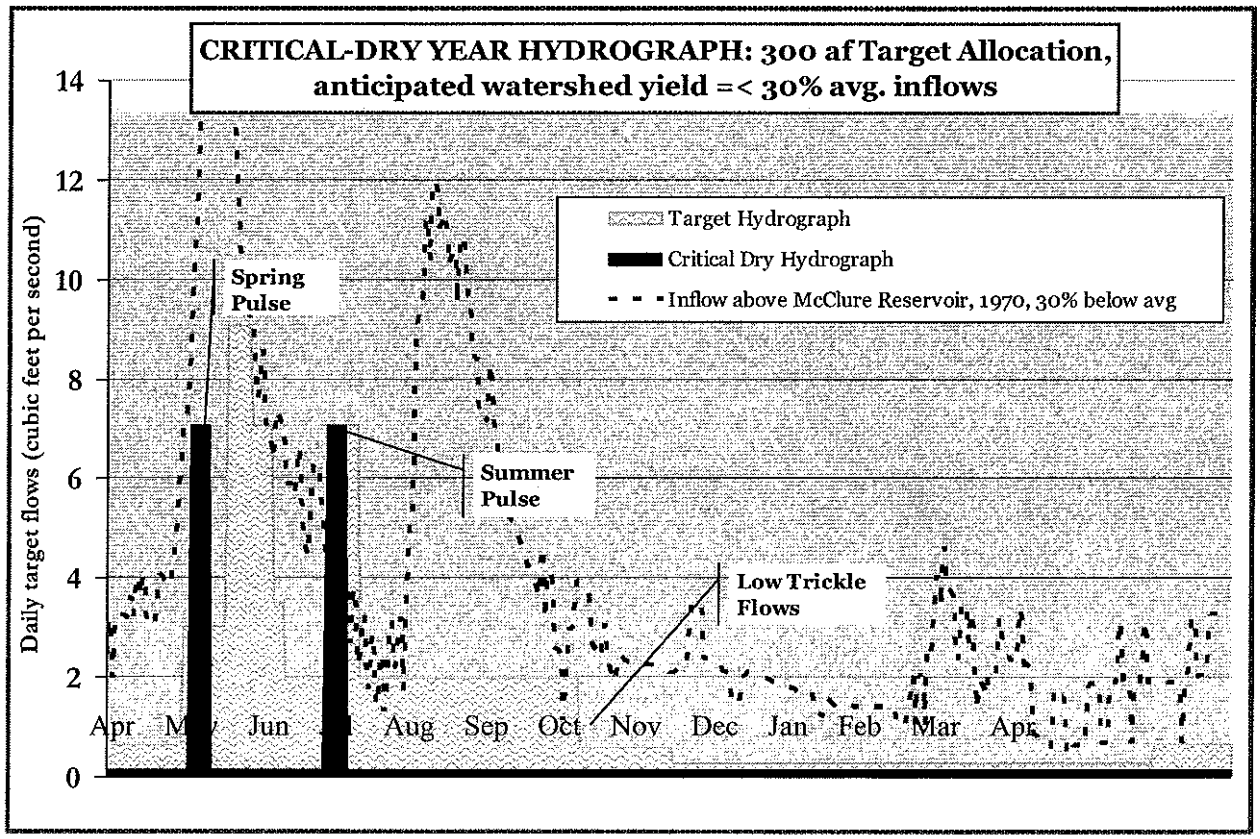
(b) one spring and one summer pulse, each of approximately 100 afy.

The schedule of the pulses shall generally follow the timing of the pulses in the target

hydrograph. The magnitude of the pulses shall be approximately 7 cfs, provided that the daily target flows are within the bypass constraint. The river shall retain flows of at least 300 afy barring an emergency or unforeseen infrastructure constraint (e.g., failure of Nichols's Reservoir outfall structure). The purpose of the critically dry year hydrograph is to maintain a wet corridor in the upper river for riverine and riparian ecological benefit while providing two downstream pulses for the purposes of the pulses as outlined for the 1000 afy target flow in section 4.2.1 above.

In critical-dry years, since the daily target flows for the Fishing Derby cannot be reliably met, the Fishing Derby will be suspended.

Figure 3



4.4 Wet Year Flows

During wet years, defined as when the anticipated watershed yield is greater than the historical average, the river will be allocated water according to the target hydrograph (e.g., 1,000 afy) in the target year. In wet years, the actual daily flows will likely be greater because of flow contributions from reservoir flood management, and because of greater flows within the urban watershed. These greater daily flows will meet many of the objectives described in Article 4.1. Furthermore, the irrigation needs of the river corridor will be supplemented by the above-average spring precipitation. By not increasing the target hydrograph in a wet year, in wet years the City may be able to put the full amount of the City's Santa Fe River water rights under License 1677 to beneficial use and thus rest the City's well fields and use of local groundwater resources.

4.5 Management and Accounting of Releases and Spills

4.5.1 Management of Municipal Reservoir Flood Flows

The City manages the municipal reservoirs in part, in a way that protects the river and the urban watershed from floods. Flood management includes both the capture of peak inflows from the upper watershed and the management of release flows and spills from Nichols and McClure Reservoirs.

Pursuant to Article 25-13 SFCC 1987, the flow manager and flow operator are directed to manage, as much as possible, the release of flows and spills in a manner consistent with the target hydrograph and the objectives herein. This includes:

a) matching the timing and magnitude of the flows,
b) scaling the additional release flows in a manner which increases the magnitude of the spring pulse
c) discharging the release flows in a manner to augment the magnitude of the low flow.

4.5.2 Accounting of Releases and Spills vis-à-vis the Target Hydrograph

Water that is released and/or spilled for flood management will count toward the daily target flows and target hydrograph, when the flows are within the daily target flows of the target hydrograph. If water greater than the daily target flows is released or spilled into the river, the quantity of water that exceeds the daily target flow will not be counted toward the 1,000 afy of the target year. For example, if the total planned target flow for a period of May 20 to June 3 is 300 af, but necessary reservoir management results in actual flow of 1,000 af, then 300 af shall be counted toward the planned commitment and 700 af shall not be counted, provided that the 300 af met the daily flow targets desired under the target hydrograph.

The purpose of allowing water spilled or released to count toward the 1,000 af target hydrograph is so that the municipal water utility can store excess water in wet years for water supply to compensate for the additional use of groundwater required in critically dry years. The water released or spilled in excess of the target hydrograph and daily target flows cannot be stored and released for the river later in the season because of the water right and storage limitation discussed in the next section.

4.5.3 Except as described above in section 4.5.2, the 1000 acre-feet volume of water shall not include water released for any other purpose at the time of release.

4.6 Water Rights

4.6.1 Use of the City's Santa Fe River Water and Storage Rights

The City is not using any of the water rights under License 1677 and Declaration No. 01278 to comply with Article 25-13 SFCC 1987. The City will continue to periodically put all the water rights under License1677 and Declaration No. 01278 to beneficial use.

4.6.2 Bypass Constraint

In order the assure that the administration of Ord. No. xxxx does not adversely interfere with the storage, diversion and use of water under License 1677 and Declaration No. 01278, the flow manager and flow operator will manage the daily target flows in a manner such that the target flows will not come out of water stored under License 1677 and Declaration No. 01278 in the municipal reservoirs. This means that the City will not discharge water to the river that it has stored. To accommodate this constraint, the flow operator will regulate the daily target flow in a

manner such that discharges from Nichols Reservoir to the river shall not be greater than the daily inflow into McClure Reservoir; hence the flow operator will only bypass water for daily target flows.

4.6.3 Recognition of Other Surface Water Right Users

The City recognizes that there are other surface water right holders of Santa Fe River surface water, including those with partially adjudicated rights. Nothing in these Administrative Procedures should be construed to define, manage or be in conflict with the valid rights of other surface water right holders.

4.7 Management and Operational Procedures

Management and administration of daily target flows to the river require participation by the flow manager, flow operator, the Water Division director, other Water Division staff, and the River Commission Chair to ensure that flows are released in a timely manner according to the target hydrograph, dry year hydrographs, or the critically dry year hydrograph.

4.7.1 Flow Management

The flow manager, in consultation with the Water Division staff, shall be responsible for determining the quantity of water allocated to the target year based on the anticipated watershed yield. The flow manager will also determine the daily target flows of the target hydrograph, or deviations therefrom based on the anticipated watershed yield, by fitting the annual target and associated hydrographs to the upcoming target year. The flow manager will annually present the hydrograph for the upcoming target year to the River Commission at its April meeting for review. The flow manager will provide a copy of the target year hydrograph to the Water Division Director, the Water Division source of supply manager and the Level Four operators at the Canyon Road Water Treatment Plant for implementation.

When necessary, the flow manager may alter the daily flow targets in a manner consistent with the adaptive management objectives described in Section 11. These alterations may incorporate consultation with the River Commission Chair or designee, the flow operator, and the Water Division director. The flow manager will be the city's river and watershed coordinator or another member of city staff designated by the city manager. All adjustments to the daily target flow shall be made via email to the Water Division Director, the Source of Supply Manager, the Canyon Road Water Treatment Plant Level 4 Operators. The River Commission Chair shall be copied (cc:) on all communications directing the adjustment of daily target flows.

4.7.2 Flow Operations

The flow operator shall be the Water Division Source of Supply staff person on duty and responsible for controlling the daily release rates. The flow operator will adjust the discharge water from Nichols Reservoir in accordance to the daily target flow, and record the actual daily flow at the below Nichols gage. The flow operator may reduce the daily flow target to match daily inflow at the McClure reservoir, should the daily flow target exceed the daily inflow.

4.7.3 Flow Adjustment Infrastructure

The flow operator adjusts the daily target flows for the river by regulating the "splitter box" valve at the Canyon Road Water Treatment Plant control panel, and then sending a system operator to the below Nichols gage to see what effect the adjustment had on the actual instantaneous flow. Because of the cumbersome nature of this procedure, the daily flow targets in these Administrative Procedures are adjusted no more than weekly. Should, in the future, the outlet works be reengineered to be more nimble, and the below Nichols gage provide real time data, the daily target flows may be managed and adjusted more frequently, in particular in response to

climatic conditions.

4.8 Emergencies and Flow Adjustment

To help prevent an interruption in water service and to protect public health and safety, target flows to the river may be adjusted during a water emergency. Upon implementation of a Water Emergency Management Plan, target flows to the Santa Fe River will be adjusted pursuant to Chapter 25-5.6 and Exhibits C (Water Warning Orange) and D (Water Emergency – Red) SFCC 1987.

4.8.1 **Water Emergency Implementation Stages**

If the operational water system supply as determined by the water division director's sole discretion, equals between eighty percent (80%) and ninety-nine percent (99%) of operational water system demand, the city manager may declare a "Water Warning - Orange" water emergency implementation stage. If the operational water system supply as determined by the water division director's sole discretion, is less than eighty percent (80%) of operational water system demand, the city manager may declare a "Water Emergency - Red" water emergency implementation stage.

Chapter 25-5, Exhibit C (Amended: November 30, 2011 by Ord. No. 2011-38) states that under "Water Warning – Orange" water emergency implementation stage, target flows to the Santa Fe River may be suspended.

Chapter 25-5, Exhibit D (Amended: November 30, 2011 by Ord. No. 2011-38) states that under "Water Emergency – Red" water emergency implementation stage, target flows to the Santa Fe River shall be suspended.

4.9 Monitoring

The City shall monitor the impacts of providing daily target flows to the river, to determine whether the objectives identified in Section 4.1 are being met. Monitoring will provide the feedback necessary for the flow manager to institute adaptive management as identified in Article 4.11; and/or to amend these Administrative Procedures to ensure that the objectives and purposes of the target flows are being met to the fullest extent possible. City staff will coordinate and collaborate with community volunteers, local non-governmental organizations and other agencies to implement a monitoring program.

4.9.1 **Stream flow**

The City will continue to monitor stream flow (in cfs) at 15 minute increments at the below Nichols gage and the above St. Francis gage. Each of these gages will be calibrated periodically to assure high quality data.

4.9.2 **Wetted Distance**

The City, in conjunction with community volunteers and cooperating agencies, shall develop a methodology by which the distance the daily target flows have traveled can be measured.

4.9.3 **Future Monitoring**

The City shall consider additional river monitoring that will assist in adaptive management and in determining appropriate daily target flows in the future. Potential parameters include:

Soil moisture: to understand the water available for riparian vegetation under varying daily target flows, hydrographs, and climatic conditions;

Ecological health indicators: the presence, location, and characteristic of flora and fauna in the river corridor;

Storm flow peak: to understand if or the how the target flows have altered the timing and magnitude of urban storm runoff;

Water quality: to understand if or the how the target flows have altered the water quality in the river;

Surface water infiltration: to understand the temporal and spatial distribution of stream flow loss;

Surface/ groundwater interaction: to understand the fate of stream flow infiltration, and the contribution, if any, of groundwater to surface water.

4.10 Accounting and Reporting

4.10.1 Flow Accounting

The flow manager, with data provided by the Water Division and flow operator, shall account quarterly for the volume of water released per target year at the below Nichols gage using the assumption that all water passing the gage has either been discharged pursuant to Article 25-13 SFCC 1987, spilled or released. The flow manager shall make adjustments as necessary to manage the target year water allocation. The basis of the volumetric accounting will be the official below Nichols gage record, and shall identify the periods of time during which flow estimates were estimated (missing stream flow data results from frozen equipment, battery failure, equipment vandalism, etc). Interim estimates can be made using the actual daily flow as recorded by the flow operator and reported on the daily water report. Released or spilled water shall be accounted as described in Section 5.

4.10.2 Reporting

The City shall endeavor to keep elected officials, the River Commission, the city manager, the Water Division director and the public informed regarding the activities associated with Article 25-13 SFCC 1987. The reports outlined below identify specific reporting recommendations.

Report on Annual Target and Hydrograph for Upcoming Year

After April 15th, the flow manager will report by email to the River Commission, the Water Division director, Public Utilities Committee and the city manager the target year hydrograph based on the anticipated watershed yield. The report shall include the relevant information on which the anticipated watershed yield was based (e.g., NRCS basin forecasts, snow-to-water equivalent from SNOTEL sites in the upper watershed, climate predictions for the National Weather Service and NOAA). The target year hydrograph will be posted on the City's website.

Annual report

At the end of each year, the flow manager shall prepare reports which describe the previous year's activity relevant to Article 25-13 SFCC 1987. For the previous target year the report shall include the daily actual stream flow data (daily mean and cumulative), the annual volume released, and annual flow, a summary of routine or special activities along the river (e.g., Fishing Derby, River Festival) a description and explanation of deviations from the target hydrograph, observations or recommendations related to adaptive management, and an estimate of the amount of groundwater pumped to accommodate the daily target flows. For the current target year, the

report shall include the annual target quantity and the target hydrograph. The flow manager will submit the report to the River Commission, the Public Utilities Committee, the City Council, and post the report to the City's website.

Periodic Actual Stream Flow Report
The flow operator and Water Division staff will record and track actual daily flow at the below Nichols gage in an Excel-compatible spreadsheet. The flow operator shall send the electronic spreadsheet to the flow manager approximately monthly.

Daily Water Report
The flow operator and Water Division staff will report actual daily flow at the below Nichols gage on the Daily Water Report, which is emailed to any interested party and posted on the City's website.

4.11 Adaptive Management

4.11.1 Adaptive Management Goals
The goal of Article 25-13 SFCC 1987 is to provide for flows in the river, while providing the City with flexibility in managing both the water supply system and river flows. The target hydrograph, dry year hydrographs and critically dry year hydrograph are designed to match Article 25-13. \, and these Administrative Procedures, that the flows to the river be managed in a manner to optimize the benefits of the flows to meet the objectives. Hence, these procedures allow for and encourage adaptive management, provided that the annual target is not impacted.

4.11.2 Adaptive Management Conditions and Considerations
The following conditions and considerations may influence or provide cause for adaptive management:

a. High flows or flood risk
b. Timing, intensity and/or scale of monsoon events
c. Periods of exceptionally dry weather
d. Scheduled community events
e. Maintenance/improvement work within the river channel or on water supply infrastructure
f. Maintaining daily target flows equal or below inflow into McClure Reservoir
g. Feedback from monitoring data
h. Change in snowpack or watershed yield conditions (e.g., late snowfall) after the beginning of the flow year

5. Annual Fishing Derby
The City of Santa Fe's Annual Fishing Derby takes place each year on the first Saturday in June. The Fishing Derby provides opportunities for children and families to join with neighbors to experience a fun and engaging day by the river, to learn about the Santa Fe River and riparian ecology, and to learn fishing skills.

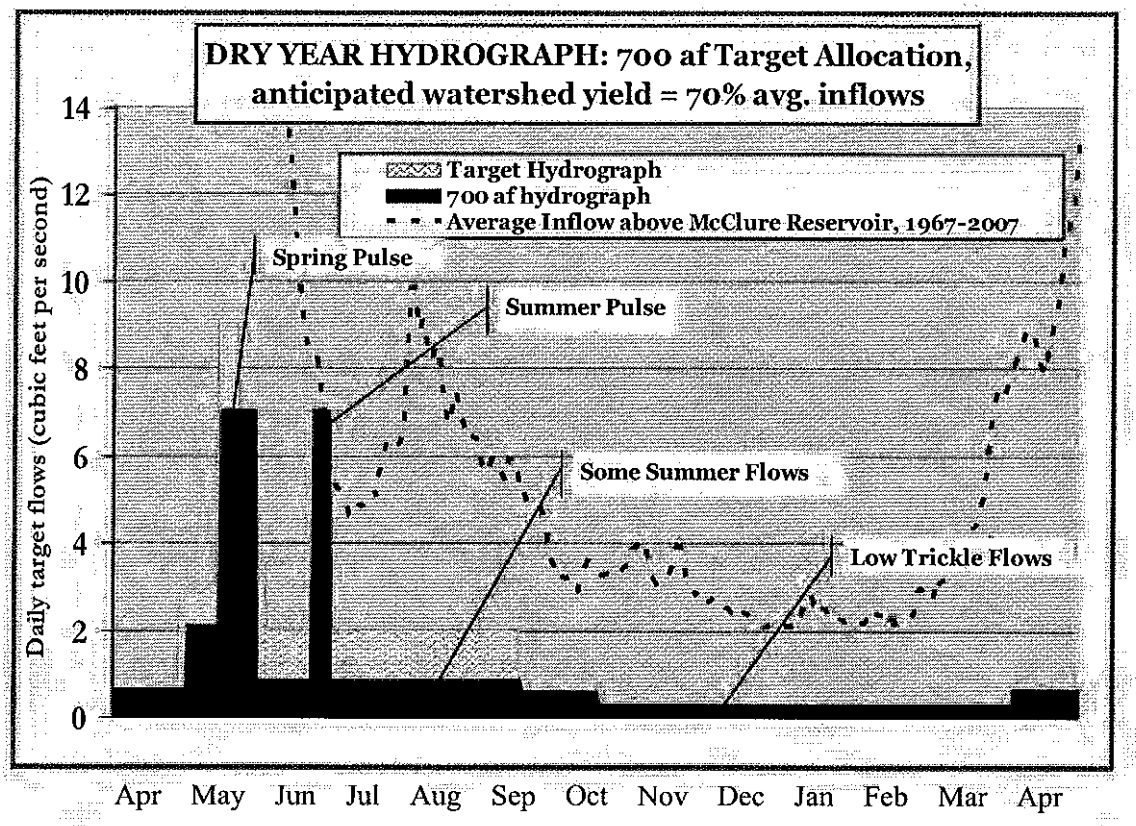
In dry years when the anticipated watershed yield is less than 50%, or, if for other climatic or hydrologic reasons daily target flows adequate for the Fishing Derby cannot be met, the date of the Fishing Derby may be changed or the Fishing Derby will be suspended.
(Resolution No. 2012-52)

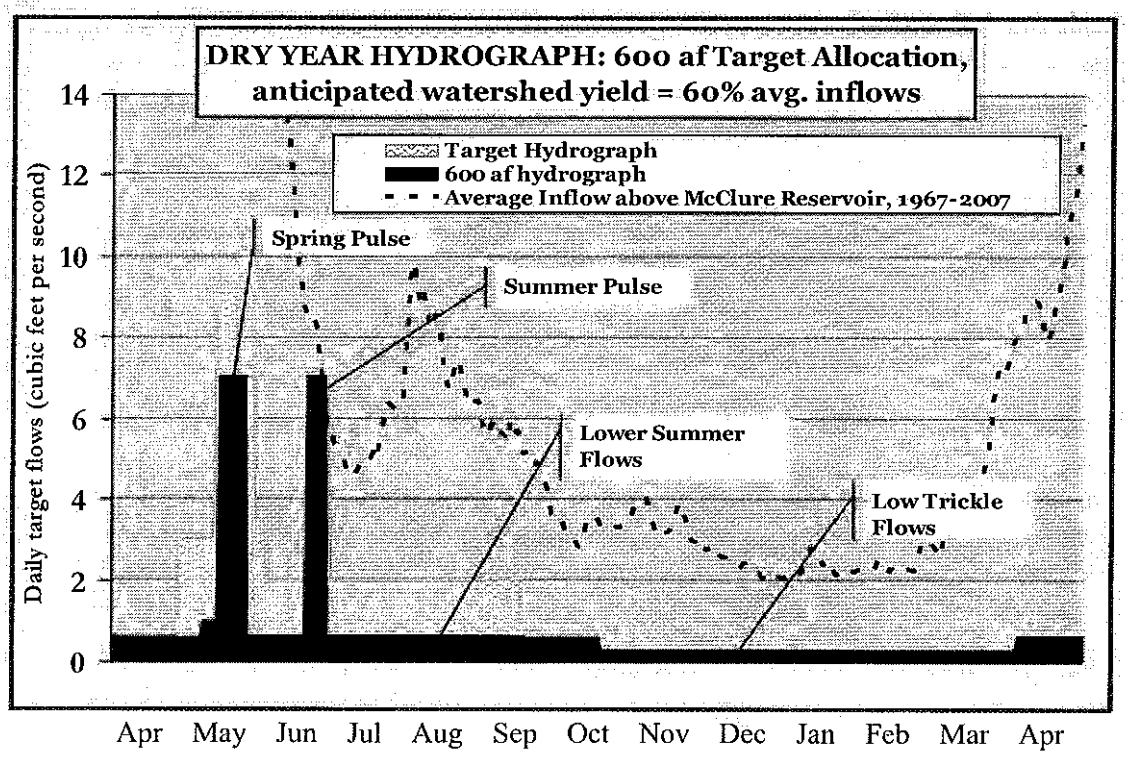
6. Miscellaneous Provisions

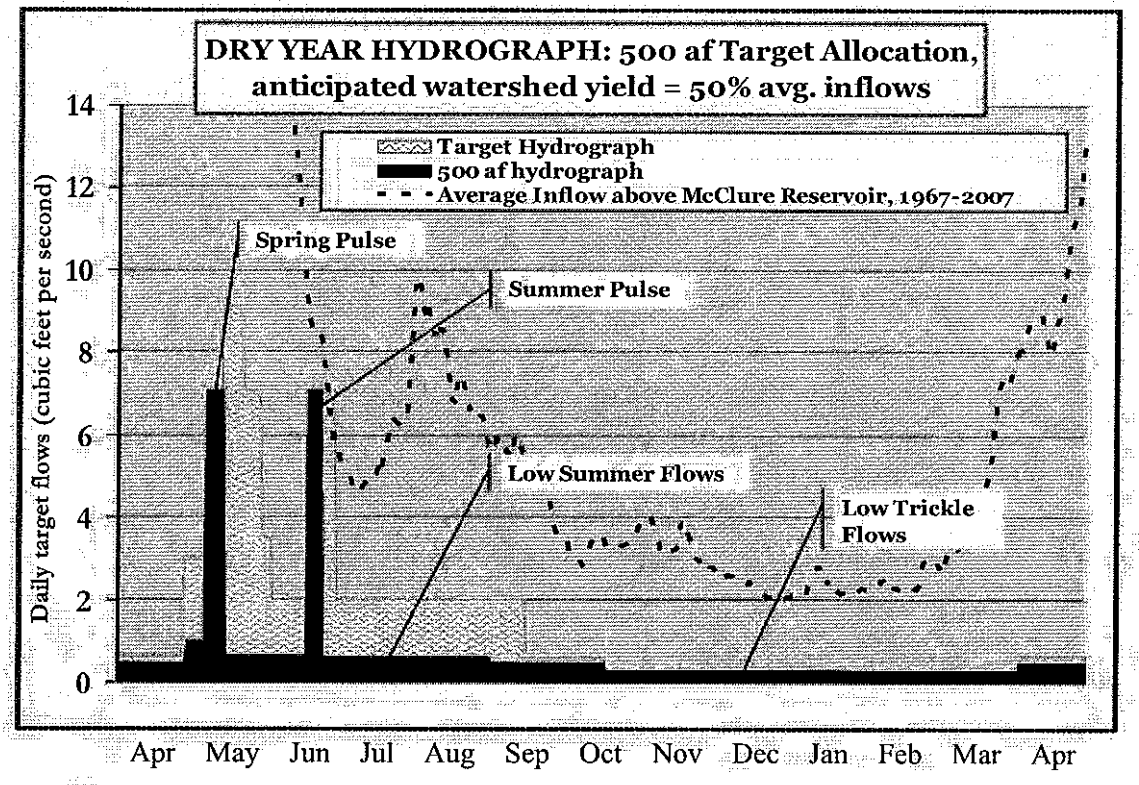
6.1 **Amendments.** These Administrative Procedures may only be amended pursuant to a duly adopted resolution of the Governing Body.

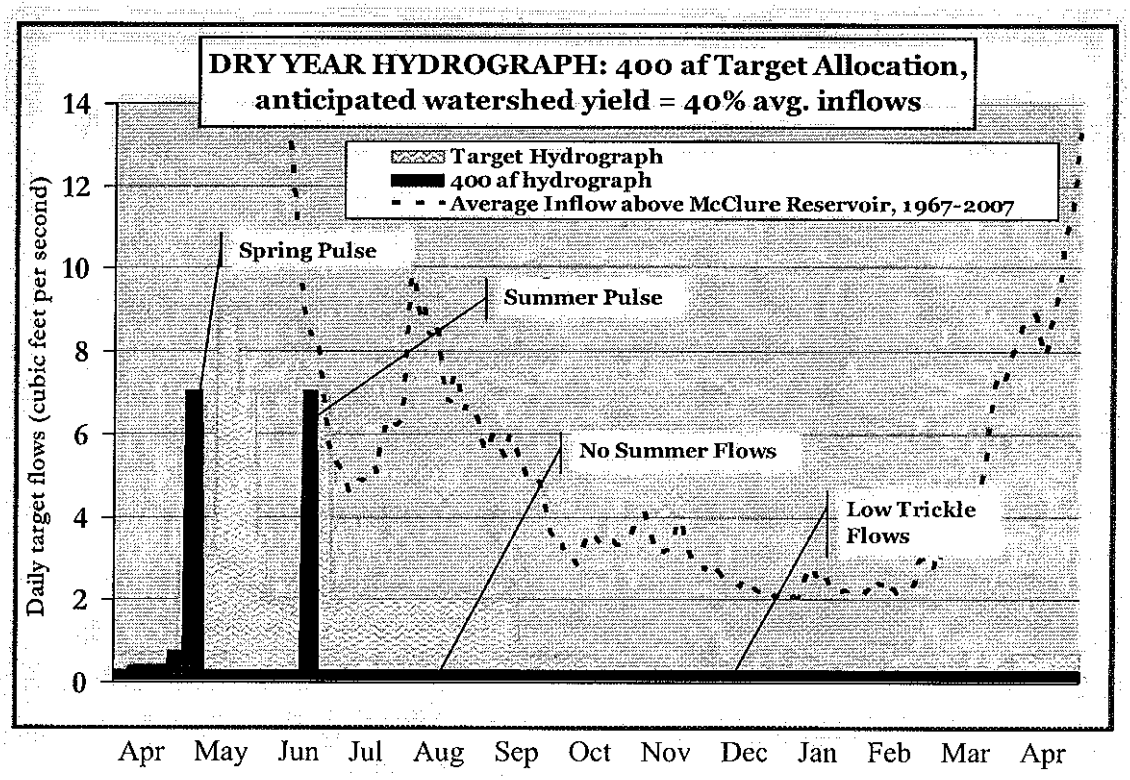
6.2 **Severability.** In the event that a court of competent jurisdiction shall determine that any provision these Procedures are invalid, unlawful or unenforceable, the remainder of these Administrative Procedures shall remain in full force and effect.

Appendix A
Dry Year Hydrographs






DRY YEAR HYDROGRAPH: 500 af Target Allocation, anticipated watershed yield = 50% avg. inflows
Target Hydrograph
500 af hydrograph
Average Inflow above McClure Reservoir, 1967-2007
Spring Pulse
Summer Pulse
Low Summer Flows
Low Trickle Flows
Daily target flows (cubic feet per second)
0
2
4
6
8
10
12
14
Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr


DRY YEAR HYDROGRAPH: 400 af Target Allocation, anticipated watershed yield = 40% avg. inflows
Target Hydrograph
400 af hydrograph
Average Inflow above McClure Reservoir, 1967-2007
Spring Pulse
Summer Pulse
No Summer Flows
Low Trickle Flows
Daily target flows (cubic feet per second)
0
2
4
6
8
10
12
14
Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr

CITY OF SANTA FE
LIQUOR LICENSE HEARING OFFICER

Recommended
Findings of Fact and Conclusions of Law

Application No.: 1162368 (NMRLD/AGD)
Name of Applicant: PM Wine, LLC
Doing Business As: PM Wine Distribution
Proposed Location: 3138 Rufina Street #A Santa Fe, NM 87507

THIS MATTER came before the Liquor License Hearing Officer for public hearing on July 23, 2020 at 4:00 PM via videoconference, on the application of PM Wine, LLC (Applicant). The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

The Applicant requests local option district approval of the following:

Waiver of 300 foot location restriction (Iglesia Renacer, La Petite Academy) and Spirits and Wine Wholesaler Liquor License.

After reviewing the record, conducting a public hearing and having provided an opportunity to be heard from city staff, the Applicant and any interested persons, the Hearing Officer hereby FINDS:

FINDINGS OF FACT

1. Staff submitted a packet containing the following:
    a. July 23, 2020 memo from City Clerk Yolanda Y. Vigil
    b. July 2, 2020 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Director Andrew Vallejos.
    c. NMRLD/AGD Application No. 1162368
    d. March 5, 2020 zoning verification from Land Use Planner Senior John Neunuebel.
    e. July 15, 2020 letter from Pastor Eli Galaviz Parra, supporting the request.
    f. July 16, 2020 letter from Director Carmen Garduno, supporting the request.
    g. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website, letter to Applicant from City Clerk)
    h. July 23, 2020 memo from Ordinance Enforcement Specialist Jason Sena finding no anticipated substantial change in litter or noise as a result of the request
    i. Vicinity map
    j. Santa Fe Land Development Code Table of Permitted Uses and zoning district map

k. City of Santa Fe Liquor License Request Supplemental Information

2. City Clerk Yolanda Vigil presented the application.
3. Applicant was offered the opportunity to present testimony or evidence.
4. No members of the public appeared to testify.
5. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the action proposed to be taken by the department, the location of the licensee's premises and such other information as may be required by the department was published in the Santa Fe New Mexican, which is a newspaper of general circulation within the territorial limits of the governing body, on June 26, 2020 and July 3, 2020 and July 7, 2020 and on the City's website.
6. The Application is for a new business that will serve warehouse functions only.
7. Traffic is not expected to increase.
8. The proposed location will not cause a substantial change in litter or noise.
9. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
10. Issuance or transfer will not be in violation of a zoning or other ordinance of the governing body.
11. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
12. The hearing was recorded and a copy of the recording is made a part of the record.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Hearing Officer CONCLUDES:

1. Notice of the Application was properly given by publication, mail and posting on the website pursuant to Section 60-6B-4(D).
2. The governing body may disapprove a transfer or issuance only if individuals opposing the transfer or issuance provide positive evidence showing that the transfer or issuance would be detrimental to the health, safety or morals of the community. This evidence must be based on authentic, relevant facts related to s specific prospective licensee and specific location. *The Southland Corporation v. Manzagol*, 1994-NMSC-099, 118 N.M. 423
3. The Applicant does not have the burden to prove that the transfer would not be detrimental to the health, safety or morals of the residents of the local option district. *Dick v. City of Portales*, 1994-NMSC-092, 118 N.M. 541.
4. The Application meets the requirements of §60-6B-4(F)(2).

CONDITIONS OF APPROVAL

1. Applicant is required to comply with all applicable City of Santa Fe ordinances.

WHEREFORE, the Liquor License Hearing Officer recommends to the Governing Body that the Application be APPROVED.

Christopher L. Graeser

07/29/2020

Date: _____

Christopher L. Graeser

City of Santa Fe, New Mexico

memo

DATE: July 23, 2020

TO: Chris Graeser, Liquor Hearing Officer

FROM: Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request from PM Wine, LLC for a waiver of the 300 foot location restriction and a request for a Spirits and Wine Wholesaler Liquor License.

BACKGROUND AND SUMMARY

The applicant has requested the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle, Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

Attached are letters of no opposition from Pastor Elio Galaviz Parra, Iglesia Renacer and Carmen Garduno, La Petite Academy of Santa Fe.

Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

As a condition of doing business in the city, staff is recommending that it be noted that the applicant is required to comply with all of the city's ordinances.

ACTION REQUESTED

Consideration of the above request.

Attachments:
- Alcoholic Beverage Control Application
- Notice of Public Hearing and Publications
- Website Notice of Public Hearing
- Applicant's Proof of Publication
- Certified Letter to Applicant
- Letter/ Iglesia Renacer
- Letter/La Petite Academy of Santa Fe
- Staff Reports

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL
PO Box 25101 • Santa Fe, New Mexico 87504-5101
Phone (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

July 2, 2020

City of Santa Fe
Attn: Yolanda Vigil, Clerk
PO Box 909
Santa Fe, NM 87504-0909

Re:	**Lic. No. /Appl. No.:**	**Application No. 1162368**
	Name of Applicant:	PM Wine, LLC
	Doing Business As:	PM Wine Distribution
	Proposed Location:	3138 Rufina Street #A, Santa Fe, NM 87507

Dear Local Governing Body,

The New Mexico Regulation and Licensing Department, Alcoholic Beverage Control Division (ABC) understands the difficulties that the current COVID-19 pandemic has created for governing bodies to hold public hearings. However, the New Mexico Liquor Control Act requires that after preliminary approval is granted, the application shall go to the Local Option District's (LOD) local governing body for approval.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a few options:

1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures, after the extension is granted and the hearing is held notify ABC of your decision within thirty (30) days of the hearing;
3) Return the application to ABC with neither an approval nor disapproval of the application. ABC will then proceed with the processing of the application pursuant to 60-6B-4(G).

ABC has no preference in the option you choose, please notify us of your decision, via email to the ABC Hearing Officer who sent the application to you, and we will continue with the application process in accordance with your decision.

Sincerely,

Andrew Vallejos
ABC Director

Alcoholic Beverage Control
(505) 476-4875

THE APPLICANT IS SEEKING A SPIRITS/WINE WHOLESALER LIQUOR LICENSE. APPLICANT IS REQUESTING A WAIVER FROM THE CITY OF SANTA FE AS A SCHOOL AND CHURCH WAS FOUND TO BE WITHIN 300 FEET FROM THE PREMISES BY THE CITY OF SANTA FE.

RECEIVED

MAR 11 2020

ALCOHOLIC BEVERAGE CONTROL

New Mexico Regulation and Licensing Department | Alcohol and Gaming Division |Page 1 Revised 10/16
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

AGD USE ONLY: Payment| Application Fee $ 200 Received on: 3/11/2020 Receipt No. 2273805

License Fee $ _____ Received on: _____ Check No. _____

Application # 1116 23608 Local Option District: _____

WHOLESALER LIQUOR LICENSE APPLICATION

$200.00 Application Fee, non-refundable. ***Check appropriate boxes:***

TYPE OF WHOLESALER: [Licensing Fee due at Final] ☐ Beer [$1,000] ☐ Wine [$750] ☐ Beer & Wine [$1,500]
☐ Spirits [$1,500] ☑ Spirits & Wine [$1,750] ☐ Spirits & Beer & Wine [$2,500]
☐ Limited Beer* Based on Production, Master License No. _____ and _____
☐ Limited Wine** Based on Production, Master License No. _____ and _____
To Qualify for Limited Wholesaler, Applicant must hold a*Small Brewer / **Winegrower AND a Restaurant or Dispenser type License

APPLICANT IS: ☐ Individual ☑ Limited Liability Company ☐ Corporation ☐ Partnership (General / Limited)

NAME OF APPLICANT: (Company or Individual) **TELEPHONE NUMBER**
PM Wine, LLC **917-517-4925**

Email Address (required): **martha@pmwinedistribution.com**

MAILING ADDRESS: (include city, state, zip) **318 Paseo del Pueblo N., #2246, Taos, NM 87571**

D/B/A Name to be used: PM Wine Distribution **Business Phone #: 917-517-4925**

Physical location where license is to be used: (Include street number / highway number / state road, city, state, zip code and county)
3138 Rufina St., #A, Santa Fe, NM 87507
Santa Fe, NM 87507

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☑ No If Yes, License # / Type: _____

Agent/Contact Person: Martha Aguilar **Phone#: 917-517-4925** **Email: martha@pmwinedistribution.com**

I, (print name) **Martha Aguilar**, as (title) **owner**
being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.
You must sign and date before a Notary Public.

Signature of Applicant: _____ Date: 3/6/20

Notary Public Use Only: (State of New Mexico, County of TAOS)
SUBSCRIBED AND SWORN TO before me this 6th day of MARCH, 20 20
By: MARTHA AGUILAR Notary Public: _____ SEAL
My Commission Expires: June 7 2021

For Local Option District Use Only: Local Governing Body of: _____ City, County, Town, Village
Public Hearing held on _____, 20_____. Check one: ☐ Approved ☐ Disapproved
Signature and Title of City/County Official: _____

For Alcohol and Gaming Division Use Only: ☐ Approved ☐ Disapproved
Signed by Director: _____ Date: _____

New Mexico Regulation and Licensing Department | Alcohol and Gaming Division
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4925

RECEIVED
MAR 11 2020
ALCOHOLIC BEVERAGE CONTROL

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached ☑ Leased by Applicant, copy of lease document attached

☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): **Robert Gaylor**

B. Date and Term of Lease: **2/10/2020 -- 5 year term**

3. Premises location is Zoned (*example C-1, see Zoning Statement*): _____

☐ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (*Property line of church to closest point of licensed premises—shortest distance*)

Name of Church: **Iglecia Cristiana Internacioal Nuevo Pacto** Miles/feet: **450 ft**

Address/location of Church: **2001 Chamisa St, Santa Fe, NM 87507**

5. Distance* from nearest School: (*Property line of school to closest point of licensed premises—shortest distance*)

Name of School **Nye Bilingual Early Childhood** Miles/feet **0.6 miles**

Address/location of School: **3160 Agua Fria St, Santa Fe, NM 87507**

6. Distance from military installation *(*Property line of military installation to closest point of licensed premises-shortest distance.*)

Name of Military Installation, *circle one:* (Kirtland Air Force Base (Albuquerque)), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

Miles: **68.5 miles**

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☐ Restaurant ☐ Racetrack

☐ Small Brewer ☐ Craft Distiller ☐ Winery ☑ Wholesaler

☐ Other (specify): _____

***NOTE:** If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

March 5, 2020

PM Wine Distribution
Attn: Ms. Martha Aguilar
318 Paseo del Pueblo Norte, #2246
Taos, NM 87571

Subject: Zoning Verification for Property Located Within City of Santa Fe at 3138 Rufina Street, Unit A

Dear Ms. Aguilar:

As you requested, this letter provides zoning verification on the above referenced property. According to the Official Zoning Map this property is located within the I-2 General Industrial District.

14-4.3 (F) I-2 General Industrial District
The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

Wholesaling and distribution operations, including the wholesaling and distribution of alcohol beverages, is a permitted use within the I-2 General Industrial District.

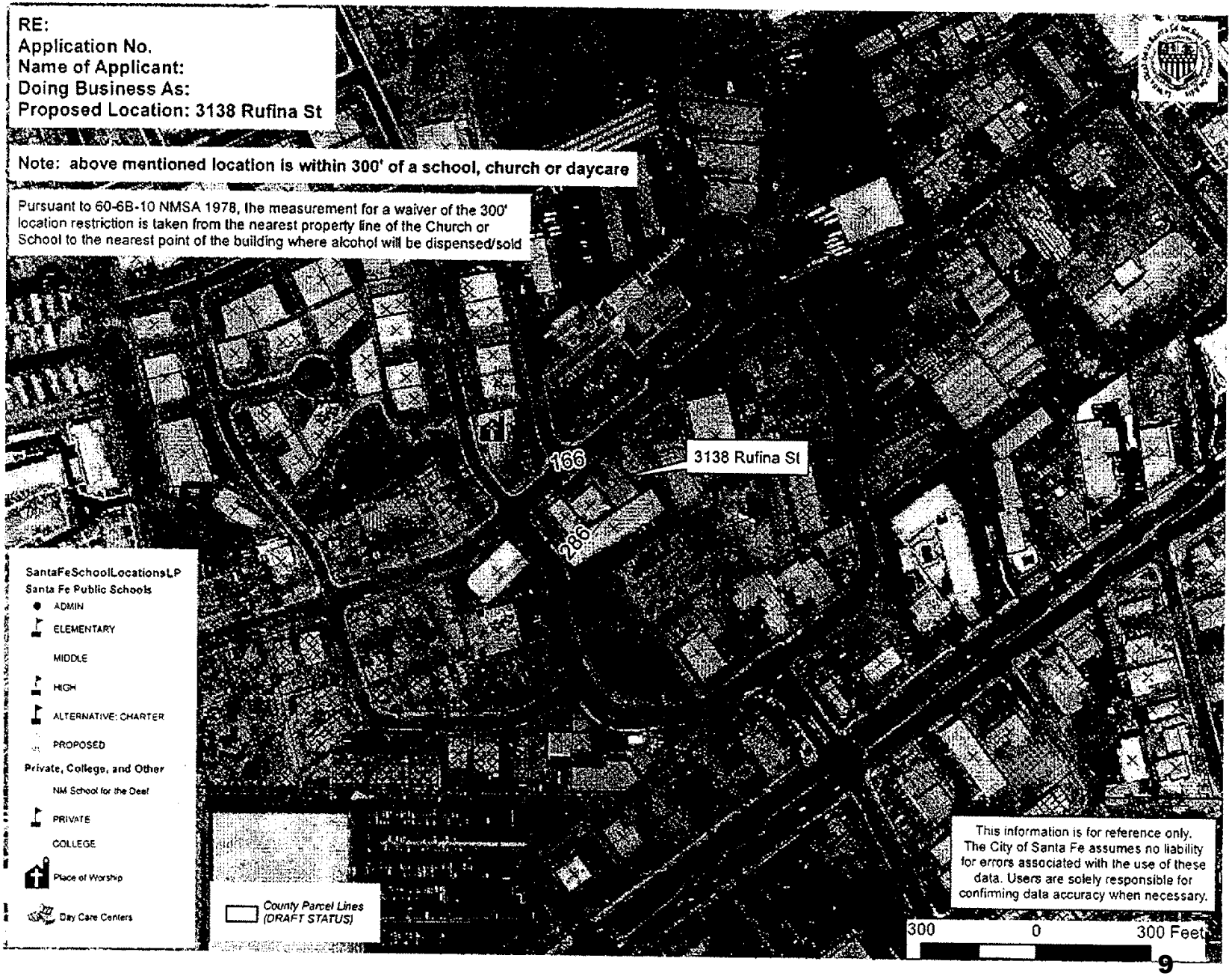
For additional information, please reference City of Santa Fe Chapter 14 SFCC regarding these districts (Chapter 14-4 – Zoning Districts/14-6 Permitted Uses *http://clerkshq.com/default.ashx?clientsite=Santafe-nm.*

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. This letter intends to provide advice regarding zoning regulations. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

If you require additional information, please contact me at jcneunuebel@santafenm.gov or 505-955-6656.

John Neunuebel, Planner Senior
Current Planning Division

RECEIVED
MAR 11 2020
ALCOHOLIC BEVERAGE CONTROL


RE:
Application No.
Name of Applicant:
Doing Business As:
Proposed Location: 3138 Rufina St
Note: above mentioned location is within 300' of a school, church or daycare
Pursuant to 60-6B-10 NMSA 1978, the measurement for a waiver of the 300' location restriction is taken from the nearest property line of the Church or School to the nearest point of the building where alcohol will be dispensed/sold
3138 Rufina St
166
286
SantaFeSchoolLocationsLP
Santa Fe Public Schools
ADMIN
ELEMENTARY
MIDDLE
HIGH
ALTERNATIVE; CHARTER
PROPOSED
Private, College, and Other
NM School for the Deaf
PRIVATE
COLLEGE
Place of Worship
Day Care Centers
County Parcel Lines (DRAFT STATUS)
This information is for reference only. The City of Santa Fe assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.
300 0 300 Feet

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from PM Wine, LLC, 318 Paseo del Pueblo N., #2246, Taos, New Mexico 87571, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle, Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list__agendas.

_____
Yolanda Y. Vigil
City Clerk

Received by The Santa Fe New Mexican
Date: July 2, 2020
To Be Published: July 3, 2020 &
July 10, 2020

By _____
The Santa Fe New Mexican (Signature)

LEGAL # 87300

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from PM Wine, LLC, 318 Paseo del Pueblo N., #2246, Taos, New Mexico 87571, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglecia Cristiana Internacional Nuevo Pacto, 2001 Chamisa Street and Nye Bilingual Early Childhood, 3160 Agua Fria St., Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list__agendas.

Yolanda Y. Vigil
City Clerk

Pub. June 26, July 3, 2020

LEGAL # 87319

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from PM Wine, LLC, 318 Paseo del Pueblo N., #2246, Taos, New Mexico 87571, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle, Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list__agendas.

Yolanda Y. Vigil
City Clerk

Pub. July 7, 2020

JULY 27, 2020 at 4:00 P.M. - LIQUOR HEARING OFFICER

ATTEND VIRTUALLY

https://www.youtube.com/user/cityofsantafe

Request from PM Wine Distribution, LLC, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle, Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

SANTA FE NEW MEXICAN

202 E. Marcy
PO Box 2048
Santa Fe, NM 87504
Phone: 505-983-3303
FAX: 505-984-1785

Ad Proof/ Order Confirmation/ Invoice

GREENHAW,PAUL
318 PASEO DEL PUEBLO NORTE #224
6
TAOS NM 87571
917-517-4920
paul@pmwinedistribution.com

Account Number 33113

Order Number	0000280431		
Ordered By	Martha/PM Wine Di		
Ad Cost	$149.10	**Sales Rep**	smoya
Tax Amount	$12.58	**Order Taken by:**	smoya
Total Amount	$161.68	**Payment**	$0.00
Amount Due	$161.68		
PO Number			

Ad Number	0000280431-01
Product	Santa Fe New Mexican-SFNM Daily
Placement	Legals - Legal Notices
Classification	Legal Notices-Legals Classified
Ad Type	Legal
Ad Size	: 1.0 X 107 Li
Color	<NONE>
Run Dates	

6/26/2020, 7/3/2020

SANTA FE NEW MEXICAN

Ad Proof / Order Confirmation / Invoice

Account Number
33113

Ad Order Number
0000280431

GREENHAW,PAUL

LEGAL # 87300

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from PM Wine, LLC, 318 Paseo del Pueblo N., #2246, Taos, New Mexico 87571, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of a waiver of the 300 foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe, which is within 300 feet of the Iglecia Cristiana Internacional Nuevo Pacto, 2001 Chamisa Street and Nye Bilingual Early Childhood, 3160 Agua Fria St., Santa Fe.

b) If the waiver of the 300 foot location restriction is granted, consideration of a request for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina Street, #A, Santa Fe.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list__agendas.

Yolanda Y. Vigil
City Clerk

Pub. June 26, July 3, 2020

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

VIA EMAIL

June 23, 2020

Martha Aguilar
PM Wine Distribution, LLC
318 Paseo del Pueblo N., #2246
Taos, New Mexico 87571

RE: Request from PM Wine Distribution, LLC for a Spirits and Wine Wholesaler Liquor License to be located at PM Wine Distribution, 3138 Rufina St., #A, Santa Fe.

Dear Ms. Aguilar:

The public hearing before the City of Santa Fe Liquor Hearing Officer for the above referenced request has been set for Monday, July 27, 2020, at 4:00 p.m. This will be a virtual meeting and we will contact you with details for attendance. This letter and the enclosed copy of the notice of public hearing serves as a reminder of that hearing.

The City of Santa Fe's Governing Body will consider the Liquor Hearing Officer's recommendation at their August 12, 2020 meeting.

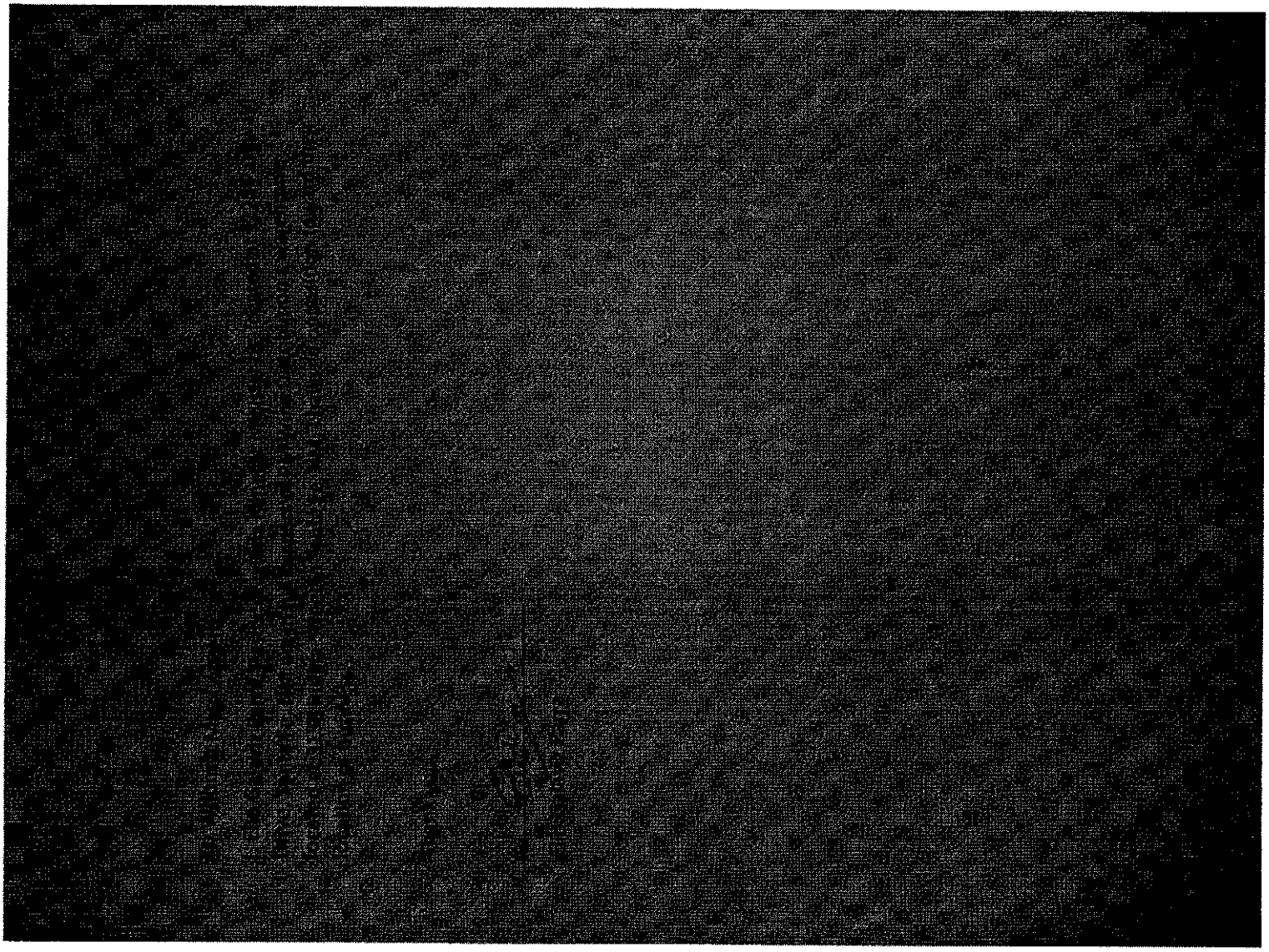
Should you have any questions, or require anything further from our office, do not hesitate to call me at 955-6521.

Sincerely,

Yolanda Y. Vigil
City Clerk

gfc

Enclosure



July 16, 2020

To Whom it May Concern,

We, at *La Petite Academy of Santa Fe*, located at 1361 Rufina Circle in Santa Fe, NM, have been notified that a wine wholesaler (PM Wines) is applying for a liquor license at 3138 Rufina St., Suite #A. We understand that this space will be used exclusively as a wholesale warehouse, and no alcohol sales will take place at this location.

We have no opposition to the use of 3138 Rufina St., Suite #A, as stated above.

Thank you,
Carmen Garduno
Carmen Garduno

Director

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

DATE: July 23, 2020

TO: Liquor Hearing Officer
Governing Body

VIA: Jarel LaPan Hill
Jarel LaPan Hill, City Manager

Elias Isaacson
Eli Isaacson, Director, Land Use Department

FROM: Jason Sena, Ordinance Enforcement Specialist

ITEM & ISSUE

Litter and noise impact assessment, due to a request from PM Wine, LLC, for the following:

a) Pursuant to §60-6B-10 NMSA 1978, consideration of waiver of the 300-foot location restriction to allow the sale of alcohol at PM Wine Distribution, 3138 Rufina Street, # A, Santa Fe, which is within 300 feet of the Iglesia Renacer, 1225 Parkway Drive and La Petite Academy of Santa Fe, 1361 Rufina Circle.

b) If the waiver of the 300-foot location restriction is granted, consideration of a request for a Wine Wholesaler Liquor License to be Located at PM Wine Distribution, 3138 Rufina Street, #A.

BACKGROUND

It is not anticipated that there will be a substantial change in litter and noise because of this request.

138 Rutina Street #A

CATEGORY Specific Use	RC	R-1 R-5 [1]	R-2 R-3	R-4	RC-5 RC-6	R-10 RC-9	MHP	PAC	AC [4]	C-1	C-2	C-3	C-4	M-2	BCD	I-1	I-2	IHP	SC-1	SC-2
Bar, cocktail lounge, nightclub, no outdoor entertainment								S [3,10]	S [3]		P*			P	P	P		P*	P*
Bar, cocktail lounge, nightclub, with outdoor entertainment								S [3,10]	S [3]		P*			P*	P*	P*		P*	P*
Restaurant - full service, with or without incidental alcohol service								S [3,10]	S [3]		P			P	P	P	S	P	P
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S [3,10]	S* [3]		P*			P*	P	P		P*	P*
Restaurant - Fast service/take-out, no drive-through/drive-up								S [3,10]		P [4]	P	P [4]		P	P	P	S	P	P
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*

City of Santa Fe

Liquor License Request
Supplemental Information

John Romero, Traffic Engineer
Phone: 955-6638
jjromero1@santafenm.gov

Complete this form and return to cityclerks@santafenm.gov or City Clerk's Office, Room 215, 200 Lincoln Avenue.

1. Name of Applicant: PM Wine, LLC
   D/B/A Name to be used: PM Wine Distribution
   Physical location where license is to be used: 3138 Rufina Street #A; Santa Fe 87507
   Applicant Telephone Number: 917-517-4925 + 917-517-4920

2. Type of liquor license request:

   ___ New license (indicate type: _____)
   ___ Transfer of location (indicate type: _____)
   ___ Transfer of ownership (indicate type: _____)
   X Transfer of ownership and location (indicate type: Sole Proprietor → LLC TADS → Santa Fe, NM)

3. Is this an existing business?

   ___Yes
   X No

4. Does the location where this license will be located currently sell liquor?

   ___Yes
   X No

5. If the answer to questions #3 is yes, indicate the current hours of operation of the business.

   N/A

   If the hours of operation will change due to the sale of liquor, indicate the revised hours.

   N/A

6. If this is a new business, indicate the anticipated hours of operation of the business.

   N/A

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sale of liquor: N/A
   __ Business is expected to increase (number of customers per day: _____)
   __ Business is expected to decrease (number of customers per day: _____)
   __ Business is expected to remain the same

8. If the answer to questions #3 is no, indicate the number of customers anticipated per day at the business.
   NONE; Simply used as a warehouse/storage space

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk: N/A
   ____ Number of customers who drive
   ____ Number of customers who walk

10. Has liquor ever been sold at this location?
    ___Yes
    X No

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that the liquor sales occurred.
    N/A

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved:
    __ Traffic can be expected to increase on adjacent streets.
    X Traffic will not increase on adjacent streets.

13. Is an outdoor seating/patio area included in the licensed premise?
    ___Yes
    X No

14. If the answer to question #13 is yes, is the outdoor area fully enclosed?
    ___Yes
    ___No

Name of person completing this form: Martha Aguilar
Telephone number: 917-517-4925
Date: July 13, 2020

(For City Use Only)

Based upon the information provided above, staff has the following comments:

X It does not appear that the approval of this request will create any unacceptable traffic impacts.

___It appears that the approval of this request will create unacceptable traffic impacts (see comments below).

___Other comments: _____

By: John Romero
Title: Engineering Division Director
Date: 07-17-20

CITY OF SANTA FE
LIQUOR LICENSE HEARING OFFICER

Recommended
Findings of Fact and Conclusions of Law

Application No.: 2791 (NMRLD/AGD)
Name of Applicant: Sage Concept, LLC
Doing Business As: Santa Fe Sage Inn Hotel
Proposed Location: 725 Cerrillos Road Santa Fe, NM 87501

THIS MATTER came before the Liquor License Hearing Officer for public hearing on July 23, 2020 at 4:00 PM via videoconference, on the application of Sage Concept, LLC (Applicant). The Hearing Officer recommends that the Governing Body adopt the following findings of fact and conclusions of law.

The Applicant requests local option district approval of the following:

Inter-local liquor license with on premise consumption only and patio service.

After reviewing the record, conducting a public hearing and having provided an opportunity to be heard from city staff, the Applicant and any interested persons, the Hearing Officer hereby FINDS:

FINDINGS OF FACT

1. Staff submitted a packet containing the following:
    a. July 23, 2020 memo from City Clerk Yolanda Y. Vigil
    b. June 16, 2020 letter from New Mexico Regulation and Licensing Department, Alcohol and Gaming Division (NMRLD/AGD) Hearing Officer Desirae D. Griego to the City of Santa Fe granting preliminary approval and forwarding the application to the City for local option district approval or disapproval
    c. NMRLD/AGD Application for License No. 2791
    d. May 18, 2020 zoning verification from Land Use Planner Senior Donna Wynant, AICP.
    e. Site plan
    f. Notices of Public Hearing (*Santa Fe New Mexican*, City of Santa Fe website, letter to Applicant from City Clerk)
    g. July 23, 2020 memo from Ordinance Enforcement Specialist Jason Sena finding no anticipated substantial change in litter or noise as a result of the request
    h. Vicinity map
    i. Santa Fe Land Development Code Table of Permitted Uses and zoning district map
    j. City of Santa Fe Liquor License Request Supplemental Information

2. City Clerk Yolanda Vigil presented the application.
3. Applicant was offered the opportunity to present testimony or evidence.
4. No members of the public appeared to testify.
5. Notice of the Application, including the date, time and place of the hearing, the name and address of the licensee, the action proposed to be taken by the department, the location of the licensee's premises and such other information as may be required by the department was published in the Santa Fe New Mexican, which is a newspaper of general circulation within the territorial limits of the governing body, on June 26, 2020 and July 3, 2020 and on the City's website.
6. The Application is for an existing business that currently serves liquor, seeking to transfer ownership and change location of the specified license.
7. Traffic is not expected to increase.
8. The proposed location will not cause a substantial change in litter or noise.
9. The proposed location is not within an area where sale of alcoholic beverages is prohibited by the laws of New Mexico.
10. Issuance or transfer will not be in violation of a zoning or other ordinance of the governing body.
11. Issuance or transfer will not be detrimental to the public health, safety or morals of the residents of the local option district.
12. The hearing was recorded and a copy of the recording is made a part of the record.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Hearing Officer CONCLUDES:

1. Notice of the Application was properly given by publication, mail and posting on the website pursuant to Section 60-6B-4(D).
2. The governing body may disapprove a transfer or issuance only if individuals opposing the transfer or issuance provide positive evidence showing that the transfer or issuance would be detrimental to the health, safety or morals of the community. This evidence must be based on authentic, relevant facts related to s specific prospective licensee and specific location. *The Southland Corporation v. Manzagol*, 1994-NMSC-099, 118 N.M. 423
3. The Applicant does not have the burden to prove that the transfer would not be detrimental to the health, safety or morals of the residents of the local option district. *Dick v. City of Portales*, 1994-NMSC-092, 118 N.M. 541.
4. The Application meets the requirements of §60-6B-4(F)(2).

CONDITIONS OF APPROVAL

1. Applicant is required to comply with all applicable City of Santa Fe ordinances.

WHEREFORE, the Liquor License Hearing Officer recommends to the Governing Body that the Application be APPROVED.

Christopher L. Graeser

07/29/2020

Date: _____

Christopher L. Graeser

City of Santa Fe, New Mexico

memo

DATE: July 23, 2020

TO: Christopher L. Graeser, Liquor Hearing Officer

FROM: Yolanda Y. Vigil, City Clerk

ITEM & ISSUE

Request from Sage Concept, LLC for a transfer of ownership and change of location of Inter-Local Liquor License, with on-premise consumption only and patio service, to be located at Santa Fe Sage Inn Hotel.

BACKGROUND AND SUMMARY

The applicant has requested a transfer of ownership and change of location of Inter-Local Liquor License, with on-premise consumption only and patio service from Cajun West Investments, LLC, dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel, 725 Cerrillos. This location is not within 300 feet of a church or school.

Attached are staff reports regarding litter, noise and traffic. Staff does not anticipate a substantial change in litter and noise or any unacceptable traffic impacts due to the approval of this request.

As a condition of doing business in the city, staff is recommending that it be noted that the applicant is required to comply with all City ordinances.

ACTION REQUESTED

Consideration of above request.

Attachments:
- Alcoholic Beverage Control Division (ABC) Application
- Notice of Public Hearing and Publications
- Website Notice of Public Hearing
- Applicant's Proof of Publication
- Certified Letter to Applicant
- Staff Reports

Michelle Lujan Grisham
Governor

Marguerite Salazar
Superintendent

Andrew Vallejos
Director

New Mexico Regulation and Licensing Department
ALCOHOLIC BEVERAGE CONTROL
PO Box 25101 • Santa Fe, New Mexico 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/abc

June 16, 2020 Certified Mail No.: 9171 9690 0935 0078 2606 31

City of Santa Fe
% Yolanda Vigil, Clerk
PO Box 909
Santa Fe, NM 87504-0909

License No. 2791
Name of Applicant: Sage Concept, LLC
Doing Business As: Santa Fe Sage Inn Hotel
Proposed Location: 725 Cerrillos Road, Santa Fe, New Mexico 87505

Greetings:

The Director of the Alcoholic Beverage Control has reviewed the referenced Application and granted **Preliminary Approval.** It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned ABC Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

(A) Name and address of the Applicant/Licensee;
(B) The action proposed to be taken by the Alcoholic Beverage Control;
(C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2791. APPLICANT IS REQUESTING PATIO SERVICE.

Alcoholic Beverage Control
(505) 476-4875

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcoholic Beverage Control of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcoholic Beverage Control within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcoholic Beverage Control with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,

Desirae D. Griego
Administrative Law Judge | Hearing Officer
NM Regulation & Licensing Deptartment
Alcoholic Beverage Control Division
Phone: (505) 476-4552 Fax: (505) 476-4595
Email: Desirae.Griego@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement
4. Copy of Floor Plan

Original page 1

VATSAL P. SHAH
Notary Public - California
Alameda County
Commission # 2306775
My Comm. Expires Oct 21, 2023

APR 03 2020

AGD USE ONLY: Payment| Application Fee $ 200.00 Received on: 3-31-2020 Receipt No. 227 8050

Application Number: _____ Local Option District: City of Santa Fe ALCOHOLIC BEVERAGE CONTROL

TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION

$200.00 Application Fee, non-refundable.

License No. 2791 Type of License: Inter Local Dispenser

Check appropriate boxes:

Application is for: ☐Transfer of Ownership ☑Transfer of Ownership and Location ☐Transfer of Location Only

Record Owner of Existing License: Cajun West Investments, LLC

Current D/B/A Name: Copeland's Famous New Orleans Restaurant

Current Premises Address: _____

Current LOD: Albuquerque Is License moving out of Local Option District? ☑Yes ☐No

APPLICANT IS: ☐Individual ☑Limited Liability Company ☐Corporation ☐Partnership (General/Limited)

NAME of Individual/Company: Sage Concept, LLC

ADDRESS (including city, state, zip) 249 El Camino Real, Menlo Park, CA 94025

D/B/A Name to be used: Santa Fe Sage Inn Hotel **Business Phone #:** 650-600-8257

Email Address (required): milind@concepthotelgroup.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)
725 Cerrillos Road, Santa Fe, New Mexico 87505

County of: Santa Fe

Mailing Address: 249 El Camino Real, Menlo Park, CA 94025

Are alcoholic beverages currently being dispensed at the proposed location? ☑ Yes ☐ No If Yes, License # / Type: ILD 2563

Agent/Contact Person: Jerry Hamm **Phone#:** 505-264-8316 **Email:** jhammllbc@aol.com

I, (print name) Miland Patel, as (title) Manager

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public:

Signature of Applicant: _____ Date: 06/23/20

NOTARY PUBLIC USE ONLY: (State of California, County of Alameda)

SUBSCRIBED AND SWORN TO before me this 23 day of March, 2020

By: Miland Patel Notary Public: _____

My Commission Expires: 10/21/2022

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20_____. Check one: ☐Approved ☐Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: _____ Date: _____

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSV 60-68-10

1. The land and building which is proposed to be the licensed premises is: (check one)

■ Owned by Applicant, copy of deed/document attached ☐ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): N/A

B. Date and Term of Lease: N/A

3. Premises location is Zoned (*example C-1, see Zoning Statement*): BCD

■ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (*Property line of church to closest point of licensed premises—shortest distance*)

Name of Church: *Westminster Presbyterian Church* Miles/feet: *Approx. 1,800 ft.*

Address/location of Church: *841 W. Manhatten Ave., Santa Fe, NM*

5. Distance* from nearest School: (*Property line of school to closest point of licensed premises—shortest distance*)

Name of School *New Mexico School for the Deaf* Miles/feet *Approx. 1,400 ft.*

Address/location of School: *1060 Cerrillos Road, Santa, Fe, NM*

6. Distance from military installation *(*Property line of military installation to closest point of licensed premises-shortest distance.*)

Name of Military Installation: (*circle one*) Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

Miles: 60

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ■ Hotel ☐ Lounge ☐ Package Grocery ☐ Restaurant ☐ Racetrack

☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler

☐ Other (specify): _____

***NOTE:** If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
[illegible], District 4
4

May 18, 2020

JERRY A. HAMM
LIQUOR LICENSE BROKERAGE & CONSULTING
1332 Camino Ecuestre NW
Albuquerque, New Mexico 87107

RE: Zoning Verification for 726 Cerrillos Road, Santa Fe, New Mexico

Dear Mr. Hamm,

This letter provides zoning verification for the above referenced property. According to the Official Zoning Map of the City of Santa Fe, the property is zoned BCDCER, Business Capitol District and Cerrillos Road Highway Corridor Protection Sub-District.

Citing Section 14-4.3(E) of Chapter 14 of the Santa Fe City Code (SFCC) 1987:

(E) BCD Business Capitol District

The purpose of the BCD is to provide for a mixture of land uses, including residential uses, designed to promote the district's economic well-being while preserving the unique architecture, townscape and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city. For addition information, reference SFCC 1987, Sections 14-6/Permitted Uses and 14-7/Development Standards.

Note: The information provided in this letter is solely derived from the Official Zoning Map and the minimum requirements set forth in Chapter 14, SFCC 1987. It is the intent of this letter to advise of the ordinances pertaining to the zone districts. It is not the intent to state that the subject property complies with zoning requirements. Occupancy is determined based on zoning compliance at the time of building permit or certificate of occupancy, whichever applies. Additionally, it is not the intent to interfere with or to abrogate or annul any official document including conditions or safeguards made a part of the subject property at the time of any public hearings. Applicants are advised to pursue an independent search of official documents.

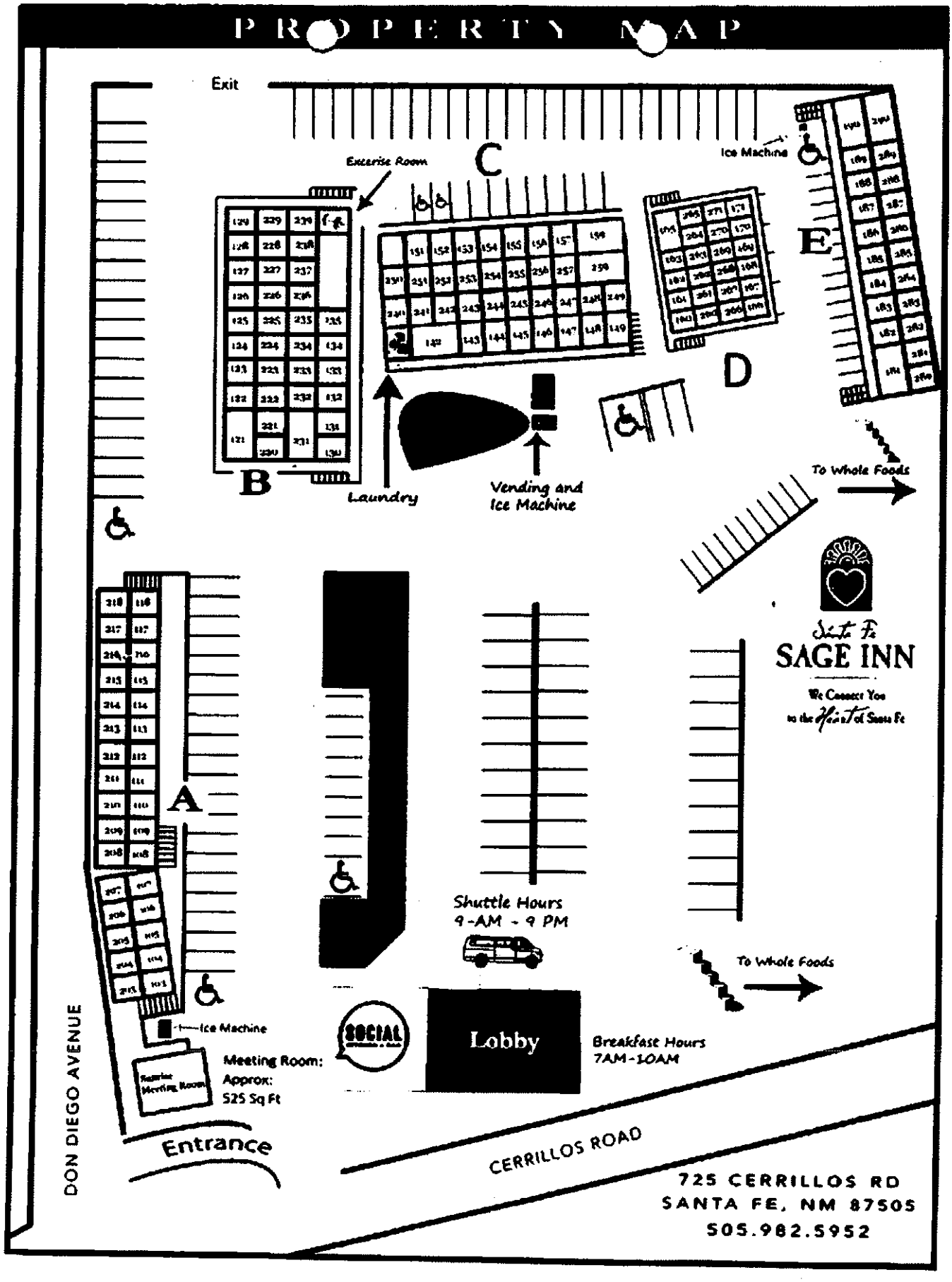
The sale of alcoholic beverages for on premises consumption is a permitted use in the Business Capitol District.

If you require additional information, please contact me at dlwynant@santafenm.gov or 505-955-6325.

Donna Wynant

Donna Wynant, AICP
Planner Senior
Current Planning Division
Click here for Zoning Code Information
Click here for Property Information

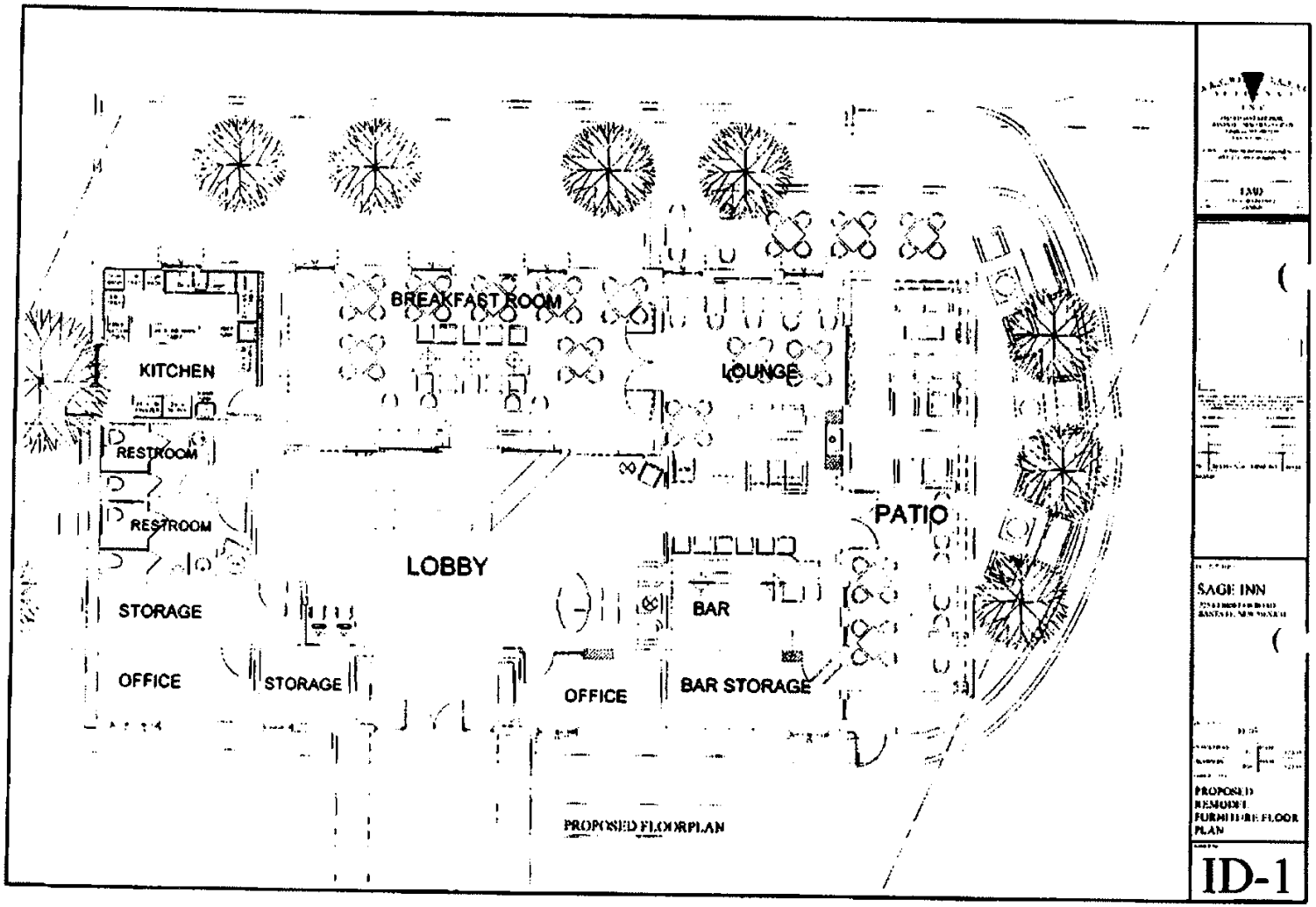
PROPERTY MAP



Santa Fe
SAGE INN

We Connect You
to the Heart of Santa Fe

725 CERRILLOS RD
SANTA FE, NM 87505
505.982.5952


BREAKFAST ROOM
KITCHEN
LOUNGE
RESTROOM
RESTROOM
PATIO
LOBBY
STORAGE
BAR
OFFICE
STORAGE
OFFICE
BAR STORAGE
PROPOSED FLOORPLAN
SAGE INN
PROPOSED
REMODEL
FURNITURE FLOOR
PLAN
ID-1

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 4:00 p.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from Sage Concept, LLC, 249 El Camino Real, Menlo Park, CA, 94025 for a transfer of ownership and change of location of Inter-Local Dispenser Liquor License No. 2791, with on-premise consumption only and patio service, from Cajun West Investments, LLC dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, New Mexico 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel, 725 Cerrillos Road, Santa Fe, New Mexico.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list_agendas.

Yolanda Y. Vigil
City Clerk

Received by The Santa Fe New Mexican
Date: June 23, 2020
To Be Published: June 26, 2020 & July 3, 2020

By _____
The Santa Fe New Mexican (Signature)

July 27, 2020 at 4:00 P.M. - LIQUOR HEARING OFFICER
ATTEND VIRTUALLY
https://www.youtube.com/user/cityofsantafe
Request from Sage Concept, LLC, 249 El Camino Real, Menlo Park, CA, 94025 for a Transfer of Ownership and Change of Location of Inter-Local Dispenser Liquor License No. 2791, with On-Premise Consumption Only and Patio Service, from Cajun West Investments, LLC dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, New Mexico 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel, 725 Cerrillos Road, Santa Fe

SANTA FE NEW MEXICAN

202 E. Marcy
PO Box 2048
Santa Fe, NM 87504
Phone: 505-983-3303
FAX: 505-984-1785

Ad Proof/ Order Confirmation/ Invoice

HAMM,JERRY
1332 CAMINO ECUESTRE NW
ALBUQUERQUE NM 87107

505-264-8316
JHAMMLLBC@AOL.COM

Account Number 5959

Order Number	0000280502		
Ordered By	via email		
Ad Cost	$124.40	**Sales Rep**	smoya
Tax Amount	$10.50	**Order Taken by:**	smoya
Total Amount	$134.90	**Payment**	$0.00
Amount Due	$134.90		
PO Number			

Ad Number	0000280502-01
Product	Santa Fe New Mexican-SFNM Daily
Placement	Legals - Legal Notices
Classification	Legal Notices-Legals Classified
Ad Type	Legal
Ad Size	: 1.0 X 88 Li
Color	<NONE>

Run Dates

6/26/2020, 7/3/2020

SANTA FE NEW MEXICAN

Ad Proof / Order Confirmation / Invoice

Account Number
5959

Ad Order Number
0000280502

HAMM,JERRY

LEGAL # 87302

CITY OF SANTA FE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Santa Fe Liquor Hearing Officer will hold a public hearing at 10:00 a.m. on Monday, July 27, 2020.

The purpose of this public hearing is to discuss a request from Sage Concept, LLC, 249 El Camino Real, Menlo Park, CA, 94025 for a transfer of ownership and change of location of Inter-Local Dispenser Liquor License No. 2791, with on-premise consumption only and patio service from Cajun West Investments, LLC dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, New Mexico 87114 to Sage Concept, LLC dba Santa Fe Sage Inn Hotel, 725 Cerrillos Road, Santa Fe, New Mexico.

Notification of meeting location (in person or virtual) will be posted on the City of Santa Fe's Weekly Meeting List at least seventy-two (72) hours before the meeting at https://www.santafenm.gov/weekly_meeting_list__agendas.

Yolanda Y. Vigil
City Clerk

Pub. June 26, July 3, 2020

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

VIA EMAIL

June 23, 2020

Jerry Hamm
Sage Concept, LLC
725 Cerrillos Road
Santa Fe, New Mexico 87505

RE: Request from Sage Concept, LLC for a transfer of ownership and change of location of Inter-Local Dispenser Liquor License No. 2791, with on-premise consumption only and patio service, to be located at Santa Fe Sage Inn Hotel, 725 Cerrillos Road, Santa Fe.

Dear Mr. Hamm:

The public hearing before the City of Santa Fe Liquor Hearing Officer for the above referenced request has been set for Monday, July 27, 2020, at 4:00 p.m. This will be a virtual meeting and we will contact you with details for attendance. This letter and the enclosed copy of the notice of public hearing serves as a reminder of that hearing.

The City of Santa Fe's Governing Body will consider the Liquor Hearing Officer's recommendation at their August 12, 2020 meeting.

Should you have any questions, or require anything further from our office, do not hesitate to call me at 955-6521.

Sincerely,

yolanda y. vigil

Yolanda Y. Vigil
City Clerk

gfc

Enclosure

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

DATE: July 23, 2020

TO: Liquor Hearing Officer
Governing Body

VIA: Jarel LaPan Hill
Jarel LaPan Hill, City Manager

Elias Isaacson
Eli Isaacson, Director, Land Use Department

FROM: Jason Sena, Ordinance Enforcement Specialist

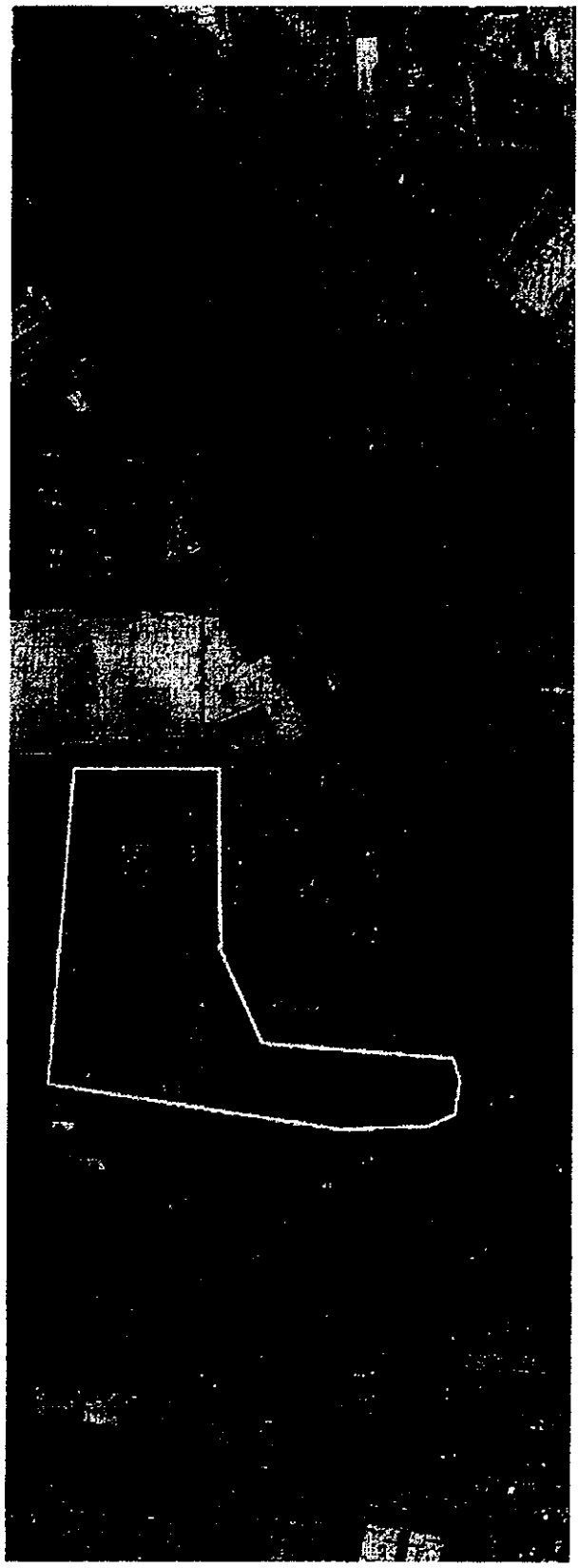
ITEM & ISSUE

Litter and noise impact assessment, due to a request from Sage Concept, LLC, for the following:

Pursuant to §60-6B-10 NMSA 1978, request from Sage Concept, LLC, 249 El Camino Real, Menlo Park, CA, 94025 for a transfer of ownership and change of Inter-Local Dispenser Liquor License No. 279, with on premise consumption only and patio service, from Cajun West Investments, LLC dba Copeland's Famous New Orleans Restaurant, 10051 Coors Rd., NW, Albuquerque, New Mexico 87114 to Sage Concept, LLC, dba Santa Fe Sage Inn Hotel, 725 Cerrillos Road.

BACKGROUND

It is not anticipated that there will be a substantial change in litter and noise because of this request.



CATEGORY Specific Use																				
Bar, cocktail lounge, nightclub, no outdoor entertainment								S [3,10]	S [3]		P*			P	P	P		P*	P*
Bar, cocktail lounge, nightclub, with outdoor entertainment								S [3,10]	S [3]		P*			P*	P*	P*		P*	P*
Restaurant - full service, with or without incidental alcohol service								S [3,10]	S [3]		P			P	P	P	S	P	P
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S [3,10]	S* [3]		P*			P*	P	P		P*	P*
Restaurant - Fast service/take-out, no drive-through/drive-up								S [3,10]		P [4]	P	P [4]		P	P	P	S	P	P
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*

City of Santa Fe

Liquor License Request
Supplemental Information

John Romero, Traffic Engineer
Phone: 955-6638
jjromero1@santafenm.gov

Complete this form and return to cityclerks@santafenm.gov or City Clerk's Office, Room 215, 200 Lincoln Avenue.

1. Name of Applicant: Sage Concept, LLC
   D/B/A Name to be used: Santa Fe Sage Inn Hotel
   Physical location where license is to be used: 725 Cerrillos Road, Santa Fe, NM
   Applicant Telephone Number: 650-318-5725

2. Type of liquor license request:
   __ New license (indicate type: _____)
   __ Transfer of location (indicate type: _____)
   __ Transfer of ownership (indicate type: _____)
   X Transfer of ownership and location (indicate type: Inter Local Dispenser)

3. Is this an existing business?
   X Yes
   ___ No

4. Does the location where this license will be located currently sell liquor?
   X Yes
   ___ No

5. If the answer to questions #3 is yes, indicate the current hours of operation of the business.
   Monday through Saturday 7:00 am. to 12:00 a.m. Sunday 12:00 pm to 10:00 pm
   If the hours of operation will change due to the sale of liquor, indicate the revised hours.
   No change

6. If this is a new business, indicate the anticipated hours of operation of the business.
   N/A

7. If the answer to question #3 is yes, indicate the anticipated change in business volume due to the sale of liquor:
   __ Business is expected to increase (number of customers per day: _____)
   __ Business is expected to decrease (number of customers per day: _____)
   X Business is expected to remain the same

8. If the answer to questions #3 is no, indicate the number of customers anticipated per day at the business.
   N/A

9. Estimate the number of customers per day who currently drive (or will drive) to the business versus the number who walk:
   90% Number of customers who drive
   10% Number of customers who walk

10. Has liquor ever been sold at this location?
    X Yes
    ___ No

11. If the answer to question #10 is yes, indicate the name of the establishment and the year(s) that the liquor sales occurred.
    Santa Fe Sage Inn Hotel / Approximately 2012 to Current

12. Indicate which of the following statements best reflects your opinion regarding traffic impacts if this request is approved:
    __ Traffic can be expected to increase on adjacent streets.
    X Traffic will not increase on adjacent streets.

13. Is an outdoor seating/patio area included in the licensed premise?
    X Yes
    ___ No

14. If the answer to question #13 is yes, is the outdoor area fully enclosed?
    X Yes
    ___ No

Name of person completing this form: Jerry A. Hamm
Telephone number: 505-264-8316
Date: 6/25/2020

(For City Use Only)

Based upon the information provided above, staff has the following comments:

X It does not appear that the approval of this request will create any unacceptable traffic impacts.

___ It appears that the approval of this request will create unacceptable traffic impacts (see comments below).

___ Other comments: _____

By: John Romero
Title: Engineering Division Director
Date: 07-17-20

City of Santa Fe, New Mexico
Memorandum

DATE: **August 06, 2020**

TO: **Governing Body**
Finance Committee
Insert Name of Other Committee Here

VIA: **Jarel LaPan Hill, City Manager**
Mary McCoy, Finance Department Director
Fran Dunaway, Chief Procurement Officer
Fire Department Paul Babcock, Chief

FROM: **Paul Babcock, Chief** PB

ITEM AND ISSUE:

AMENDMENT NO. 2
TO MEMORANDUM OF AGREEMENT BETWEEN Santa Fe COUNTY AND THE CITY OF SANTA FE FOR THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM SOLUTIONS PROJECT

The additional recording channels and associated software and services added by Amendment No. 2 - $81,263.13 (to be split 50/50 between the County and the City - $40,631.56 each).

BACKGROUND AND SUMMARY:

WHEREAS, according to the MOA, the City and County agreed to share the costs of the Santa Fe Public Safety Radio Communications System Solutions Project; and

WHEREAS, the parties have determined that the Project is enhanced by the inclusion of additional recording channels, associated software and licenses, hardware, equipment and related professional services necessary to the incorporation of additional recording channels. These additional services are necessary in order to establish or support proper recording connectivity and communications to the Project

PROCUREMENT METHOD: 13-1-98 an entity to entity

CONTRACT NUMBER:
The FY20 Munis contract number is 3200XXX.

FUNDING SOURCE:
2018 Senior Lien GRT Bond Package

The funding source is:
Fund Name/Number: 2018 GRT Bond
Munis Org Name/Number: 335980
Munis Object Name/Number: 572970 GRT 183551

ACTION REQUESTED:
Department Name respectfully requests your review and approval.

AMENDMENT NO. 2 TO MEMORANDUM OF AGREEMENT BETWEEN SANTA FE COUNTY AND THE CITY OF SANTA FE FOR THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM SOLUTIONS PROJECT

AMENDMENT No. 2 to the Memorandum of Agreement, dated April 3, 2019 (the "MOA"), between the **City of Santa Fe** (the "City) and **Santa Fe County** (the "County").

RECITALS

WHEREAS, according to the MOA, the City and County agreed to share the costs of the Santa Fe Public Safety Radio Communications System Solutions Project; and

WHEREAS, the parties have determined that the Project is enhanced by the inclusion of additional recording channels, associated software and licenses, hardware, equipment and related professional services necessary to the incorporation of additional recording channels. These additional services are necessary in order to establish or support proper recording connectivity and communications to the Project

NOW THEREFORE, the parties the MOA agree to amend the MOA as follows:

1. Section 1 (Scope of Work) subpart A is amended by inserting a subpart 3 to read:

   3) By Amendment No. 2 to this MOA, the parties agree to obtain additional recording channels, software and associated licenses, hardware and equipment, and associated professional services for the Project.

2. Section 2 (Compensation) subpart A is amended by deleting "$1,743,999.99" and replacing it with "$1,825,263.12".

3. Section 2 (Compensation) subpart A is amended by inserting a subpart 3) to read:

   3) The additional recording channels and associated software and services added by Amendment No. 2 - $81,263.13 (to be split 50/50 between the County and the City - $40,631.56 each).

4. All other provisions of the MOA not specifically amended or modified by Amendment No. 1 and this Amendment No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands.

CITY OF SANTA FE:

_____
Alan Webber, Mayor

Date:_____

City Attorney's Office:

Marcos Martinez
Marcos Martinez (Jul 29, 2020 11:02 MDT)

Senior Assistant City Attorney

Approved for Finances:

_____
Mary T. McCoy, Finance Director

ATTEST:

_____
Yolanda Y. Vigil, City Clerk

COUNTY OF SANTA FE:

_____
Katherine Miller
Santa Fe County Manager

Date: _____

Approved as to form:

_____
Gregory S. Shaffer
Santa Fe County Attorney

Finance Division:

_____
Yvonne S. Herrera
Finance Director

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # _____

Contractor: **Santa Fe County**

Description: **AMENDMENT NO. 2 TO MEMORANDUM OF AGREEMENT BETWEEN SANTA FE COUNTY AND THE CITY OF SANTA FE FOR THE PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM SOLUTIONS PROJECT**

Contract ☐ Agreement ☐ Lease / Rent ☐ Amendment ◉

Term Start Date: _____ Term End Date: _____

☐ Approved by Council Date: _____

Contract / Lease: MEMORANDUM OF AGREEMENT

Amendment # **AMENDMENT NO. 2** to the Original Contract / Lease # _____

Increase/(Decrease) Amount $ **Increase $40,631.56**

Extend Termination Date to: _____

☐ Approved by Council Date: _____

Amendment is for: Purchase Necessary Equipment

2. **HISTORY** of Contract, Amendments & Lease / Rent - Please Elaborate (option: attach spreadsheet if multiple amendments)

2. Section 2 (Compensation) subpart A is amended by deleting "$1,743,999.99" and replacing it with "$1,825,263.12".
3. Section 2 (Compensation) subpart A is amended by inserting a subpart 3) to read:
3) The additional recording channels and associated software and services added by Amendment No. 2 - $81,263.13 (to be split 50/50 between the County and the City - $40,631.56 each).

3. **Procurement** History: _____

Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: _____

4. Funding Source: **2018 Senior Lien GRT Bond Package Reallo** Org / Object: _____

Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: **Paul Babcock** Phone # **505-955-3112**

Email: **prbabcock@santafenm.gov**

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: Santa Fe County

Procurement Title 2018 Senior Lien GRT Bond Package Reallocation

Procurement Method: State Price Agreement ☐ *Cooperative* ☐ *Sole Source* ☐ *Other* ☒ *Bond*

Exempt ☐ *Request For Proposal* (RFP) ☐ *Invitation To Bid (ITB)* ☒ *Contract under 60K* ☐ *Contract over 60K* ☐

Department Requesting Fire Department Staff Name Paul Babcock

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. ,

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☐	☐	Approved Procurement Checklist (by Purchasing)
☐	☐	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☐	☐	State Price Agreement
☐	☐	RFP
☐	☐	Evaluation Committee Report
☐	☐	ITB
☐	☐	Bib Tab
☐	☐	Quotes (3 valid current quotes)
☐	☐	Cooperative Agreement
☐	☐	Sole Source Request and Determination Form
☐	☐	Contractors Exempt Letter
☐	☐	Purchasing Officers approval for exempt procurement
☐	☐	BAR
☐	☐	FIR
☐	☐	Executed Contract, Agreement or Amendment
☐	☐	Current Business Registration and CRS numbers on contract or agreement
☐	☐	Summary of Contracts and Agreements form
☐	☐	Certificate of Insurance
☐	☐	All documentation presented to Committees
☐	☐	Other:

Paul Babcock	Fire Chief	08/05/20
Department Rep Printed Name (attesting that all information included)	Title	Date
Fran Dunaway	CFO	
Purchasing Officer (attesting that all information is reviewed)	Title	Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

*

#N030086

MEMORANDUM OF AGREEMENT ITEM # 19-0222
BETWEEN SANTA FE COUNTY AND
THE CITY OF SANTA FE FOR THE
PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM SOLUTIONS PROJECT

THIS MEMORANDUM OF AGREEMENT (MOA) is entered on this _____ day of _____, 2019, between **Santa Fe County** (hereinafter the "County"), a political subdivision of the state of New Mexico, and the **City of Santa Fe**, (hereinafter the "City").

RECITALS

WHEREAS, in the spirit of cooperation, mutual respect and service to the residents of the County, this MOA confirms the parties' commitment and mutual cooperation which recognizes that the partnering activities between government entities may produce community and constituency benefits beyond what might be produced independently; and

WHEREAS, this MOA is exempt from the provisions of the Procurement Code in accordance with to Section 13-1-98 (A), NMSA 1978; and

WHEREAS, in November 2001, the County and City (collectively the Parties) entered into a Joint Powers Agreement (JPA) for the purpose of defining the terms and conditions of operating, administering, and maintaining a Joint Enhanced 911 Regional Communications Center (RECC); and

WHEREAS, the City is securing services of a PSR Consultant to conduct a IV & V assessment of the PSR project. This consultant will represent the City in all technical discussions regarding the major PSR component specifications; and

WHEREAS, the Project 25 (P25) is a suite of standards for digital mobile radio communications designed for use by public safety organizations in North America. P25 radios are a direct replacement for analog UHF radios but P25 radios have the capability to transfer data as well as voice, allowing for a more natural implementation of encryption or messaging. P25 radios are commonly implemented by dispatch organizations, such as police, fire, ambulance and emergency rescue service, using vehicle-mounted radios combined with walkie-talkie handheld use; and

WHEREAS, the City has completed the specifications for the project to upgrade their existing 15 Channel Repeater Site (Prime Site); and

WHEREAS, the Parties have agreed to undertake the County and City of Santa Fe Public Safety Radio Communications System Solutions Project (Project) which includes the P25 and Prime Site components by participating in cost sharing of the Project infrastructure and/or services with the County serving as fiscal agent for the Project; and

WHEREAS, the Parties agree the project components described in this MOA are of mutual interest and benefit to the County and City.

NOW, THEREFORE, the parties agree as follows:

1. SCOPE OF WORK

A. The Project will be implemented under one procurement completed by the County as follows:

1) Acquisition of the P25 Core and 13 Motorola P25 Dispatch Consoles which will be located at the RECC and funded 50/50 per the JPA which established and authorized the RECC.

2) Acquisition of the 15-channel Motorola P25 Site Equipment which will be located at the City of Santa Fe's prime site location and will be funded 100% by the City.

B. In accordance with applicable state law and County ordinance, the County will use a procurement method deemed to be in the best interest of the County and the Project.

2. COMPENSATION

A. The total cost of the Project shall not exceed **$1,743,999.99** as follows:
   1) RECC P25 Core and 13 Motorola P25 Dispatch Consoles - $1,173,658.00 (to be split 50/50 between County and City - $586,829.00 each)
   2) City 15-channel Motorola P25 Site Equipment - $570,340.07 (to be paid 100% by City)

B. During the term of this Agreement, the County shall invoice the City for expenses incurred by the County for the Project.

3. EFFECTIVE DATE AND TERM

This Agreement shall become effective upon the date of last signature by the parties and will terminate December 31, 2019, unless earlier terminated pursuant to Section 4 (Termination) or Section 13 (Appropriations and Authorizations) below.

4. TERMINATION

A. Termination of Agreement. This Agreement may be terminated by the County or the City upon written notice to the other party at least 30 days prior to the intended date of termination. By such termination, no party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

B. Termination of Agreement for Cause. If a party fails to fulfill in a timely and proper manner its obligations under this MOA, or if a party violates any of the covenants, agreements, or stipulations of this MOA, the non-breaching party shall thereupon have the right to suspend or terminate this MOA by giving written notice to the other party such termination and specifying the effective date thereof.

Notwithstanding the above, no party shall be relived of liability to the other party for damages sustained because of the breach of this MOA.

5. PERSONNEL

A. The Parties represent that they have, or will secure at their own expense, all personnel required to perform all of the services required of it under this MOA.
B. All services required hereunder will be performed by the County via contracted services and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

6. ASSIGNMENT

The Parties shall not assign or transfer any interest in this MOA or assign any claims for money due or to become due under this MOA without prior written approval of both Parties.

7. NO THIRD-PARTY BENEFICIARIES

This MOA was not intended to and does not create any rights in any persons or party not a party to this Agreement.

8. RELEASE

Respective final payment by the Parties of the amounts due under this MOA shall operate as a release of the City and County, their officers and employees, and the City and Santa Fe County from all liabilities, claims and obligations whatsoever arising from or under this MOA.

9. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omission in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act §41-4-1, et seq., NMSA 1978.

10. AMENDMENT

This MOA shall not be altered, changed or amended except by an instrument in writing executed by the parties hereto.

11. INTEGRATION CLAUSE

This Agreement incorporates all covenants and understandings the parties hereto concerning the subject matter hereof, and all such covenants and understandings have been merged into this MOA. No prior covenants or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this MOA.

12. APPLICABLE LAW; VENUE

The activities or services under this MOA shall be performed and completed in accordance with the laws of the State of New Mexico. The City and the County agree that exclusive forum for any litigation between them arising out of or related to this Agreement shall be the State District Court of New Mexico, First Judicial District, located in Santa Fe County.

13. APPROPRIATIONS AND AUTHORIZATIONS

This MOA is contingent upon sufficient appropriations and authorizations being made by the Santa Fe County Board of County Commissioners, the City of Santa Fe and, if state funds are involved, the Legislature of the State of New Mexico. If sufficient appropriations and authorizations are not made, this MOA shall terminate immediately upon written notice being given by the City and County. Such termination shall be without penalty to the City and County, and the City and County shall have no duty to reimburse the City or County for expenditures made in the performance of this MOA. The City and County are expressly not committed to expenditure of funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the City and County. The City and County's decision as to whether sufficient appropriations and authorizations have been made for the fulfillment of this MOA shall be final and not subject to challenge by the City or County.

14. FACSIMILE SIGNATURES

The parties hereto agree that a facsimile signature has the same force and effect as an original for all purposes.

15. NEW MEXICO TORT CLAIMS ACT

No provisions of this MOA modifies or waives any sovereign immunity or limitation of liability enjoyed by the County of its "public employees" at common law or under the New Mexico Tort Claims Act, NMSA 1978, §41-4-1, et seq.

16. PROHIBITED ACTIVITY

The County and the City are prohibited from using funds provided herein or using personnel employed for the administration of this Agreement, for political activities, sectarian or religious activities, lobbying or political patronage.

17. RECORDS AND FINANCIAL AUDIT

A. To the extent its books and records relate to (i) its performance of this MOA or any subcontract entered into pursuant to it or (ii) cost or pricing data in this MOA, agrees to (i) maintain such books and records during the term of this MOA and for a period of six years form the date of final payment under this Agreement; (ii) allow the County or

its designee to audit such books and records at reasonable notice; (iii) to keep such books and records in accordance with generally accepted accounting principles ("GAAP").

B. To the extent its books and records relate to (i) its performance of this Agreement or any subcontract entered into pursuant to it or (ii) cost or pricing data in this MOA, also agrees to require any subcontractor the Parties may hire to perform its obligations under this MOA to (i) maintain such books and records during the term of this MOA and for a period of six years from the date of final payment under any subcontract; (ii) allow the County or its designee to audit such books and records in accordance with GAAP.

18. PENALTIES FOR VIOLATIONS OF LAW

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

19. EQUAL OPPORTUNITY COMPLIANCE

The County and City agrees to abide by all federal and state laws, rules, and regulations, pertaining to equal employment opportunity. In accordance with such laws, the City assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity be excluded form employment with or participation in, be denied the benefits of, or otherwise subjected to discrimination under any activity performed under this MOA. If is found not to be in compliance with these requirements during the life of this Agreement, agrees to take appropriate steps to correct these deficiencies.

20. INVALID TERM OR CONDITION

If any term or condition of this Agreement shall be valid or unenforceable, the reminder of this Agreement shall not be affected and shall be valid and enforceable.

21. NOTICES

Any notice required by this MOA shall be given in writing to the parties designated below. Notice shall be effective when delivered personally to any party, or three business days after deposited, postage fully prepaid, registered or certified, in an official receptacle of the U.S. Postal Service.

COUNTY: Attn: County Manager
Santa Fe County
102 Grant Avenue
P.O. Box 276
Santa Fe, New Mexico 87504-0276

CITY: Attn: City Manager
City of Santa Fe
200 Lincoln Avenue
Santa Fe, New Mexico 87504-0276

22. SURVIVAL

The provisions of the following paragraphs shall survive the termination of this MOA: RECORDS AND FINANCIAL AUDIT; RELEASE; APPLICABLE LAW VENUE; NO THIRD PARTY BENEFICIARIES; SURVIVAL.

IN WITNESS WHEREOF the parties have duly executed this MOA as of the last date of signature by the parties hereto.

SANTA FE COUNTY:

Anna T. Hamilton Chair,
Santa Fe County Board of County Commissioners

ATTESTATION:

Date:

Geraldine Salazar
Santa Fe Clerk

Approved as to form:

Date: 4-1-19

R. Bruce Frederick
Santa Fe County Attorney

Finance Department:

Date: 4-1-19

Erika D. Thomas
Interim Finance Director

CITY OF SANTA FE

Alan Webber, Mayor — Date: 3/29/19

Attest:

Yolanda Vigil
City Clerk — Date: 3-29-19

Approved as to form:

Erin K. McSherry, City Attorney — Date: 3/1/19

Approved:

Mary McCoy, Finance Director — Date: 3/29/19

Business Unit/Line Item:
32148.572970.0119900 -

ITEM # 20-0382

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT is entered into by and between Santa Fe County (County), acting through its Board of County Commissioners, and the City of Santa Fe (City), acting through its Governing Body, as of the date of last signature below.

RECITALS

WHEREAS, the County, City, and Town of Edgewood (Town) are parties to that certain Second Amended and Restated Joint Powers Agreement Concerning the Operation of the Santa Fe Regional Emergency Communications Center (RECC) Between the Governing Body of the City of Santa Fe, New Mexico, The Town of Edgewood, and the Board of County Commissioners of Santa Fe County, New Mexico (Second Amended RECC JPA); and

WHEREAS, the County and City are also parties to that certain Memorandum of Agreement between Santa Fe County and the City of Santa Fe for the Public Safety Radio Communications System Solutions Project, MOA No. 2019-0179-RECC/BT (Radio Project MOA); and

WHEREAS, disputes arose between the County and City concerning (1) the City's share of the Computer Aided Dispatch(CAD)/OneSolution project (the CAD/OneSolution Project Dispute); (2) the City's payment of monies to the County that the County claimed were due under the Radio Project MOA (the Radio Project Dispute); and (3) purchases unrelated to the CAD/OneSolution Project and Radio Project MOA that the County made for the RECC during Fiscal Years 2014-2020, which purchases the County claimed were capital expenditures contemplated as shared between the County, City, and Town pursuant to the Second Amended RECC JPA (the FY14-20 Capital Dispute); and

WHEREAS, the County and City agreed to mediate the disputes rather than litigating them, and, through the mediation, their representatives negotiated this Settlement Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the Settlement Payments described below, the other mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the County and City agree as follows:

1. ***Settlement Payments: Amount and Description.*** The payments from the City to the County described in subsections A, B, and C of this Section 1 are collectively referred to herein as the "Settlement Payments".

A. *CAD/OneSolution Project Dispute.*

i. Except to the extent otherwise provided in subparagraph ii, the City shall pay the County Four Hundred Twenty-Five Thousand Dollars ($425,000) as its share of expenditures arising under the County's Professional Services Agreement with Superion, LLC to Provide a Computer Aided Dispatch System (CAD), SFC Agreement No. 2017-0288-RECC/IC. Except to the extent otherwise provided in subparagraph ii, the County shall accept this payment as full and complete satisfaction of the City's obligation to contribute toward the compensation due the vendor under SFC Agreement No. 2017-0288-RECC/IC, as amended.

ii. The City has notified the County of its position that "non-RECC" software is software that does not further the purpose of the Second Amended JPA, and excludes day-to-day operation of the RECC as described by Article IV.B.1 or shared capital costs as set forth in Article IV.B.2. The County has notified the City of its positions that (1) the CAD/OneSolution Project includes software that is not dispatch software (the Non-RECC Software); (2) the ongoing maintenance, support, and other costs and fees associated with the

Non-RECC Software are not RECC expenditures; (3) those ongoing costs and fees associated with the Non-RECC Software are not covered by the Second Amended RECC JPA; and, beginning July 1, 2020, (4) the County may not have Superion, LLC provide maintenance and support to the City for the Non-RECC Software it utilizes absent an agreement between the County and City concerning the allocation of ongoing maintenance, support, and other costs and fees associated with the Non-RECC Software. This Settlement Agreement does not address or resolve the issue of what constitutes Non-RECC Software or the allocation of the ongoing maintenance, support, and other costs and fees associated with the Non-RECC Software.

B. *Radio Project Dispute.* The City shall pay the County Five Hundred Forty-Five Thousand Forty-Eight Dollars and Seventeen Cents ($545,048.17) pursuant to the Radio Project MOA and Santa Fe County Invoice No. RECCJPACapital7, dated 01/07/20. This payment shall have no effect on the City's remaining obligations under the Radio Project MOA, which remains in full force and effect.

C. *FY14-20 Capital Dispute.* The City shall pay the County One Hundred Thirty Thousand Eight Hundred Eighty-Six Dollars and Sixteen Cents ($130,886.16) in settlement of the FY14-20 Capital Dispute. The County shall accept this payment as full and complete satisfaction of any and all claims it may have against the City for non-CAD/OneSolution and Non-Radio Project capital expenditures in Fiscal Years 2014 to 2020.

2. ***Settlement Payments: Payment.*** The Settlement Payments shall be made by one or more checks within ten (10) business days of the execution of this Settlement Agreement. The Settlement Payments shall be hand-delivered to the County Manager at 142 W. Palace Ave., 3rd Floor, Santa Fe NM.

3. ***Parties to Engage in Good Faith Negotiations Concerning Replacement Joint Powers Agreement.*** The City and County agree to engage in good faith negotiations, through staff initially, concerning a joint powers agreement to replace the Second Amended RECC JPA to address, among other things, governance of the RECC, cost-sharing, RECC's interagency communications with participating governmental entities, and the inclusion of other governmental entities. The first negotiation session shall occur in July, 2020, at which a schedule for future sessions will be established. Nothing in this Section 3 shall be construed as requiring either party to agree to anything during negotiations or prejudice any party's existing rights under the Second Amended RECC JPA.

4. ***No Admission of Liability or Use in Future Disputes.*** This parties have entered into this Settlement Agreement solely to resolve existing disputes between them and to avoid litigation. In doing so, neither party admits liability or concedes any principled point in dispute between them. Without limiting the generality of the foregoing, other than to enforce the County's or City's obligations hereunder, this Settlement Agreement shall not be used in any future dispute, litigation, or arbitration between the parties as an admission or concession by either party.

[THIS SPACE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties have duly executed this Settlement Agreement as of the dates set forth below:

CITY OF SANTA FE

Jul 15, 2020

By: Alan Webber — Date
Its: Mayor

ATTEST:

Jul 15, 2020

By: Yolanda Y. Vigil — Date
Its: City Clerk GB 7/8/20

APPROVED AS TO LEGAL FORM:

Jul 14, 2020

By: Erin K. McSherry — Date
Its: City Attorney

APPROVED FOR FINANCES:

Jul 15, 2020

By: Mary McCoy — Date
Its: Finance Director

COUNTY OF SANTA FE

6/30/20

By: Henry P. Roybal — Date
Its: Chair, Board of County Commissioners

ATTEST:

Geraldine Salazar, County Clerk — Date July 1, 2020

APPROVED AS TO LEGAL FORM:

6/30/20

By: Gregory S. Shaffer — Date
Its: County Attorney

APPROVED FOR FINANCES:

6/30/2020

By: Yvonne S. Herrera — Date
Its: Finance Director

DATE:	**July 23, 2020**
TO:	**EDAC, Finance Committee and City Council**
VIA:	**Rich Brown, Director, Office of Economic Development** RB
FROM:	**Fabian Trujillo, Manager, Office for Business Growth**
RE:	**Savant X, Inc. – PPA – Munis Org #2122800.510400**

Background:

Savant X, Inc. was found in 2015 and are headquartered in Jackson, WY. They are a leader in quantum computing. Savant X is a software developer with expertise in artificial intelligence and machine learning. Their software is used to solve complex problems by the nuclear power industry, by transportation hubs, healthcare and the US Department of Defense. Savant X also deployed a no-cost Artificial Intelligence-enabled web application to help medical and research professionals search and analyze COVID-19 datasets.

Savant X located their Corporate Research Center to 504 Jose Street in Santa Fe after an exhaustive site search in Idaho, Utah, Oregon and California. They will be utilizing their expertise in quantum computing to develop software tools for commercial and public entities. Savant X will employ 128 people over ten years with an average wage of 97,000 per year.

Item and Issue:

Savant X requests $500,000 from LEDA grant monies from the State of New Mexico and the City of Santa Fe. The State will provide $450,000 with a $50,000 match over a ten year period. The monies will be utilized for lease payments and tenant improvements to their current facility on 504 Jose St and an expanded facility tentatively scheduled within five years. The city will be the fiscal agent for the project. As fiscal agent, the City administers the disbursement of the monies, and monitors the economic goals in accordance with the Project Participation Agreement (PPA). In return for the grant, Savant X will create 128 new jobs with an average annual wage of $97,000. Additionally, Savant X will invest $2.4 million in lease payments, tenant improvements, equipment and infrastructure improvements to the facility.

Over the next ten years, Savant X total fiscal impact to the State, City, County, SF Community College and Public Schools is estimated to generate approximately $28,471,361 in net benefits. Of the net benefits, Descartes Labs is estimated to generate $5,062,736 of this fiscal impact to the City of Santa Fe.

Action:
The project outcomes will continue to align with the objectives and goals of the Economic Development Implementation Strategy adopted by the City Council in 2008. The project will create high-wage career path employment, diversity Santa Fe's economy and bolster Santa Fe's innovative entrepreneurial ecosystem.

Staff recommends approval of both project participation agreements, intergovernmental agreements, budget adjustment request and supporting documents for $500,000 in grant monies from the State of NM LEDA Fund and the City LEDA Fund. Once the project participation and intergovernmental agreements are approved and executed, the NM Economic Development Department will transfer $450,000 to the City of Santa Fe's LEDA fund. The Munis Org Number for is 2122800.510400 for this project.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor JoAnne Vigil Coppler

AN ORDINANCE

RELATING TO THE CITY OF SANTA FE ECONOMIC DEVELOPMENT PLAN ORDINANCE, ARTICLE 11-11 SFCC 1987; APPROVING AND ADOPTING A LOCAL ECONOMIC DEVELOPMENT PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY OF SANTA FE AND SAVANT X, INC. FOR DESIGN, DEVELOPMENT, AND CONSTRUCTION OF TENANT IMPROVEMENTS; AND FOR LEASE PAYMENTS TO EXPAND A CORPORATE RESEARCH CENTER, A LOCAL ECONOMIC DEVELOPMENT PROJECT.

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

Section 1. Short Title. This Ordinance shall be known as the "Savant X Local Economic Development Project Ordinance."

Section 2. Recitals.

A. The Local Economic Development Act, NMSA 1978, Sections 5-10-1 et seq. ("LEDA") explicitly permits municipalities to assist qualifying entities with economic development projects through the use of public resources; and

B. The City of Santa Fe has complied with the requirements of the Local Economic Development Act by adopting an Economic Development Fund Ordinance (11-14 SFCC 1987), incorporating within that ordinance its community economic development plan and its economic development strategy for implementation dated May 21, 2008; and

C. Savant X, Inc., ("Qualifying Entity") is a software development research center that serves the public by stimulating and catalyzing the growth of a high-technology industry cluster in Santa Fe, which meets the definition of Qualifying Entity under the Economic Development Ordinance, Section 11-14.4(A) SFCC 1987); and the LEDA, NMSA 1978, Section 5-10-3 (K). The Qualifying Entity creates economic base jobs as a software development facility by creating software for advanced data analytics that provide visualization and understanding of many types of data. The development of quantum computing tools scaled for commercial use will be the top priority of the center located in Santa Fe.

D. The State of New Mexico has appropriated Four Hundred and Fifty Thousand Dollars and No Cents ($450,000.00) from the New Mexico LEDA Fund and the City of Santa Fe will provide Fifty Thousand Dollars and No Cents ($50,000.00) from the Local Economic Development Fund for the project to pay lease payments and to fund the project build out of the infrastructure and tenant improvements in the facility and its projected second facility expansion, which will occur in the fifth (5) year of operation. The facility is located at 504 Jose Street in Santa Fe, New Mexico. The expansion may include construction costs, materials associated with the interior renovation of its facilities, and improvements or construction of telecommunications, broad band connectivity, and other infrastructure necessary to improve service to the facility. This project identified as the "Project" is a research center that will expand the tax base and generate more taxes, fees, and other revenues for the State of New Mexico and City of Santa Fe.

E. The facility will be used to develop software, which causes the company to fall under the definition of a "manufacturer" under LEDA.

Section 3. Findings. The governing body hereby finds:

A. The City of Santa Fe has determined that it is in the interest of the welfare of the citizens of Santa Fe to enter into an Economic Development Project Participation Agreement for the purposes of effectuating the City's Economic Development Plan and the Project.

B. In compliance with the City's Economic Development Fund Ordinance, 11-14 SFCC (1987), this Project Participation Agreement between Qualifying Entity and the City clearly states the following:

(1) Savant X, Inc. is a qualifying entity;

(2) The contributions of the City, the City as a fiscal agent of the State, and Qualifying Entity;

(3) The specific measurable objectives upon which the performance review will be based;

(4) A schedule for Project development and goal attainment;

(5) The security being offered for the City's investment;

(6) The procedures by which the Project may be terminated and the City's investment recovered;

(7) The time period for which the City shall retain an interest in the Project;

(8) The economic development goals of the project; and

(9) A "sunset" clause after which the City shall relinquish interest in and oversight of the project.

Section 4. Approval and Adoption of the Project Participation Agreement. The governing body hereby approves the 2020 PPA (attached as **Exhibit A**) whereby the City will be the Fiscal Agent for the State legislative appropriation of Four Hundred Fifty Thousand Dollars and No Cents ($450,000.00) and will designate the Fifty Thousand Dollars and No Cents ($50,000.00) in City Funds. The City will pass through the State Legislative appropriation of $450,000.00 and provide the

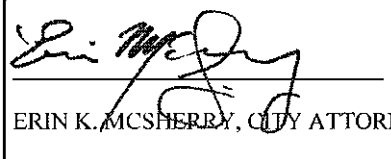
City funds of $50,000.00 to the Qualifying Entity and the funds will be used for lease payments, infrastructure and tenant improvements for the facility, and the Qualifying Entity's projected second facility expansion in the fifth (5) year of operation. The Qualifying Entity will expand the tax base and generate more taxes, fees, and other revenues for the State of New Mexico and City of Santa Fe.

Section 5. Severability Clause. If any section, paragraph, clause, or provision of this ordinance, or any section, paragraph, clause, or provision of any regulation promulgated hereunder shall for any reason be held to be invalid, unlawful, or unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph, clause, or provision shall not affect the validity of the remaining portions of this ordinance or the regulation so challenged.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2020.

APPROVED AS TO FORM:



ERIN K. MCSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Savant X LEDA PPA

FIR No. 3271

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): **Savant X LEDA PPA.**

Sponsor(s): Mayor Alan Webber and Councilor Vigil Coppler

Revie wing Department(s): Economic Development Department

Staff Completing FIR: Fabian Trujillo Date: June 30, 2020 Phone: 505-955-6912

Revie wed by City Attorney: _____ Date: Aug 6, 2020

Revie wed by Finance Director: _____ Date: _____

Summary:

The project ordinance under consideration provides Savant X with the financial assistance to locate a new Corporate Research Center at 504 Jose St in the downtown area of Santa Fe. The grant monies will be used for lease payments and to construct the tenant improvements and infrastructure for the facility and a projected expansion in 2025. The City will receive $450,000 in NM LEDA funds from the New Mexico Economic Development Department which will be approved through an Inter-Governmental Agreement (IGA). The City will match the $450,000 with $50,000 from the City of Santa Fe Economic Development Fund. The City will be the fiscal agent for the project. The City and Savant X, Inc. will enter into a Project Participation Agreement (PPA) for 10 years. Savant X has agreed to create 128 jobs at an average annual salary of $97,000 per year. Savant X will be disbursed $500,000 for the 128 jobs. Over the next ten years, Savant X total fiscal impact to the State, City, County, SF Community College and SF Public School District is estimated to be $28,471,361 in net benefits. Of this, approximately $5,062,736 will be generated in the City of Santa Fe.

Departments Affected:

The Office of Economic Development, City Attorney's Office and Finance Department.

Consequences of Not Enacting Legislation:

Savant X's new Corporate Research Center will create 128 new jobs. Not enacting this bill results in slowing and delaying the growth of this research center. It will also result in the loss of $5,062,736 in new revenues to the City over ten years. It reduces the diversity in the growing technology economic base which is a bright spot during the pande mic.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

None

Performance and Administrative Implications:

Savant X, Inc. ma de a decision to locate their Corporate Research Center in Santa Fe. It was a competitive selection process in which Santa Fe was chosen due to the availability of world-class highly skilled talent and the quality of life Santa Fe offers its employees. Savant X will expand their footprint in year five of this expansion. Software development is considered ma nufacturing if 51% of their customers are outside of New Mexico. The ir proprietary software is utilized by the Department of Defense, the nuclear power industry and other industries utilizing quantum analytics. The LEDA funds w ill accelerate Savant X growth and anchor

them to Santa Fe. The LEDA grant will be administered and monitored by existing staff. Savant X is required to provide quarterly reports and meet the job creation and payroll goals outlined in the PPA in order for monies to be disbursed. The LEDA grant is secured by as required by ordinance and State statue before any monies can be disbursed. Savant X as part of its reporting, will provide affidavits and ES 903a employment reports to document the job creation and payroll.

Fiscal Implications:

This project will positively impact the Santa Fe economy and the City's budget. According to the Economic Impact Analysis (EIA) in Attachment B of the PPA, the EIA estimates that Savant X will generate approximately $5,062,736 in new revenues for the City from Savant X expansion over 10 years in gross receipts taxes, property taxes, fees and revenues. This equates to approximately $506,000 per year. The State will grant Savant X $450,000 and the City will match it with $50,000 for a total of $500,000. Therefore, for an investment of $500,000, the city and state will realize recurring revenue over ten years of $28.5 million or $2.8 million per year. Therefore, the investment would result in positive revenue generation for the Santa Fe and New Mexico economies.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 2020-2021	FYE 2021-2022	FYE 2022-2023 through FYE 2029-2030	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	10-Year Total Cost
Personnel and Benefits*	$10,000	$10,000	$80,000	N	R	100	
Capital Outlay	$	$	$				
Contractual/ Professional Services	$ 18,000	$36,000	$446,000		NR	212	
Operating	$	$	$				$
Total:	$ 28,000	$46,000	$526,000				$600,000

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Existing personnel will absorb the costs of administering the Project Participation Agreement. The disbursement schedule of public monies for the PPA will be accomplished in the following manner going forward: FY 2020-2021 - $18,000, FY 2021-2022 - $36000 and FY 2022-2023 – FY 2029-2030 $446,000. City funds for disbursement will not be utilized until FY 2023-2024 in the amount of $10,000. Disbursements of city monies will continue through FY 2026-2027, the final city disbursement will be for $5,000 in FY 2029-2030. State monies will be disbursed in FY 2020-2021 and will continue through FY 2026-2027. Savant X will be disbursed the monies when they meet the job creation, payroll and construction goals identified in the PPA.

Revenue Type	FYE 2020-2021	FYE 2023-2024	FYE	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$450,000	$	$	NR	212
Total	$450,000	$	$		

Revenue Narrative:

In FY 2020/2021, the city would receive $ 450,000 in revenues from the state NM LEDA Fund for a LEDA grant.

CITY OF SANTA FE
ECONOMIC DEVELOPMENT
PROJECT PARTICIPATION AGREEMENT

THIS PROJECT PARTICIPATION AGREEMENT ("Agreement") is made and entered into this ____day of _____, 2020, by and between the City of Santa Fe, a municipal corporation (hereinafter referred to as the "City") and Savant X, Inc., a Delaware Corporation registered as a foreign profit corporation in the State of New Mexico (hereinafter referred to as the "Qualifying Entity", "Q/E", or "Savant X").

WHEREAS, the State of New Mexico has deemed it in the best interest of the citizens of New Mexico to enact the Local Economic Development Act (LEDA) NMSA 1978, §§ 5-10-1, et seq., to provide public support for economic development to foster, promote and enhance local economic development efforts;

WHEREAS, LE DA explicitly permits municipalities to assist qualifying entities with economic development projects through the use of public resources;

WHEREAS, the City has complied with LEDA requirements by adopting an economic development plan ordinance incorporating within that ordinance its community economic development plan (11-11 SFCC (1987)), called the Community Economic Development Plan and Economic Development Strategy for Implementation dated May 21, 2008;

WHEREAS Savant X, Inc. is a "qualifying entit y" under LEDA and the Economic Development Ordinance in that it is a software developer which is a "manufacturer" of products that creates economic base jobs. § 11-11.4 (A) SFCC (1987); NMSA 1978, § 5-10-3 (K);

WHEREAS, all requirements under the Economic Development Ordinance to enter into this Agreement have been fulfilled;

WHEREAS, the Q/E has submitted an application ("Application") to the City for assistance under the Economic Development Plan Ordinance (11-11 SFCC (1987)) and for the City to act as fiscal agent for the grant monies ("Grant Monies") granted b y the City through its Office of Economic Development and through the New Mexico Economic Development Department;

WHEREAS, in the Application, the Q/E proposed an "economic development project" compliant with LEDA, in that it will use the Grant Monies for lease payments, construction costs and materials associated with the interior renovation of its facilities, and to improve or construct infrastructure, telecommunications, broadband connectivity, and other infrastructure necessary to provide or improve service to the facility (the "Project") located at 504 Jose St., Santa Fe, New Mexico, 87501;

WHEREAS, the City has determined that it is in the interest of the welfare of the citizens of the City to enter into this Agreement for the purposes of effectuating its economic development plan;

WHEREAS, the City's total maximum contribution of Grant Monies to the Project is Fifty Thousand Dollars and No Cents ($50,000.00); New Mexico's maximum contribution to the Project will not exceed Four Hundred Fift y Thousand Dollars and No Cents ($450,000.00) from the New Mexico LEDA Fund ("NM LEDA Fund") pursuant to an intergovernmental agreement between the Cit y and the State to be executed soon after the execution of this Agreement; and the Q/E shall contribute up to Two Million Four Hundred Ninety Thousand Sixty-Eight Dollars and No Cents ($2,490,068.00) to the Project; and

WHEREAS, the Q/E will spend up to One Million One Hundred Ninet y-Eight Dollars and No Cents ($1,198,000.00) in furniture, fixtures, and tenant improvements by approximately July 30, 2030;

WHEREAS, the Project addresses the following objectives from the Santa Fe Economic Development Implementation Strategy as adopted by City Resolution 2008-42: "Diversify the Santa Fe Economy with an emphasis on high wage jobs and career paths;" "Pursue overall affordability where local wages can support living in Santa Fe (reduce leakage);" and "Bolster Santa Fe's leadership position and/or potential in innovation."

WHEREAS, this Agreement clearl y provides the following as required b y LEDA and the Economic Development Plan Ordinance: (1) the economic development goals of the Project; (2) the contributions of the City, State, and the Q/E; (3) the specific measurable objectives upon which the performance review will be based; (4) a schedule for project development and goal attainment; (5) the security being offered for the City's and State's investment; (6) the procedures by which the project may be terminated and the City's investment recovered; (7) the time period for which the City shall retain an interest in the Project; (8) a "sunset" clause after which the City shall relinquish interest in and oversight of the Project; and (9) that the Qualifying Entity is a qualifying entity.

NOW THEREFORE, in consideration of the foregoing, the following and other good and valuable consideration, the receipt of which is hereby acknowledged the undersigned parties hereb y agree as follows.

1. CONTRIBUTIONS OF THE CITY, THE STATE AND THE Q/E

A. Contributions of the State and the City. The maximum Grant Monies that may be disbursed under this Agreement shall be Five Hundred Thousand Dollars and No Cents ($500,000.00) as described below:

(1) City Contribution. This Agreement governs the City's contribution to the Project. The City shall reimburse the Q/E in the amount of up to Fifty Thousand Dollars and No Cents ($50,000.00) for lease payments, infrastructure improvements to the interior of the building and site, design, development, installation of infrastructure, and construction of tenant improvements to the facility.

(2) State Contribution: This Agreement governs the State's contribution of up to Four Hundred Fifty Thousand Dollars and No Cents ($450,000.00) from the NM LEDA Fund by way of the New Mexico Economic Development Department. The City will serve as fiscal agent pursuant to the Intergovernmental Agreement between the City and State, which is in substantial form as **Attachment D**, the terms of which are incorporated into this Agreement. The State monies will be available for reimbursement tranches upon completion of the disbursement milestones as identified in **Attachment E.**

(3) Disbursement of Grant Monies: Dispersal of the NM LEDA Funds by the State and the City's economic development funds are contingent upon the following:

(a) The City and the New Mexico Economic Development Department shall execute an intergovernmental agreement for the State to grant up to $450,000 to the City as fiscal agent for the Project; and

(b) The Q/E shall submit to the City for review, a cover letter, invoice, proof of payment, and supporting documentation of the completion of performance milestones at each project phase necessary for disbursement as referenced in the Job Creation Commitment and Schedule in **Attachment A**. Disbursement shall be made on a reimbursement basis of eligible costs under the LEDA, as further limited below:

(i) Lease Payments; and
(ii) Design, development, and construction of building, infrastructure and tenant improvements to the building and site.

It is expressly understood that any costs eligible for reimbursement must be incurred after this Agreement is in effect.

(c) The City shall reimburse to the Q/E up to Fifty Thousand Dollars and No Cents ($50,000) in City Grant Monies. The City monies will be available for disbursement in the tranches as identified in **Attachment E.**

(4) If Grant Monies from the City and State do not fully fund the Project; the Q/E shall contribute any additional funds necessary to fund the remainder of the Project.

B. Contributions of the Q/E.

(1) Financial Investment: The Q/E shall contribute up to Two Million Four Hundred Ninety Thousand and Sixty-Eight Dollars ($2,490,068) or more to complete the Project.

(2) Project Management: Unless otherwise specified in this Agreement, the Q/E shall be responsible for managing all parts of the Project.

(3) Direct Economic Output: The Project is estimated to generate $108,057,364 in direct salaries for operations over a ten (10) year period. The total estimated direct economic output for the expansion of the facility is $155,768,687 over the next ten (10) years, as is further

described in the Economic Impact Report. (See p. 4 of **Attachment C**.)

(4) Expanded Tax Base: As a result of the completion of the Project, the Q/E is expected to generate contributions to the City's tax base, as projected in the Economic Impact Report. Net benefits for the City generated b y this Project (including property taxes, gross receipts taxes, utility fees, utility franchise fees, lodger's taxes, and other use taxes) are estimated to be $876,710 over the next ten (10) ye ars. (See p. 8 of **Attachment C**.)

(5) Proportional Investment: The Q/E at its discretion may decide to not accept the entire $500,000.00 in Grant Monies for the Project. If the Q/E does not accept the entire Grant Monies, then the capital investment and job creation requirements would then decrease proportionally to the level of Grant Monies accepted. The Q/E shall notify the City thirty (30) days prior to its decision.

2. PERFORMANCE REVIEW AND CRITERIA – ECONOMIC DEVELOPMENT GOALS

A. Economic Development Goals. The following Economic Development Goals shall be fulfilled by the Q/E:

By June 30, 2021, the Q/E shall employ at least six (6) new New Mexico based employees in the City of Santa Fe, and in accordance with the minimum average annual salary as described in the Job Creation Commitment and Schedule. See **Attachment A**.

(1) By June 30, 2025, the Q/E shall employ no fewer than fifty-six (56) new New Mexico based employees in the City of Santa Fe, while retaining the prior employment figures, in accordance with the minimum average wage data points in **Attachment A**.

(2) By June 30, 2030, the Q/E shall employ no fewer than one hundred twenty-eight (128) new New Mexico based employees in the City of Santa Fe, while retaining the prior employment figures, in accordance with the minimum average wage data points in **Attachment A**.

(3) Q/E's contribution as set forth in Paragraph 1.B herein is incorporated into the Economic and Development Goals.

B. Reports; Certifications; Review.

(1) Quarterl y Reports. During the term of this Agreement, the Q/E shall provide to the Office of Economic Development staff quarterly reports in the months of January, April, July, and October of each year. The Q/E's quarterly reports shall clearly indicate how the Q/E has met the job creation prerequisites in **Attachment A** (see **Attachment C** for recommended form) Quarterl y reports shall be in the form of an affidavit signed by an officer of the Q/E. Quarterl y reports shall include a copy of FORM ES-903a, or an equivalent document as required b y the New Mexico Department of workforce Solutions, provided by the Q/E to the City to demonstrate compliance with this Agreement at each review cycle. In the quarterly report, the Q/E shall include the number of new jobs, the average wage of the new employees,

cumulative employment, retention of existing employees, and total payroll. The City's review of the quarterly reports shall determine whether the Q/E is in compliance with this Agreement and is substantially achieving the goals and objectives herein.

(2) Annual Reports. The City may require the Q/E to provide annual reports or a presentation to the City's governing body and the Economic Development Advisory Committee (EDAC). The City will give the Q/E a minimum of thirty (30) days' notice if a report or presentation to the governing bod y or EDAC is required. City staff shall review these reports to ensure the Q/E's compliance with this Agreement in accordance with the Job Creation Commitment and Schedule.

(3) Certification of Non-Interest. The Q/E shall certify to the City that to the Q/E's best information, knowledge and belief and after reasonable inquiry, no member, officer, or employee of the Cit y or its designees or agents, no member of the governing body of the locality of which the program is situated, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one (1) ye ar thereafter, has an y interest, direct or indirect, in the Q/E or an y contract or subcontract, or the process thereof, for work to be performed in connection with the Project that is the subject of this Agreement. The Q/E shall certify that such a provision shall be included in all contracts and subcontracts in connection with the Project.

3. RECAPTURE PROVISIONS FOR PUBLIC MONIES

A. If an y Economic Development Goal set forth in Paragraph 2.A is not met and documented in a manner deemed satisfactory by the City, the Q/E shall be deemed in default ("Default") and within sixty (60) days of the City receiving the quarterly report with the information of such Default, the City shall send a written Notice of Default to the Q/E informing the Q/E how man y da ys it has to cure the Default or repay the Grant Monies disbursed in proportion to the Economic Development Goals not yet achieved.

B. If the Q/E remains noncompliant after any applicable cure period, then the City may elect to pursue an y and all remedies available in law or equity, including but not limited to initiating foreclosure of the security interest or demanding timely repayment by the Q/E of the Grant Monies in proportion to the unmet goals, as the City in its sole discretion may determine subject to reasonable calculations

C. In the event the Q/E ceases operations and closes its facility before the end of year five (5) of this Agreement, the Q/E shall be deemed in Default and the Q/E shall reimburse 100% of all Grant Monies disbursed to the Q/E to the City of Santa Fe Economic Development Fund as identified in 11-14 SFCC (1987).

4. Q/E BUYOUT

A. The Q/E may, at its election, buyout and thereby terminate this Agreement by repaying in full to the City all Grant Monies. Such repayment by the Q/E shall be without penalty until and unless the City initiates clawback of the Grant Monies, at which point costs, expenses (including

City staff time), and attorney's fees will accrue to the repayment amount. The City shall not initiate such a clawback during the period from the time the Q/E sends the notice described in Section 4(c) until the time that the repayment contemplated by the notice is not made in accordance with the notice.

B. The Q/E must send prior written notice to the City of the Q/E's intent to repay in full the Grant Monies at least forty- five (45) days prior to the Q/E's repayment. The City's receipt of the Q/E's repayment of all disbursed Grant Monies (including an y costs, fees and expenses resulting from claw back proceedings) constitutes satisfaction of the Q/E under this Agreement, upon which the Q/E may request release of the security interest, and the City will release the securit y interest within a reasonable time after receiving the Q/E's written request.

C. Within thirty (30) days of receiving such notice from the Q/E, the City will notify the New Mexico Economic Development Department of the Q/E's intent to exercise the buyout clause. The Cit y will reimburse the New Mexico Economic Development Department its portion of the repaid Grant Monies within sixty (60) days after the Cit y receives the repaid monies from the buyout.

5. SECURITY FOR CITY'S INVESTMENT; CLAWBACK

A. This is a grant project only, with the City acting as fiscal agent. The Q/E has no loan obligations for repayment to the City or State, but is obligated to fulfill the Economic Development Goals of this Agreement; however if the Q/E is found by the City to be in Default, then the City may elect to demand financial reimbursement by the Q/E.

B. The Grant Monies must be secured in a manner that it may be clawed back if the Q/E fails to meet its performance goals under this PPA. As securit y for fulfilling the Economic Development Goals, before the City may disburse any appropriations to the Q/E, the amount of Public Monies to be reimbursed shall be securitized in a manner satisfactory to the City.

C. Acceptable securitization methods include, without limitation, an irrevocable stand-b y letter of credit from an issuing financial institution, with the City as beneficiary, from which the City may immediately draw down upon the City's presentation of a demand for payment and evidence of Q/E's Default ("Irrevocable Letter of Credit"). If s ecured b y this method, then the Irrevocable Letter of Credit shall have a term that extends to the term of this Agreement (either via the full duration in the base term or via automatic one- ye ar extensions terminable at the sole option and discretion of the City). At an y given time, the Irrevocable Letter of Credit must secure an amount, and the City shall be able to draw down an amount, at least equal to the amount of appropriations made to the Q/E for the Project, the maximum being $500,000. Funds from the Irrevocable Letter of Credit may be drawn in one drawing or from time-to-time in or one or more partial drawings on or before the expiration date. Attached hereto and incorporated herein is **Attachment A**, which sets forth the clawback terms.

D. During the term of this Agreement, the Q/E may request a full or partial release of the securit y interest with the substitution of collateral, repayment of the disbursed appropriation, or proof that the Q/E has met the Economic Development Goals, in part or in whole, under this

Agreement. An y full or partial release of the security interest will be proportional to the value of the substitute collateral, repayment, or the portion of Economic Development Goals met, which are no longer subject to clawback and according to **Attachment A**.

E. Acceptance of a method of securitization and of substitute collateral or proof of performance goals shall be within the City's sole and absolute discretion.

6. **TERM; SUNSET**

This Agreement shall remain in force for ten (10) ye ars from the execution date of the Agreement, or until conditions of the Agreement are performed in full or to the reasonable satisfaction of the City, whichever is earlier. In the event the Q/E performs or exceeds the required performance levels contained in this Agreement, as may be reasonably determined by the City, this Agreement may be terminated at that time in writing by the City pursuant to Paragraph 7, below.

This Agreement will not be deemed terminated and this Agreement will remain in effect unless and until the City reasonabl y determines that the objectives under this Agreement have been fulfilled, in which case the City will provide a closure letter to the Q/E.

7. **TERMINATION**

This Agreement may be terminated by the City upon written notice delivered to the Q/E at least fort y-five (45) days prior to the intended date of termination in the event that the Q/E ceases to operate the Project in accordance with the terms of this Agreement. If the Q/E is found to not be in substantial compliance with the Agreement, the City reserves the right to terminate the Agreement and recall in full the Grant Monies.

The Q/E may terminate the Agreement by pre-paying in full to the City and without penalty any Grant Monies disbursed to the Q/E. The Q/E must send a written letter to the City giving notice of its intent to pre-pay the Grant Monies in full within forty-five (45) days prior to the Q/E's intent to repay in full the Grant Monies. However, such pre-paying and repayment in full shall be reduced to the extent Economic Development Goals have been met.

8. **STATUS OF THE Q/E**

The Q/E, and its agents and employees are not employees of the City. The Q/E, and its agents and emplo ye es, shall not accrue leave, retirement, insurance, bonding, use of City vehicles or an y other benefits afforded to emplo ye es of the City as a result of this Agreement. The Q/E shall be solel y responsible for payment of wages, salaries, and benefits to any and all employees or subcontractors retained b y Q/E contractors in the performance of the services under this Agreement.

9. **ASSIGNMENT AND SUCCESSORS; BINDING EFFECT**

A. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors in interest by way of merger, acquisition, or otherwise and their permitted assigns.

B. Any purported assignment of rights is a violation of subsection (B) and is void.

10. **INDEMNIFICATION; LIABILITY**

It is expressl y understood and agreed b y and between the Q/E and the City that the Q/E shall defend, indemnify, and hold harmless the City for all losses, damages, claims or judgments on account of any suit, judgment, execution, claims, actions, or demands whatsoever resulting from the Q/E's actions or inactions as a result of this Agreement, as well as the actions or inactions of Q/E's employees, agents, representatives and subcontractors as a result of this Agreement. The Q/E shall maintain adequate insurance in at least the aggregate maximum amounts which the City could be liable consistent with the provisions of the New Mexico Tort Claims Act. It is the sole responsibility of the Q/E to be in compliance with the law.

11. **INSURANCE**

A. The Q/E, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability with respect to the Project, in a form and with an insurance compan y reasonably acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to propert y. Such insurance shall provide that the City is named as an additional insured and that the Cit y shall be notified no less than thirty (30) days in advance of cancellation for any reason. The Q/E shall furnish the City with a copy of a "Certificate of Insurance" with respect to such coverage as a condition prior to performing under this Agreement.

B. The Q/E shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Q/E's employees throughout the term of this Agreement. The Q/E shall provide the City with evidence of its compliance with such requirement.

12. **NEW MEXICO TORT CLAIMS ACT**

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1*et seq.* NMSA 1978, as amended. The City and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense, and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

13. **THIRD PARTY BENEFICIARIES**

By entering into this Agreement, the parties do not intend to create any right, title, or interest in or for the benefit of any person other than the City and the Q/E. No person shall claim any right, title, or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

14. RECORDS AND AUDITS

The Q/E shall maintain and keep in its possession throughout the term of this Agreement and for a period of six (6) ye ars thereafter, all related records, including but not limited to, all financial records, requests for proposals (RFPs), invitations to bid, selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as records sufficient to fully account for the amount and disposition of the total funds from all sources budgeted hereunder, the purpose for which such funds were used, and other such records as the City or the State shall proscribe. The Q/E shall be strictly liable for receipts and disbursements related to the Project Grant Monies. These records shall be subject to inspection by the City, the New Mexico Economic Development Department, and the State Auditor upon notice within five (5) business days. The City shall have the right to audit billings both before and after payment; payments under this Agreement shall not foreclose the right of the City to recover excessive illegal payments.

15. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made b y the City Governing Body and the New Mexico Economic Development Department on behalf of the Q/E to the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City Governing Bod y and the New Mexico Economic Development Department on behalf of the Q/E to the City, this Agreement shall terminate upon written notice being given by the City to the Q/E.

16. **RELEASE**

The Q/E, upon final fulfillment by the City of its obligations under this Agreement, releases the City, its officers and employees, from all liabilities, claims, and obligations whatsoever arising from or under this Agreement. The Q/E agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Q/E has express written authority to do so, and then only within the strict limits of that authority.

17. **CONFIDENTIALITY**

Any confidential information provided to or developed by the Q/E in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Q/E without the prior written approval of the City.

18. **APPLICABLE LAW; CHOICE OF LAW; VENUE**

The Q/E shall abide by all applicable federal and state laws and regulations, and all ordinances, rules, and regulations of the City of Santa Fe. In any action, suit, or legal dispute arising from this Agreement, the Q/E agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

19. **AMENDMENT**

This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

20. **SCOPE OF AGREEMENT**

This Agreement incorporates all the agreements, covenants, and understanding between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. This Agreement expresses the entire Agreement and understanding between the parties with respect to said performance. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in the Agreement.

21. **REPRESENTATIONS AND WARRANTIES**

A. The Q/E hereby warrants the Q/E is and will remain in compliance with the Americans with Disabilities Act of 1990 (the "ADA") and the regulations promulgated thereunder, 29 CFR 1630 . The Q/E hereb y agrees to defend, indemnify and hold harmless the City from and against all claims, suits, damages, costs, losses, and expenses in any manner to the extent arising out of or connected with the failure of the Q/E, its contractors and subcontractors, agents, successors, assigns, officers, or employees to comply with provisions of the ADA or the rules and regulations promulgated thereunder.

B. The Q/E agrees to comply with the applicable provisions of local, state, and federal equal emplo ym ent opportunity statutes and regulations.

C. The Q/E shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as an y subsequent changes to such article throughout the term of this Agreement.

22. **APPLICABLE LAW**

This Agreement shall be governed by the ordinances of the City of Santa Fe and the laws of the State of New Mexico.

23. **NON-DISCRIMINATION**

During the term of this Agreement, the Q/E shall not discriminate against any employee or applicant for an employm ent position to be used in the performance by the Q/E hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

24. **SEVERABILITY**

In case an y one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and an y other application thereof shall not in any way be affected or impaired thereby.

25. **NOTICES**

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

If to the CITY OF SANTA FE:
City of Santa Fe
Attn: Director of Office of Economic Development
P.O. Box 909
Santa Fe, NM 87504

If to QUALIFYING ENTITY:
Attn: Edmond Heinbockel, Chief Executive Officer
Savant X, Inc.
1220 South Hwy 89
PO Box 14733
Jackson, WY 83002

With a copy to:
David G. Harlow, General Counsel
1855 N. Oak Lane
Provo, UT 84604

26. **HEADINGS**

The section headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement.

27. **ATTACHMENTS**

All attachments are fully incorporated herein and made a part of this Agreement.

28. **COUNTERPARTS**

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

29. **REPRESENTATION ON AUTHORITY OF SIGNATORIES**

The signatory for the Q/E represents and warrants that he or she is duly authorized and has legal capacit y to execute and deliver this Agreement. The Q/E represents and warrants that the execution and delivery of the Agreement and the performance of the Q/E's obligations hereunder have been duly authorized and that the Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF SANTA FE:

_____
Alan M. Webber, Mayor

ATTEST:

_____
Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Erin K. McSherry, City Attorney

APPROVED:

Mary T. McCoy, Finance Director

2122800.510400
Munis Org Number

QUALIFYING ENTITY:
Savant X, Inc.

Edmond Heinbockel
CEO and President

By: _____

Employer ID Number: 03-394504-00-7
City of Santa Fe Business ID Number:

[ACKNOWLEDGEMENT FOLLOWS]

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

Notarized Affidavit

This instrument was acknowledged before me on this ____ day of _____, 2020, by EDMOND HEINBOCKEL, as the Chief Executive Officer and President of Savant X, Inc., a foreign profit corporation.

_____
Notary Public

My commission expires:

Attachment A

Job Creation Commitment and Schedule (Net New Jobs) ❖*

Year	*Net New Jobs Hiring Target*	*Jobs Retained From Prior Years*	*Payroll for New Jobs*	*Job Determination Period*		*Clawback % on Job Creation Shortfall^^^*
1	6	0 (starting headcount)	$582,000	01 July 2020	30 June 2021	100%
2	6 + 9 = 15	6	$1,455,000	01 July 2021	30 June 2022	100%
3	15 + 11 = 26	15	$2,522,000	01 July 2022	06 June 2023	100%
4	26 + 13 = 39	26	$3,783,000	01 July 2023	30 June 2024	100%
5	39 + 17 = 56	39	$5,432,000	01 July 2024	30 June 2025	100%
6	56 + 15 = 71	56	$6,887,000	01 July 2025	30 June 2026	90%
7	71 + 14 = 85	71	$8,245,000	01 July 2026	30 June 2027	80%
8	85 + 16 = 101	85	$9,797,000	01 July 2027	30 June 2028	70%
9	101 + 10 = 111	101	$10,767,000	01 July 2028	30 June 2029	60%
10	111 + 17 = 128	111	$12,416,000	01 July 2029	30 June 2030	50%
Note						
Total	*128*					
	Addt'l Notes: All 128 new jobs must be retained until June 30, 2030 for compliance					

Starting Headcount (JTIP Eligible):	0	*As of:*	June 30, 2020

^^^ Clawback percentage is calculated on job creation shortfall at expiration or termination of the PPA, whichever is earlier. Clawback formula = (Job Creation % Shortfall) x (Cumulative Grant Monies Distributed), where Job Creation % Shortfall is (1 - (actual jobs / cumulative hiring target))*100%.

❖ Cumulatively, the retained and new jobs must maintain a minimum average annual salary of $97,000 not including additional benefits ("Average Salary"). Wages of jobs retained from prior years must equal or exceed the wage requirements for those jobs as described herein. Onl y New Mexico-based employees count towards job creation.

Attachment B

EXECUTIVE SUMMARY

A REPORT OF THE ECONOMIC IMPACT OF SAVANTX RESEARCH CENTER IN SANTA FE, NM

June 19, 2020

Prepared by:
Ryan Eustice
New Mexico Economic Development Department
Joseph Montoya Building
1100 S. St. Francis Drive
Santa Fe, New Mexico 87505

NEW MEXICO
ECONOMIC DEVELOPMENT

Prepared using Total Impact
IMPACT DataSource

PURPOSE & LIMITATIONS

This report presents the results of an analysis undertaken by the New Mexico Economic Development Department using Total Impact, an economic and fiscal impact analysis tool developed and supported by the Austin, TX based economic consulting firm, Impact DataSource.

The Total Impact model is a customized software program licensed to the New Mexico Economic Development Department. The model includes estimates, assumptions, and other information developed by Impact DataSource from its independent research effort detailed in New Mexico Economic Development Department's Total Impact User Guide.

The analysis relies on prospective estimates of business activity that may not be realized. New Mexico Economic Development Department made reasonable efforts to ensure that the project-specific data entered into the Total Impact model reflects realistic estimates of future activity.

No warranty or representation is made by New Mexico Economic Development Department or Impact DataSource that any of the estimates or results contained in this study will actually be achieved.

IMPACT DataSource

CONTENTS

Economic Impact

Introduction....4

Description of the Project....4

Economic Impact Overview....4

Fiscal Impact

Fiscal Impact Overview....6

State of New Mexico....7

Santa Fe....8

Santa Fe County....9

Santa Fe Public Schools....9

Other Taxing Districts....10

Public Support

City Non-Tax Incentives....11

Methodology

Overview of Methodology....15

About Impact DataSource....17

Introduction

This report presents the results of an economic impact analysis performed using Total Impact, a model developed by Impact DataSource. The report estimates the impact that a potential project in the Santa Fe may have on the state and local economy and estimates the costs and benefits for the state and local taxing districts over a 10-year period.

Description of the Project

To establish a corporate research center to expand current and develop future software tools for advanced data analytics (X-Analytics) that provide visualization and understanding of many types of data. The New Mexico location will be the technology backbone of the corporation. The ten-year plan is to hire 128 persons with at least 50% of the new hires recruited from the surrounding national labs and New Mexico universities. Halfway through the project, we calculate the need for additional space, so we will either add a second location or move into a much larger one. The mission of the New Mexico facility is solely research, and all sales and customer support will continue to be in Wyoming and at customer locations internationally. There are no SavantX customers in New Mexico; however, one current US Air Force project (a multi-year contract with the 16th Air Force) may be shared with all combat bases in the future, including the ones in New Mexico.

Economic Impact Overview

The Project's operations will support employment and other economic impacts in the state. The 128.0 workers directly employed by the Project will earn approximately $97,000 per year initially. This direct activity will support 162.5 indirect and induced workers in the state earning $65,000 on average. The total additional payroll or workers' earnings associated with the Project is estimated to be approximately $201.3 million over the next 10 years.

Accounting for various taxable sales and purchases, including activity associated with the Project, worker spending, and visitors' spending in the state, the Project is estimated to support approximately $34.5 million in taxable sales over the next 10 years.

Table 1. Economic Impact Over the Next 10 Years Statewide

	Direct	Indirect & Induced	Total
Economic output generated by direct, indirect, and induced activity	$155,768,687	$103,882,137	$259,650,824
Number of permanent direct, indirect, and induced jobs to be created	128.0	162.5	290.5
Salaries to be paid to direct, indirect, and induced workers	$108,057,364	$93,253,507	$201,310,871
Taxable sales and purchases	$19,177,690	$15,372,262	$34,549,952

The project is not expected to result in a consequential increase in the state's population. A majority of newly hired employees would likely be current New Mexico residents. However, it is estimated that approximately 50.0% of the new direct workers may be new residents to Santa Fe County. The local population impacts may result in new residential properties constructed in the county and increase the enrollment of local public schools.

Table 2. Population Impacts Over the Next 10 Years for the County

	Direct	Indirect & Induced	Total
Number of direct, indirect, and induced workers who will move to the County	64.0	0.0	64.0
Number of new residents in the County	166.4	0.0	166.4
Number of new residential properties to be built in the County	6.7	0.0	6.7
Number of new students expected to attend local school district	32.3	0.0	32.3

The Project is estimated to support an average of approximately $0.1 million in new non-residential taxable property each year over the next 10 years. The taxable value of property supported by the Project over the 10-year period is shown in the following table.

Table 3. Value of Taxable Property Supported by the Project Over the Next 10 Years

		The Project's Property			
Year	New Residential Property	Land	Buildings & Other Real Prop. Improvements	Furniture, Fixtures, & Equipment	Subtotal Nonresidential Property	Total Residential & Nonresidential Property
1	$27,770	$0	$0	$12,000	$12,000	$39,770
2	$76,275	$0	$0	$28,800	$28,800	$105,075
3	$137,486	$0	$0	$47,800	$47,800	$185,286
4	$212,415	$0	$0	$68,600	$68,600	$281,015
5	$312,554	$0	$0	$104,800	$104,800	$417,354
6	$407,779	$0	$0	$137,600	$137,600	$545,379
7	$497,382	$0	$0	$167,233	$167,233	$664,616
8	$603,380	$0	$0	$199,567	$199,567	$802,947
9	$680,112	$0	$0	$231,200	$231,200	$911,312
10	$809,216	$0	$0	$273,867	$273,867	$1,083,083

The taxable value of residential property represents the value of properties that may be constructed as a result of new workers moving to the community.

This analysis assumes the residential real property appreciation rate to be 3.0% per year. The Project's real property is assumed to appreciate at a rate of 3.0% per year. The analysis assumes the Project's furniture, fixtures, and equipment will depreciate over time according to the depreciation schedule shown in Appendix A.

Fiscal Impact Overview

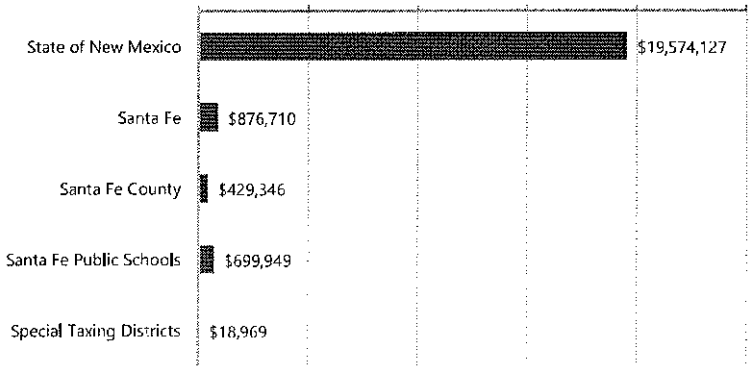
The Project will generate additional benefits and costs for local taxing districts, a summary of which is provided below. The source of specific benefits and costs are provided in greater detail for each taxing district on subsequent pages. Overall, the City will receive approximately $876,700 in net benefits over the 10-year period and the Project will generate $21,599,100 in total for all local taxing districts.

Table 3. Fiscal Net Benefits Over the Next 10 Years for the State and Local Taxing Districts

	Benefits	Costs	Net Benefits	Present Value of Net Benefits*
State of New Mexico	$23,959,316	($4,385,189)	$19,574,127	$12,267,900
Santa Fe	$1,613,475	($736,765)	$876,710	$549,749
Santa Fe County	$599,010	($169,663)	$429,346	$268,959
Santa Fe Public Schools	$1,387,944	($687,995)	$699,949	$436,507
Special Taxing Districts	$18,969	$0	$18,969	$11,807
Total	$27,578,713	($5,979,612)	$21,599,101	$13,534,923

** The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 6.75% to make the dollars comparable.*

Figure 1. Net Benefits Over the Next 10 Years for the State and Local Taxing Districts



State of New Mexico

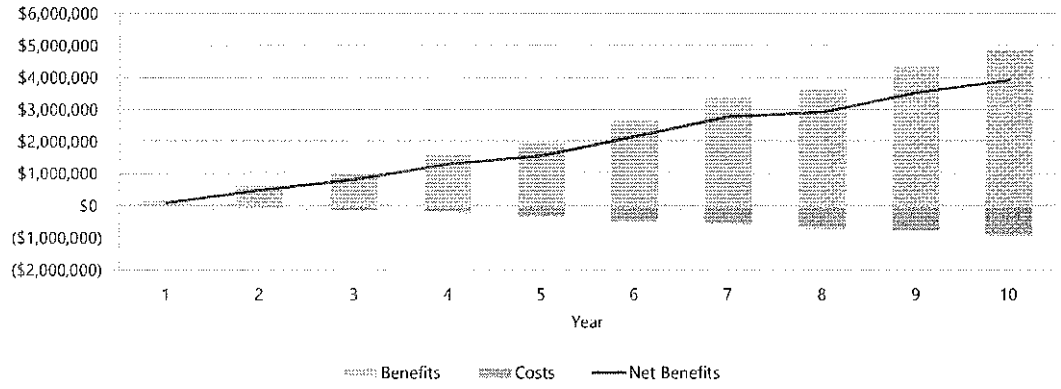
The table below displays the estimated additional benefits to be received by the State of New Mexico over the first 10 years. The project is expected to have a small effect on the statewide population and therefore some additional statewide costs to provide additional services were estimated for the state. Appendix C contains the year-by-year calculations.

Table 4. State of New Mexico: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Gross Receipts Taxes	$1,347,448
Real Property Taxes - Project	$0
FF&E Property Taxes - Project	$1,729
Property Taxes - New Residential	$5,120
Personal Income Taxes	$9,159,645
Corporate Income Taxes	$155,236
Miscellaneous Taxes & User Fees	$13,290,138
Subtotal Benefits	$23,959,316
Cost of Providing State Services	($4,385,189)
Subtotal Costs	($4,385,189)
Net Benefits	$19,574,127
Present Value (6.75% discount rate)	*$12,267,900*

Gross receipts taxes are estimated on new taxable gross receipts resulting from the project. Property taxes are estimated on the firm's property and new residential property constructed. Personal income taxes are estimated based on an effective income tax rate and the earnings of new direct and indirect workers. Corporate income taxes on the direct activity is based on the net taxable income projected by the company. Corporate income taxes on the indirect activity is estimated on a per indirect worker basis and the observed statewide corporate income tax collections per worker. To the extent that the project will result in an increase in new households in the state, additional miscellaneous taxes and user fees have been estimated for the state. Additionally, the costs to provide state services to these new households were also estimated based on recent state expenditure data as detailed in the Appendix.

Figure 2. Annual Fiscal Net Benefits for the State of New Mexico



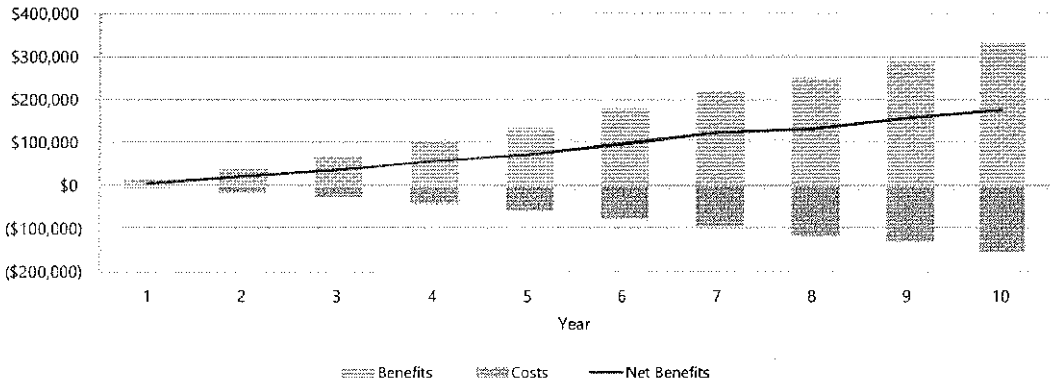
Santa Fe

The table below displays the estimated additional benefits, costs, and net benefits to be received by the City over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

Table 5. Santa Fe: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Gross Receipts Taxes	$922,550
Real Property Taxes - Project	$0
FF&E Property Taxes - Project	$4,788
Property Taxes - New Residential	$8,278
Utility Revenue	$373,219
Utility Franchise Fees	$44,276
Building Permits and Fees	$0
Lodgers Taxes	$624
Miscellaneous Taxes & User Fees	$259,740
Subtotal Benefits	$1,613,475
Cost of Providing Municipal Services	($352,350)
Cost of Providing Utility Services	($384,415)
Subtotal Costs	($736,765)
Net Benefits	$876,710
Present Value (6.75% discount rate)	*$549,749*

Figure 3. Annual Fiscal Net Benefits for the Santa Fe



Santa Fe County

The table below displays the estimated additional benefits, costs, and net benefits to be received by the County over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

Table 6. Santa Fe County: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Gross Receipts Taxes	$406,633
Real Property Taxes - Project	$0
FF&E Property Taxes - Project	$17,766
Property Taxes - New Residential	$29,908
Building Permits and Fees	$0
Miscellaneous Taxes & User Fees	$144,702
Subtotal Benefits	$599,010
Cost of Providing County Services	($169,663)
Subtotal Costs	($169,663)
Net Benefits	$429,346
Present Value (6.75% discount rate)	*$268,959*

Santa Fe Public Schools

The table below displays the estimated additional benefits, costs, and net benefits to be received by the school district over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

Table 7. Santa Fe Public Schools: Benefits, Costs, and Net Benefits Over the Next 10 Years

	Amount
Real Property Taxes - Project	$0
FF&E Property Taxes - Project	$12,469
Property Taxes - New Residential	$35,344
State Equalization Guarantee	$1,340,131
Subtotal Benefits	$1,387,944
Cost of Educating New Students	($687,995)
Subtotal Costs	($687,995)
Net Benefits	$699,949
Present Value (6.75% discount rate)	*$436,507*

Benefits for Other Taxing Districts

The table below displays the estimated additional property taxes to be received by other property taxing districts over the next 10 years of the Project. Appendix C contains the year-by-year calculations.

Table 8. Other Taxing Districts: Benefits Over the Next 10 Years

	Amount
Real Property Taxes - Project	$0
FF&E Property Taxes - Project	$5,078
Property Taxes - New Residential	$13,891
Benefits	$18,969
Present Value (6.75% discount rate)	*$11,807*

City Non-Tax Incentives

The City is considering the following non-tax incentives for the Project.

Table 12. City Incentives Under Consideration

Year	City LEDA
1	$50,000
2	$0
3	$0
4	$0
5	$0
6	$0
7	$0
8	$0
9	$0
10	$0
Total	$50,000

These financial incentives may be considered an investment in the Project made by the city. Four calculations analyzing possible investments were made:

1. Net Benefits - detailed above
2. Present Value of Net Benefits - detailed above
3. Rate of Return on Investment - discussed and detailed below
4. Payback Period - discussed and detailed below

The rate of return on investment calculates the average annual rate of return to the city, treating the incentives as the initial investment and the net benefits to the city as the return on investment. The payback period is the number of years that it will take the city to recover the cost of incentives from the additional revenues that it will receive as a result of the Project.

The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return, and payback period.

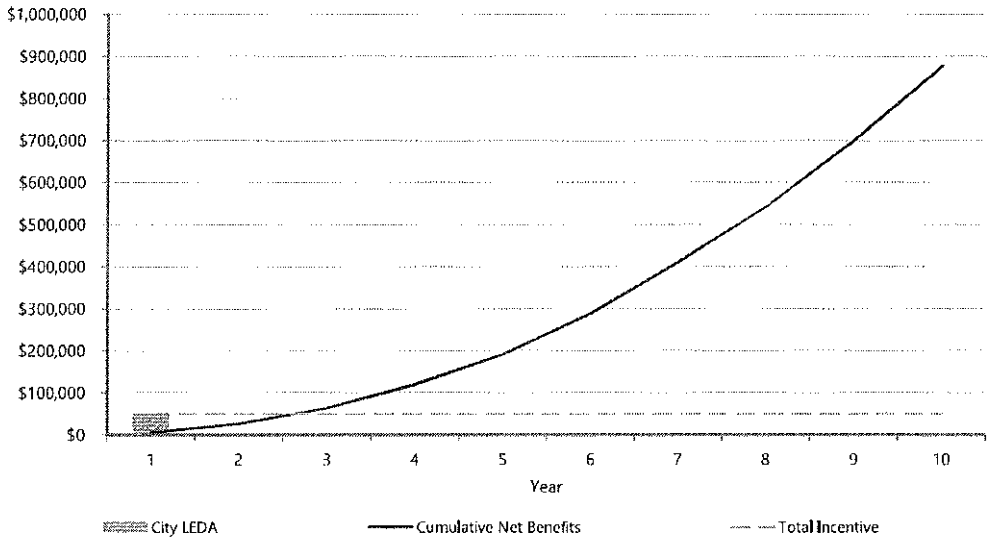
Table 13. Analysis of City Incentives

Total Non-Tax Incentive	$50,000
Incentive Per Job	$391
Rate of Return	175.3%
Payback period (years)	2.6

Note: The Rate of Return and Payback Period are calculated based on the sum of annual incentives, not the present value of the incentives.

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the City. The intersection indicates the length of time until the incentives are paid back.

Figure 4. City Incentives Under Consideration



State Incentives

The state is considering the following incentives for the Project.

Table 16. State Incentives Under Consideration

Year	LEDA, JTIP, and other Tax Credits
1	$10,811,000
2	$0
3	$0
4	$0
5	$0
6	$0
7	$0
8	$0
9	$0
10	$0
Total	$10,811,000

These financial incentives may be considered an investment in the Project made by the state. Four calculations analyzing possible investments were made:

1. Net Benefits - detailed above
2. Present Value of Net Benefits - detailed above
3. Rate of Return on Investment - discussed and detailed below
4. Payback Period - discussed and detailed below

The rate of return on investment calculates the average annual rate of return to the state, treating the incentives as the initial investment and the net benefits to the state as the return on investment. The payback period is the number of years that it will take the state to recover the cost of incentives from the additional revenues that it will receive as a result of the Project.

The table below shows an analysis of these incentives, including a calculation of incentives per job, rate of return, and payback period.

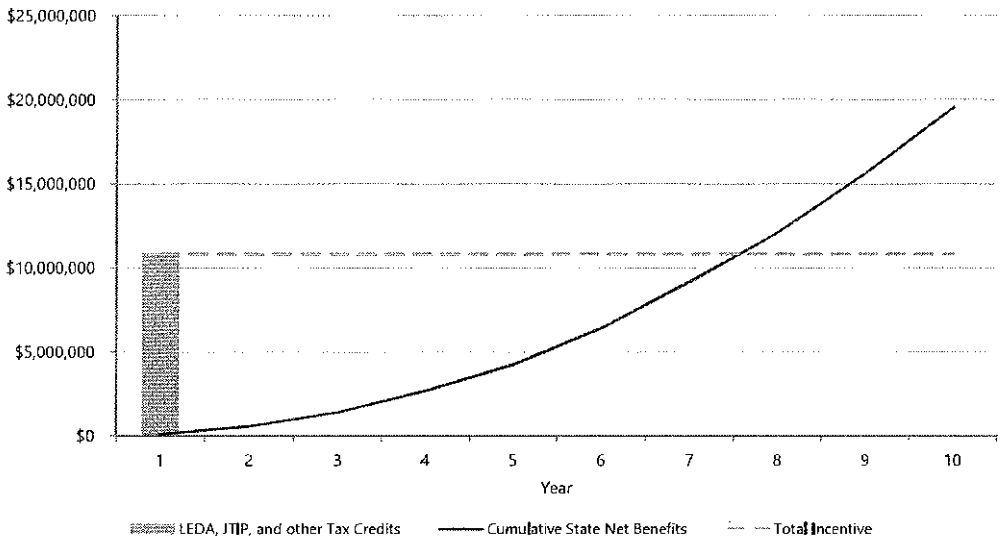
Table 17. Analysis of State Incentives

Total State Incentives	$10,811,000
Incentives Per Job	$84,461
Rate of Return	18.1%
Payback period (years)	7.6

Note: The Rate of Return and Payback Period are calculated based on the sum of annual incentives, not the present value of the incentives.

The graph below depicts the total incentives currently under consideration versus the cumulative net benefits to the State. The intersection indicates the length of time until the incentives are paid back.

Figure 6. State Incentives Under Consideration



State LEDA is @ $450k, JTIP is @ $4.4M, High Wage Jobs Tax Credit is @ $5.9M, Mfg. Investment Tax Credit is @ $61k. For a total state incentive of $10,811,000. The City is @ $50k in LEDA

Overview of Methodology

This report presents the results of an analysis undertaken by the New Mexico Economic Development Department using Total Impact, an economic and fiscal impact analysis tool developed and supported by the Austin, TX based economic consulting firm, Impact DataSource.

The Total Impact model combines project-specific attributes with community data, tax rates, and assumptions to estimate the economic impact of the Project and the fiscal impact for local taxing districts over a 10-year period.

The economic impact as calculated in this report can be categorized into two main types of impacts. First, the direct economic impacts are the jobs and payroll directly created by the Project. Second, this economic impact analysis calculates the indirect and induced impacts that result from the Project. Indirect jobs and salaries are created in new or existing area firms, such as maintenance companies and service firms, that may supply goods and services for the Project. In addition, induced jobs and salaries are created in new or existing local businesses, such as retail stores, gas stations, banks, restaurants, and service companies that may supply goods and services to new workers and their families.

The economic impact estimates in this report are based on the Regional Input-Output Modeling System (RIMS II), a widely used regional input-output model developed by the U. S. Department of Commerce, Bureau of Economic Analysis. The RIMS II model is a standard tool used to estimate regional economic impacts. The economic impacts estimated using the RIMS II model are generally recognized as reasonable and plausible assuming the data input into the model is accurate or based on reasonable assumptions. Impact DataSource utilizes county-level multipliers to estimate the impact occurring at the sub-county level.

Two types of regional economic multipliers were used in this analysis: an employment multiplier and an earnings multiplier. An employment multiplier was used to estimate the number of indirect and induced jobs created or supported in the area. An earnings multiplier was used to estimate the amount of salaries to be paid to workers in these new indirect and induced jobs. The employment multiplier shows the estimated number of total jobs created for each direct job. The earnings multiplier shows the estimated amount of total salaries paid to these workers for every dollar paid to a direct worker. The multipliers used in this analysis are listed below:

Multiplier		City	County	State
Employment Multiplier	(Type II Direct Effect)	1.5101	1.6802	2.2694
Earnings Multiplier	(Type II Direct Effect)	1.3468	1.4624	1.8630

Calculation of Fiscal Impact

Calculation of Revenues for the State

The state's revenues from gross receipts taxes, property taxes, personal and corporate income taxes were estimated directly using data entered about the project and state tax rates and assumptions about workers moving to the area and possibly building new property.

Impact DataSource estimated the miscellaneous taxes and user fees as a function of statewide personal income. The data used to estimate these factors were obtained from the US Census of Governments and the Bureau of Economic Analysis. Next, these percentages were applied to the total increase in workers' earnings from the economic impact calculations to determine the annual miscellaneous taxes and user fees to be collected by the state related to the permanent increase in economic activity supported by the project.

The fiscal costs associated with the project result from the portion of new worker households that relocate to New Mexico to take a job and the resulting costs to provide state services to these new residents. Impact DataSource estimated the cost of providing state services to new worker households moving to the state by applying the average per household cost of state expenditures to the estimated number of new workers new to the state.

Impact DataSource determined the marginal cost to provide state government services on per household in the state by using approximately 40% of the average cost. The data used to estimate these costs were obtained from the US Census of Governments and US Census. On average, the state incurs $5,000 in costs to provide these services to households.

Calculation of Revenues for the City

The city's revenues from gross receipts taxes, property taxes, city-owned utilities, utility franchise fees, lodging taxes, and building permits and fees were estimated directly using data entered about the project and local tax rates and assumptions about workers moving to the area and possibly building new property.

The new firm was not asked for nor could reasonably provide some data for calculating some other revenues for the city. For example, while the city will likely receive revenues from fines paid on speeding tickets given to new workers at the firm, the firm may not reasonably know the propensity of its workers to speed. Therefore, some other city revenues were calculated using an average revenue approach. This approach uses two assumptions:

1 - The city has two general revenue sources -- revenues from residents and revenues from businesses.
2 - The city will collect (a) about the same amount of other revenues from each household of new workers that may move to the city as it currently collects from an average household of existing residents, and (b) about the same amount of other revenues from the new firm (on a per worker basis) will be collected as the city collects from other businesses in the city.

Using this average revenue approach, revenues likely to be received by the city were calculated from the households of new workers who may move to the city and from the new firm using average city revenues per household and per worker calculations. These revenues are labeled as miscellaneous taxes and user fees.

The total annual city revenues used to make average revenue calculations in this analysis were obtained from the city's latest annual budget and the per household and per worker and calculations are detailed in Appendix A.

Calculation of Costs for the City

This analysis sought to answer the question, what additional monies will the city have to spend to provide services to households of new workers who may move to the city and to the firm. A marginal cost approach was used to calculate additional city costs from the new firm and its workers.

This approach uses two assumptions:

1 - The city spends money on services for two general groups -- residents and businesses.
2 - The city will spend (a) about the same amount for variable or marginal cost for each household of new workers that may move to the city as it currently spends for an average household of existing residents, and (b) about the same amount for variable or marginal costs for the new firm (on a per worker basis) as it spends for other businesses in the city.

Calculation of Net Benefits for the City

Net benefits calculated in this analysis are the difference between additional city revenues over a ten-year period and additional city costs to provide services to the new firm and its workers and indirect workers who may move to the city.

Calculation of Revenues, Costs and Net Benefits for the County
The model estimates additional revenues, costs and net benefits for the county using the same methodology described for the city relying on county budget data.

Calculation of Revenues for Public Schools
The school district's revenues from property taxes were calculated on the new residential property for some new direct and indirect workers who may move to the county and on the firm's property that will be added to local tax rolls.

However, school district revenues from state and federal funds and other local funding were calculated using an average revenue approach. This approach used the assumption that the school district will collect about the same amount of these revenues for each new student in the household of a new worker who may move to the county as it currently collects for each existing student.

Calculation of Costs for Public Schools
A marginal cost approach was used to calculate additional school district costs from the new firm and its workers. This approach uses the assumption that the school district will spend about the same amount for variable or marginal cost for each new student as it spends for each existing student.

Calculation of Net Benefits for Public Schools
Net benefits calculated in this analysis are the difference between additional school district revenues over a ten-year period and marginal costs for the school district to provide services to students in the households of new workers who may move to the county.

The school district's total annual revenues and expenses to make average revenue and marginal costs calculations in this analysis were obtained from the school district's latest annual budget.

Calculation of Property Taxes to be Collected by Countywide Special Taxing Districts
Revenues for countywide special taxing districts from property taxes were calculated on the new residential property for some new direct and indirect workers who may move to the county and on the firm's property that will be added to local tax rolls.

While each of these special taxing districts may incur additional costs from new residents and from the new firm, these additional costs were not calculated in this analysis.

About Impact DataSource

Impact DataSource is an Austin economic consulting, research, and analysis firm founded in 1993. The firm has conducted over 2,500 economic impact analyses of firms, projects, and activities in most industry groups in New Mexico and more than 30 other states.

In addition, Impact DataSource has prepared and customized more than 50 economic impact models for its clients to perform their own analyses of economic development projects. These clients include the Frisco EDC in Texas and the Metro Orlando (Florida) Economic Development Commission.

Attachment C

Savant X, Inc.

Sample Affidavit Quarterly Report

Affidavit

Whereas agreed by the Project Participation Agreement (PPA) dated XXX between the City of Santa Fe (City) and Savant X, Inc. (QE), the QE will provide quarterly reports in the form of a signed affidavit indicating how the QE has met the Job Creation Schedule in Attachment A, I, Edmond Heinbockel, CEO, make an oath and say that:

1. As of XXX (date) the QE had fully occupied the facility.

2. See attached schedule of new hires in xxx (quarter). The average annual salary for full-time equivalent employee (FTE) new hires is XXX. An FTE is defined as 32 hours per week in Attachment A of the project participation agreement.

3. As of XXX (date) the QE has a cumulative number of new employees of XXX (number of newl y hired employees.

4. As of XXX (date) the QE has retained XXX number of emplo ye es for a total head count of XXX (employees).

3. Certification of on-Interest: I, Edmond Heinbockel, certify to the City that no member, officer or employee of the City or its designees or agents, no member of the governing body of the locality of which the program is situated, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one ye ar thereafter, shall have any interest, direct or indirect, in the QE or an y contract or subcontract, or the process thereof, for work to be performed in conjunction with the Project that is the subject of this agreement.

I SWEAR OR AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

_____ _____

Date Edmond Heinbockel, CEO and President of Savant X, Inc.

SUBSCRIBED AND SWORN TO ME

On the _____ day of _____

_____

Notary Public

My commission expires: _____

Attachment D

INTERGOVERNMENTAL AGREEMENT
NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT AND
THE CITY OF SANTA FE, NEW MEXICO

This Intergovernmental Agreement ("Agreement") is entered into as of the date of the last signature affixed below by and between the New Mexico Economic Development Department ("EDD") and the City o f Santa Fe, a municipal corporation of the State of New Mexico ("City"), collectively referred to as the "Parties," with reference to the following facts.

SECTION 1. RECITALS:

WHEREAS, the legislature of the State of New Mexico appropriated funds to NMEDD for economic development projects statewide pursuant to the Local Economic Development Act (the "Appropriation"); and

WHEREAS, the purpose of the Local Economic Development Act, NMSA 1978 §§ 5-10-1, et seq., ("LEDA"), is to provide "public support for economic development to foster, promote, and enhance local economic development efforts..." Section 5-10-2(B); and

WHEREAS, the City h as adopted LEDA by O rdinance 2004-42, which established the City's Economic Development Plan that promotes economic development within the City and Ordinances Nos. 2008-42 and 2018-4 amending the Economic Development Plan Ordinance; and

WHEREAS, the City has adopted Ordinance No._____ ("Ordinance") to approve the economic development project ("Project") to secure the expansion of Savant X, Inc., a Delaware corporation ("Savant X") within the City; and

WHEREAS, the City has entered into a Local Economic Development Project Participation Agreement ("PPA") with Savant X, Inc. and, pursuant to the terms of that PPA, Savant X, Inc. will provide a substantive contribution in exchange for the public contribution. A copy of the PPA and any amendments are attached hereto as **Exhibit E**; and

WHEREAS, the EDD and the City desire to enter into this Agreement to facilitate disbursement of funds for the Project;

NOW THEREFORE, the Parties do hereby agree to the following terms and conditions to accomplish the Project.

SECTION 2. PURPOSE OF AGREEMENT:

The purpose of this Agreement is to place the primary responsibility on the City to oversee and administer the appropriation for the Project. It is the intent of the Parties that the EDD will transfer an amount not to exceed Four Hundred Fifty Thousand Dollars and No Cents ($450,000.00) (the "State Funds") from the Appropriation to the City for expenditures made to implement the Project. The Parties agree that any and all State Funds received by the City will be accounted for by the City as the fiscal agent for the EDD in accordance with the procedures the City will use to account for its own funds and property used to implement the Project, or any properties acquired or developed by the City as a result of implementation of the Project will be used by the City for economic development purposes only.

SECTION 3. SCOPE OF WORK:

The City will act as fiscal agent for the appropriation supporting the Project. EDD will transfer an amount not to exceed Four Hundred Fifty Thousand Dollars and No Cents

($450,000.00) from the Appropriation to the City for expenditures made to implement the Project, pursuant to the LEDA statutes. In exchange for the appropriation, Savant X, Inc. will create 128 new jobs and contribute up to Two Million Four Hundred Ninety Thousand Sixty-Eight Dollars ($2,490,068) in capital investment within ten (10) years after the execution of this Agreement. The EDD expressly agrees that "new" jobs are those jobs created by Savant X on or after the effective date of signed Project Participation Agreement. The City will quarterly review the Project timeline and progress until the ten year anniversary of this Agreement or until the City certifies to the EDD that the requisite Economic Development Goals have been completed to the City's satisfaction or that the EDD contribution of no greater than $450,000.00 in State Funds has been reimbursed to EDD. In the event that Savant X, Inc. falls below the hiring target in any given period, reimbursements will be suspended until hiring target is achieved and sustained for at least ninety (90) days.

The EDD and the City agree that failure of Savant X, Inc. to make its required contribution, as defined in the PPA, will result in a violation of the terms and conditions of the PPA. Such violation, after any cure period granted, will require that the City foreclose on the security interest. All the terms, conditions, and requirements set forth under the PPA are incorporated into this Agreement by reference. All State Funds recaptured from Savant X by the City shall be returned to EDD within 60 days.

SECTION 4. CITY OF SANTA FE RESPONSIBILITIES:

The City shall:

1. Submit all documentation supporting expenditures made to implement the Project in a format acceptable to the State.

2. Notify the EDD in writing of any default by Savant X, Inc. within 30-60 days of the event of default, as defined in the PPA ("Default");

3. Serve as fiscal agent for the State Funds transferred to it under this Agreement;

4. Complete all of the following goals identified in this Agreement within the time limits agreed upon by the Parties:

   a. Account for receipts and disbursements of reimbursed State Funds;

   b. Provide the EDD with the required financial documentation pertaining to this disbursement; and

   c. Submit all required and reasonably requested documentation to the EDD, including the endorsed LEDA Ordinance approved by the City Council accepting the Project for Savant X as a qualifying entity pursuant to LEDA. Such documentation shall include a fully executed copy of the Savant X security interest, and copies of invoices and other documentation as required by the EDD within the time required; and

5. Not impose any obligations on EDD with respect to the administration of this Project, other than the reimbursement of State Funds described in this Agreement; and

6. Monitor job creation by Savant X, Inc. and report the number of jobs created each quarter to EDD for a period of ten (10) years after this Agreement has been fully executed. Quarterly reports shall include a copy of FORM ES-903 (or any form substituted therefore by the State) provided by Savant X,

Inc. to the City, on file with the New Mexico Department of Workforce Solutions.

The Parties have created a schedule as listed in **Attachment A** of the PPA, which is hereby incorporated into this Agreement and made a part hereof by this reference as though set forth in full.

SECTION 5. CITY CERTIFICATIONS:

As fiscal agent, the City hereby assures and certifies that:

1. It will comply with all applicable State laws, regulations, policies, guidelines, and requirements with respect to the acceptance and use of State Funds;
2. It has the legal authority to receive and expend the State Funds;
3. It will enforce the provisions of Ordinance No. _____ approving the Project;
4. It has exercised due diligence in certifying that the Project is a viable economic development initiative with potential long-term economic development benefits;
5. It will provide the EDD documentation and references to expertise it has relied upon in approving this Project upon receipt thereof or reliance thereupon and copies of reports and documentation it receives from Savant X;
6. It has entered into a PPA and has obtained all financial documentation necessary to protect the City's and the State's investments in this project;
7. It shall not at any time during the life of this Agreement convert any property acquired or developed pursuant to this Agreement to uses other

than those within the Project description as defined in Section 2 - Purpose of Agreement and Section 3 - Scope of Work, stated above;

8. It will notify the EDD of any Default within sixty (60) days of an event of Default. Further, the City shall provide the opportunity for any Default to be cured by Savant X, Inc., in accordance with the PPA prior to termination thereof;

9. No member, officer, or employee of the City or its designees or agents, no member of the governing body of the locality of which the program is situated, and no other public official that exercises any functions or responsibilities with respect to the Project during his/her tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the Project that is the subject of this Agreement. The City shall require Savant X to incorporate in all contracts or subcontracts a provision prohibiting such interest pursuant to this certification; and

10. It has complied with Article IX, Section 14 of the New Mexico Constitution, known as the "anti-donation clause."

SECTION 6. EDD RESPONSIBILITIES:

EDD shall:

1. Transfer an amount not to exceed Four Hundred Fifty Thousand Dollars and No Cents ($450,000.00) from the Appropriation to the City for expenditures made to implement the Project; and

2. At the EDD's discretion, review and audit the Project if it is deemed to be necessary or desirable.

SECTION 7. TERM OF AGREEMENT:

This Agreement shall become effective on the date it is fully executed and shall terminate when Savant X, Inc. documents to the City's satisfaction that the required Economic and Development Goals, as defined in the PPA, have been satisfied, or until the PPA is otherwise terminated or expires, whichever occurs earlier.

SECTION 8. LIABILITY:

No Party shall be responsible for liability incurred as a result of the other Party's acts or omissions. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1, *et seq.* The Parties may agree to reimburse one another under these liability provisions, subject to sufficient appropriation by the New Mexico Legislature or sufficient funds being available to the Party, as determined by the Party responsible for payment.

SECTION 9. DISPOSITION OF PROPERTY; RECORDS; RETURN OF SURPLUS FUNDS:

1. Property purchased under this Agreement for the Project shall remain with the purchasing party unless otherwise agreed upon.
2. The City Finance Department shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Project, the purposes for which such funds were used, and such other records as the EDD may require.

3. If, upon the expiration of the Project or the termination date of this Agreement, an y surplus State Funds are possessed by t hc City, thc City shall return said Funds to the EDD for disposition in accordance with law.

SECTION 10. STRICT ACCOUNTABILITY:

The City Finance Department shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EDD and the New Mexico State Auditor quarterly or upon request, and shall maintain all such records for a period of six (6) ye ars following completion of all the records and an y audits.

SECTION 11. REPORTS:

The City shall submit to the EDD the quarterl y employment report in the form of an affidavit signed by an officer of Savant X, Inc., which Savant X, In c. is required to submit quarterly to the City. The City Office of Economic Development shall submit to the EDD the quarterl y reports that Savant X, In c. is required to submit to the City, including copies of Form ES-903 (or any form substituted therefor by the State), filed by Descartes Labs, Inc. with the New Mexico Department of Workforce Solutions. The City Office of Economic Development shall submit to thc EDD a final report respecting direct and indirect job creation and retention attributable to the State appropriation on or before the termination of this Agreement. The Final Report shall contain a description of work accomplished, the methods and procedures used, a detailed budget breakdown of expenditures, a description of any problems or delays encountered and the reasons therefore, and such other information as may bc rcquested by the EDD.

SECTION 12. NOTICES; REPRESENTATIVES OF THE PARTIES:

Any notice required to be given to a Party by this Agreement shall be in writing and shall be delivered in person, by courier service, or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The Parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

If to the EDD:

Attn: Mark Roper
Division Director
New Mexico Economic
Development Department
1100 St. Francis Drive
Santa Fe, New Mexico 87505
Mark.Roper@state.nm.us

If to the City:

Attn: Richard Brown
Director, Office of Economic
Development
500 Market Station, Suite 200
Santa Fe, New Mexico 87504
rdbrown@santafenm.gov

SECTION 13. AMENDMENTS:

This Agreement shall not be altered, changed, or amended, except by instrument in writing executed by all of the Parties hereto.

SECTION 14. GOVERNING LAW:

This Agreement shall be governed by the laws of the State of New Mexico.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of the last signature affixed below.

CITY OF SANTA FE:

_____
Alan M. Webber, Mayor

ATTEST:

_____
Yolanda Y. Vigil, City Clerk

APPROVED AS TO FORM:

Erin K. McSherry, City Attorney

APPROVED:

Mary McCoy, Finance Director

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

By: _____

Alicia J. Keyes, Cabinet Secretary

Date: _____

By: _____

Jesika Ulibarri

Its: General Counsel, certifying legal sufficiency

Attachment E

Savant X, Inc.

LEDA Disbursement Schedule

Date	Disbursement Amount	Disbursement Performance Milestone
October 30, 2020	$9,000 (State). Lease Abatement: (State: $3,000 per month)	Obtain Certificate of Compliance and Business License and submit proof of payment for allowable expenditures.
January 31, 2021	$9,000 (State). Lease Abatement: (State: $3,000 per month)	Retain employees hired in July 31 – September 30, 2020. Submit invoice and proof of payment.
July 31, 2021	$18,000 (State). Lease Abatement: (State: $3,000 per month)	Hire a minimum of 6 new employees and minimum annual payroll of $582,000.
January 31, 2022	$18,000 (State). Lease Abatement: (State: $3,000 per month)	Retain employees with a minimum total headcount of 6 and an annual payroll of $582,000.
July 31, 2022	$18,000 (State). Lease Abatement: (State: $3,000 per month)	Hire a minimum of 9 new employees. Retain 6 employees and total headcount of 15 employees and a minimum annual payroll of $1,455,000.
January 31, 2023	$23,000 (State - $18,000; City - $5,000). Lease Abatement: (State: $3,000 per month; City: $2,500 per quarter)	Retain employees with a minimum total headcount of 15 employees and a minimum annual payroll of $1,455,000.
July 31, 2023	$23,000 (State - $18,000; City - $5,000). Lease Abatement: (State: $3,000 per month; City: $2,500 per quarter)	Hire a minimum of 11 new employees. Retain 15 employees and total headcount of 26 employees and a minimum annual payroll of $2,522,000.
January 31, 2024	$26,600 (State - $21,600; City - $5,000). Lease Abatement: (State: $3,600 per month; City: $2,500 per quarter)	Retain employees with a minimum total headcount of 26 employees and a minimum annual payroll of $2,522,000.

Attachment E

Savant X, Inc.

LEDA Disbursement Schedule

July 31, 2024	$26,600 (State - $21,600; City - $5,000). Lease Abatement: (State: $3,600 per month; City: $2,500 per quarter)	Hire a minimum of 13 new employees. Retain 26 employees and total headcount of 39 employees and a minimum annual payroll of $3,783,000.
January 31, 2025	$55,400 (State - $50,400; City - $5,000). Lease Abatement: (State: $8,400 per month; City: $2,500 per quarter)	Retain employees with a minimum total headcount of 39 employees and a minimum annual payroll of $3,783,000.
July 31, 2025	$55,400 (State - $50,400; City - $5,000). Lease Abatement: (State: $8,400 per month; City: $2,500 per quarter)	Hire a minimum of 17 new employees. Retain 39 employees and total headcount of 56 employees and a minimum annual payroll of $5,432,000.
January 31, 2026	$55,400 (State - $50,400; City - $5,000). Lease Abatement: (State: $8,400 per month; City: $2,500 per quarter)	Retain employees with a minimum total headcount of 56 employees and a minimum annual payroll of $5,432,000.
July 31, 2026	$55,400 (State - $50,400; City - $5,000). Lease Abatement: (State: $8,400 per month; City: $2,500 per quarter)	Hire a minimum of 15 new employees. Retain 56 employees and total headcount of 71 employees and a minimum annual payroll of $6,887,000.
January 31, 2027	$55,400 (State - $50,400; City - $5,000). Lease Abatement: (State: $8,400 per month; City: $2,500 per quarter)	Retain employees with a minimum total headcount of 71 employees and a minimum annual payroll of $6,887,000.
July 31, 2027	$46,800 (State - $46,800). Lease Abatement: (State: $8,400 per month)	Hire a minimum of 14 new employees. Retain 71 employees and total headcount of 85 employees and a minimum annual payroll of $8,245,000.
July 31, 2030	$5,000 (City). Lease Abatement: (City: $2,500 per quarter)	Hire a minimum of 43 new employees. Retain 128 employees and total headcount of 128 employees and a minimum annual payroll of $12,416,000. Complete an end of Project Review.

ACTION SHEET
ITEM FROM QUALITY OF LIFE COMMITTEE MEETING OF 07/01/2020
FOR CITY COUNCIL MEETING OF 07/29/2020

ISSUE:
Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, eaisaacson@santafenm.gov, 955-6830) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Committee Review: Planning Commission (postponed): 6/18/20
Public Works and Utilities Committee (scheduled): 7/6/20
City Council (request to publish) (scheduled): 7/8/20
Finance Committee (scheduled): 7/13/20
City Council (public hearing) (scheduled): 8/12/20

QUALITY OF LIFE COMMITTEE ACTION: Approved (removed from consent by Councilors Garcia and Rivera)

SPECIAL CONDITIONS OR AMENDMENTS:

SEND TO:
Public Works and Utilities Committee (scheduled): 7/6/20
City Council (request to publish) (scheduled): 7/8/20
Finance Committee (scheduled): 7/13/20

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR RIVERA	X		
COUNCILOR GARCIA	X		
COUNCILOR CASSUTT-SANCHEZ	X		

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

MEMORANDUM

DATE: June 29, 2020

TO: Quality of Life Committee, Public Utilities/Public Works Committee, Finance Committee, and Governing Body

FROM: Elias Isaacson
Elias Isaacson, Planning & Land Use Director

RE: Legislative Update - Short-Term Rental & Land Use Code Enforcement

Executive Summary:

Amendments to the Short-Term Rental Ordinance set forth in Subsections 14-6.2(A)(5)-(8) SFCC 1987 are under further review and will not be presented for consideration at this time. Amendments to the Land Use Code Enforcement Ordinance set forth in Section 14-11.4 SFCC 1987 will move forward through the Council Committees as originally scheduled.

Legislative Update:

This proposal originally included two separate bills, one amending the Short-Term Rental (STR) Ordinance set forth in Subsections 14-6.2(A)(5)-(8) SFCC 1987, and the other amending the Land Use Code Enforcement Ordinance set forth in Section 14-11.4 SFCC 1987. The proposed amendments aim to improve administration and enforcement of the City's STR program.

All amendments to the Land Use Code require a public hearing, review, and recommendation by the Planning Commission prior to consideration by the Governing Body. On June 18, 2020, the Planning Commission reviewed both bills at a public hearing. The Planning Commission wanted more time to review the amendments and the public comment received. The Commission postponed a formal recommendation but provided the attached memorandum, which includes initial input on both bills.

On June 24, the bill sponsors, which include Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal, decided to table the amendments to the STR Ordinance to consider additional revisions based on input received thus far. Amendments to the Land Use Code Enforcement Ordinance will continue on the original committee schedule.

City of Santa Fe, New Mexico

memo

Date: June 22, 2020

To: Members of the Quality of Life Committee, Public Works and Utilities Committee, Finance Committee, and Governing Body

From: Members of the Planning Commission

Via: Sally A. Paez, Assistant City Attorney

Subject: Proposed Amendments to Short-term Rental Ordinance and Land Use Code Enforcement Ordinance

---

On Thursday, June 18, 2020, the Planning Commission held a public hearing on proposed amendments to the Short-term Rental (STR) Ordinance, Santa Fe City Code (SFCC) Section 14-6.2(A)(5)-(6), (8); and the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4. Under the SFCC, proposed amendments to the text of Chapter 14 must be submitted to the Commission for review and recommendation at a public hearing, and the Governing Body must review the Commission's recommendations and any public comments received prior to taking final action on the legislation. SFCC § 14-3.3(A)(4).

The Planning Commission received a large volume of public comment on these proposals. Staff distributed written public comments from twenty-four 24 people to the Commission, including many comments received after the formal deadline. Additionally, twenty-nine (29) members of the public spoke at the public hearing.

The Planning Commission discussed the draft legislation at length but ultimately postponed a decision on a recommendation due to the extent of the proposed substantive changes and the high volume of public comment received. The Commission will finalize its recommendation at its July 16, 2020 meeting and will consider additional written public comments received by July 9, 2020. The Commission does not plan to accept additional live comment at the July 16, 2020 hearing.

Meanwhile, the Planning Commission understands that other City committees will be considering the proposed legislation at upcoming meetings. The

Commission offers the following input and suggestions made by individual Commissioners at the June 18, 2020 meeting for consideration by these other committees. These suggestions refer to the page and line numbers of the draft Short-term Rental legislation considered at the June 18, 2020 hearing.

- **Global:** The draft legislation would remove the current distinction between STR units on residentially zoned property, which are subject to the permit limits, and STR units on non-residentially zoned property (including the Business Capital District, "BCD") and resort property, which must be registered but are not subject to the permit limits. Suggest that this aspect of the proposal warrants further consideration and should perhaps be withdrawn.
- **Page 4, lines 19-21**: This provision states that one purpose of the legislation is to prevent the reduction of long-term housing availability. Suggest further review of whether the assumptions underlying this provision are accurate, perhaps through further consultation with Alexandra Ladd.
- **Page 5, line 25, to page 6, line 1:** This provision states that the land use director shall issue permits only to "natural persons." Suggest clarifying that although a permit must be held in the name of a natural person, the subject property can be owned by a legal or business entity, such as a trust or LLC. For example, suggest adding language as follows: "If the subject property is owned by a legal or business entity, the permit must be held in the name of any person with legal authority to act on behalf of that entity. The fact that a permit must be issued to a natural person does not mean that the property cannot be titled in such entities as a revocable trust, an LLC, or a corporation."
- **Page 6, lines 6-11:** This provision states that a permit is not transferrable. Suggest considering whether there should be exceptions to this rule. For example, suggest adding the following language: "A transfer that does not result in new ownership of the property, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the property, is not considered a transfer for purposes of this subparagraph."
- **Page 7, lines 3-5:** This provision states that an STR unit cannot be rented more than once in a 7-day period. Suggest further consideration of whether this applies to an STR unit on non-residentially zoned property.
- **Page 12, lines 5-10:** This provision states that a permit shall not be issued for a new STR unit on residentially zoned property if there is already a permitted STR unit within 75'. Suggest the following: (1) consider whether this rule is appropriate for all parts of the city, or whether there should be a different rule (perhaps no proximity limitation) in areas or council districts where there is not a problem with STR density; (2) suggest further review of whether 75' is the appropriate radius; and (3) suggest further review of whether the 75' radius should be measured from the applicant's property boundary (as set forth in the draft) or whether it

should be measured from the center of the parcel, as determined by the city's GIS program (which was used when analyzing the effect of this provision).

- **Page 17, pages 6-11:** Suggest revising the "grandfather" provision to clarify that an STR with an existing registration shall be considered to have a valid permit under the new regulations and that the permit may be timely renewed as long as it is not revoked due to non-compliance.

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

DATE: June 1, 2020

TO: Quality of Life Committee, Public Utilities/Public Works Committee, and Governing Body

VIA: Erin McSherry
City Attorney

From: Elias Isaacson
Elias Isaacson, Planning & Land Use Director

ISSUE:

This proposal includes amendments to Sections 14-6.2(A)(5)-(8) SFCC 1987 and 14-11.4 SFCC 1987 of the Land Use Code. The proposed amendments aim to improve administration and enforcement of the City's Short-Term Rental (STR) program and to create a system for imposing civil penalties on owners that operate STR units without proper authorization from the Land Use Department. The legislative sponsors of these amendments include Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal. Under Section 14-3.3(A)(4), all amendments to the Land Use Code require a public hearing, review, and recommendation from the Planning Commission prior to consideration by the Governing Body.

(Elias Isaacson Planning and Land Use Director, esisaacson@santafenm.gov, 955-6 370; and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

EXECUTIVE SUMMARY:

Amendments to two (2) existing ordinances are under consideration.

Amendments to Subsection 14-6.2(A)(5)-(8) SFCC 1987 will amend and clarify the existing Short-Term Rental Ordinance. The ordinance will retain the City's existing limitation on the total number of permits that may be issued by the land use department, which is a maximum of one-thousand (1000) permits. The City previously adopted this limitation by re solution. Additionally, the ordinance will prospectively limit the number of Short-Term Rental Permits to one per natural person. The Ordinance will also prospectively limit the proximity of

Short-Term Rental units on Residentially Zoned property and will require a local operator for Short-Term Rental Units. Finally, the ordinance will require permit holders and host platforms to adhere to new record -keeping and reporting provisions.

Amendments to Section 14-11.4 SFCC 1987 include provisions for adopting civil penalties, a civil fine schedule, and civil citation procedures for Land Use Code enforcement actions. The amended ordinance would also clarify the circumstances under which the Land Use Director may revoke permits, including short-term rental permits, and would permit the Land Use Director to order a one-year waiting period for application for a short-term rental permit by a person who has violated the Short-Term Rental Ordinance.

Section 14-3.3, "Amendments to Text of Chapter 14," outlines the process for amending the text of the Land Use Code. To make a positive recommendation to the Governing Body, the Planning Commission must find that a text amendment meets the six criteria set forth in Section 14-3.3(B). The criteria are set forth below, followed by the Land Use Director's assessment of each.

(1) compliance with law;

The proposed amendments comply with municipal, state, and federal law concerning the regulation of short-term rentals.

(2) consistency with the general plan;

Although the General Plan does not speak directly to the regulation of short-term rental units, the proposed amendments will further many of the themes and policies set forth in the General Plan, including enhancing the quality of life for residents; fostering economic diversity; maintaining Santa Fe's unique personality, sense of place and character; and preserving an community-oriented downtown.

(3) consistency with other policies adopted by the governing body;

The policy objectives behind the proposed amendments are consistent with other policies adopted by the Governing Body and are described on the **attached chart**, which summarizes the sponsors' policy objectives and regulatory strategies.

(4) consistency with the purpose and intent of Chapter 14 and of the section being amended;

The proposed amendments are consistent with the general purposes of the Land Use Code, as set forth in SFCC Section 14-1.3, because they are intended to promote the health, safety, order, convenience, prosperity, and general welfare of the residents of Santa Fe.

(5) consideration of how th e amendment relates to other provisions of t he Santa Fe City Code and the avoidance of unintended consequences; and

The proposed amendments to the Short-Term Rental Ordinance and the Land Use Code Enforcement Ordinance are intended to work in concert and with other provisions of the Santa Fe City Code, including the provisions governing business licenses and the collection of lodgers' tax.

(6) consistency with any approved neighborhood conservation overlay districts.

The amendments are consistent with the regulations that apply in the City's overlay districts.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval to the Governing Body of the proposed ordinance amendments to clarify and amend the existing Short-Term Rental Ordinance set forth in Subsection 14-6.2(A)(5) SFCC 1987. Staff also recommends that the Planning Commission recommend approval to the Governing Body of the proposed ordinance amendments that would amend Section 14-11.4 SFCC 1987 by adopting civil penalty provisions, a civil fine schedule, and civil citation procedures for Land Use Code enforcement actions.

ATTACHMENTS:

1. Proposed Text Amendments
2. Chart Summarizing Policy Objectives and Regulatory Strategies
3. FIRs

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-17
Chapter 14 Civil Penalties

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-17:

1. On page 6, line 21 ***insert*** the following new Section:
   "**Section 2. Effective Date.** This ordinance shall take effect thirty (30) days after adoption by the governing body."

Respectfully submitted,

_____
Michael Garcia, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

10194.1(A)

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-17

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-11.4 OF THE LAND DEVELOPMENT CODE TO ADOPT CIVIL PENALTY PROVISIONS, A CIVIL FINE SCHEDULE, AND CIVIL CITATION PROCEDURES FOR LAND USE CODE ENFORCEMENT ACTIONS; AND TO PERMIT THE LAND USE DIRCTOR TO ORDER A ONE-YEAR WAITING PERIOD FOR APPLICATION FOR SHORT-TERM RENTAL PERMIT BY A PERSON WHO HAS VIOLATED THE SHORT-TERM RENTAL ORDINANCE, SECTION 14-6.2(A)(5) SFCC 1987.

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

Section 1. Section 14-11.4 of the Land Development Code (being Ord. No. 2011-37, § 14, as amended) is amended to read:

14-11 ENFORCEMENT

14-11.4 REMEDIES AND PENALTIES

(A) **Remedies**

(1) If a *structure* is erected, constructed, reconstructed, *altered*, repaired,

converted, or maintained in violation of Chapter 14; or a *structure* or *property* is used in violation of Chapter 14; or if any other violation of this chapter occurs, the *governing body*, *city* attorney, enforcement officer, or other proper *city* official may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or to mandate compliance.

(2) The *land use director* may:

(a) withhold or revoke permits that the director is authorized to issue, including construction *permits* and short-term rental permits, if the applicant or permittee has violated a regulation relating to the granting of the permit, or if in the judgment of the land use director the public welfare requires that the permit be revoked or withheld;

(b) withhold or revoke *certificates of occupancy*;

(c) withhold the recording of *plats* or *development* plans;

(d) order discontinuance of illegal use of land or *structures*;

(e) order discontinuance of any illegal work being done;

(f) order removal of illegal *structures* or *alterations*; [~~and~~]

(g) order that any land or *structure* modified in violation of this Chapter be restored to compliance; or

(h) order a one (1)-year waiting period for *application* for a short-term rental *permit* by a person who has operated a *short-term rental unit* in violation of the short-term rental ordinance, subsection 14-6.2(A)(5), or has failed to pay or report taxes on the *short-term rental unit* as required by law.

(3) The *land use director* may use one or more of the remedies and penalties provided in this Article 14-11 without limiting the authority of the *land use director* or other officials to take other enforcement actions provided in this Code,

including the suspension or revocation of a *permit* by the *building official* pursuant to Chapter 7 Building and Housing, or [~~to pursue~~] the pursuit of other legal remedies.

(B) **Fines, Imprisonment**

Violations of Chapter 14 or of terms of approvals made pursuant to this chapter may be punished as provided in [~~Article~~]Section 1-3 SFCC 1987 (General Penalty)[~~of the Santa Fe City Code~~].

(C) **Civil Penalties**

(1) Assessment of Civil Fines. In addition to other penalties or remedies, the *land use director* may assess a [~~penalty fee may be assessed for construction with proper *permit* approvals in accordance with a schedule adopted by resolution of *governing body*~~] civil fine for any of the following:

(a) violation of any provision of Chapter 14;

(b) construction or other *development* without a required *permit* ;

(c) rental of a *short-term rental unit* without a *permit* or registration;

(d) misrepresentation of fact on an application submitted to the *land use department*; or

(e) failure to pay or report fees or taxes owed.

(2) Civil Fine Schedule. Each act subject to a civil fine constitutes a separate civil violation. For violations that can be remedied within one day, each day after receipt of notice of violation constitutes a separate civil violation. A civil violation shall subject the applicant, permittee, *owner*, operator of a *short-term rental unit*, and/or tenant, as applicable, to the following civil fines for violations during any consecutive thirty-six (36)-month period:

(a) a civil fine of one hundred dollars ($100.00) for the first

offense;

(b) a civil fine of two hundred and fifty dollars ($250.00) for the second offense; and

(c) a civil fine of five hundred dollars ($500.00) for the third and subsequent offenses.

(3) Civil Citation. If the *land use director* determines that a civil penalty should be assessed, the land use department shall issue a written civil citation.

(a) Delivery. The civil citation shall be posted on the *property* in a conspicuous place; delivered in person; or mailed by certified mail, return receipt requested, to the last-known address of the *applicant*, permittee, *owner*, operator of a *short-term rental unit*, and/or tenant, as applicable.

(b) Form and Contents. The civil citation shall contain the following information:

(i) the address where the violation occurred;

(ii) a description of the specific violation;

(iii) a statement of whether this is the first, second, or third or subsequent offense;

(iv) instructions for submitting payment of the civil fine;

(v) a statement that within fifteen (15) days of issuance of the civil citation the cited person must either pay the civil fine or submit a written request for hearing;

(vi) the name and phone number of the *city* employee from whom the person cited may obtain further information or submit a request for hearing; and

(vii) a copy of this subsection 14-11.4.

(4) Administrative Hearing.

(a) Request for Hearing. A person who is issued a civil citation may request an administrative appeal hearing before a hearing officer, who shall be appointed by the city manager. A request for hearing must be made in writing and must be submitted to the *land use director* within fifteen (15) days of the date that the civil citation was posted, delivered, or mailed.

(b) Deposit Pending Appeal. An amount equal to the civil fine assessed must accompany a request for hearing. The *city* shall hold the payment as a deposit until the hearing officer makes a decision. The hearing officer shall schedule a hearing within thirty (30) days of the request for hearing. If the hearing officer upholds the civil citation, the *city* shall apply the deposit toward the civil citation. If the hearing officer decides in favor of the requestor, the *city* shall return the deposit to the requestor.

(5) Appeal to District Court. If the hearing officer denies an appeal, the appealing party may file an appeal in the first judicial district court under Rule 1-074 NMRA. If the court rules in favor of the appealing party, the *city* shall dismiss the civil citation and return the deposit to the requester.

(6) Revenue. The revenue generated through civil fines shall be retained by the land use department and shall be used exclusively for enforcement of the land use code.

(D) **Revocation of Approvals**

Land use and *development* approvals, [~~such as~~] including but not limited to special use *permits*, *development* plan approvals, variances, design approvals by the HDRB[~~, or BCDDRC, and~~], construction *permits*, or short-term rental permits, may be revoked by whichever body or official approved them, upon determining that there exists a substantial,

continuing, or recurring violation of any of the conditions of approval or other provisions of this Code and that revocation is an appropriate remedy given the nature of the violation.

(1) The procedure to revoke an approval shall be similar to the procedure for its issuance.

(a) For an approval that was granted by a *land use board* or the *governing body*, a public hearing shall be required at the same body to consider revocation. The *land use director* shall provide public notice of the revocation hearing by publication of the meeting agenda and/or a public hearing notice and by posting the *property* as required for the approval hearing. The *land use director* shall also provide notice fifteen (15) days prior to the hearing by certified mail with return receipt requested to the permittee and to any *person* who has filed a written complaint concerning the violation.

(b) The *land use director* or other administrative official may revoke an approval that he or she has granted upon written notice delivered to the permittee by hand, by posting a notice on the *property* where the violation occurs, or by certified mail with return receipt requested.

(2) Vacation of recorded subdivision *plats* shall be as provided in Section 3-20-12 NMSA 1978 and Section 23-1.2 SFCC 1987. Revocation of approved amendments to the *general plan* future land use map or the official zoning map shall be as provided for *city*-initiated amendments to those maps.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Chapter 14 Civil Penalties

FIR No. 3255

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): Chapter 14 Civil Penalties

Sponsor(s): Mayor Alan Webber, and Councilors Lindell, Romero -Wirth, and Villarreal

Revie wing Department(s): Land Use, City Attorney Office, Finance

Staff Completing FIR: Elias Isaacson Date: 06/01/20 Phone: 505-955-6370

Revie wed by City Attorney: _____ Date: Jun 10, 2020

Revie wed by Finance Director: _____ Date: Jun 15, 2020

Summary:
This Bill amends Section 14-11.4 SFCC 1987 by adopting civil penalty provisions, a civil fine schedule, and civil citation procedures for Land Use Code enforcement actions. The Bill also clarifies the circumstances under which the Land Use Director ma y revoke permits, including short-term rental permits, and wo uld permit the Land Use Director to order a one-year wa iting period for application for a short-term rental permit by a person who has violated the Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987.

Departments Affected:
Land Use, Tourism, and Finance

Consequences of Not Enacting Legislation:
If this Bill is not adopted, enforcement of the Short -Term Rental Ordinance (Section 14-6.2) will remain difficult to enforce, and issues with unpermitted short-term rental units and other violations of the Short-Term Rental Ordinance are likely to persist at unacceptable levels.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
No conflicts or duplications exist. The amendments contained in the Bill complement existing enforcement provisions in Section 1.3 SFCC 1987 and Section 14-11.4 SFCC 1987. This Bill relates to a companion Bill that a mend s the Short-Term Rental Ordinance set forth in S ubsection 14-6.2(A)(5) SFCC 1987. That Bill retain s the existing maximum of one thousand (1000) short-term r ental permits in the City; prospectively limit s the number o f short-term rental permits to one per natural person; prospectively limits the proximity of short-term r ental units on residentially zoned property; requires a local operator for short-term r ental units; and establishes new record keeping and reporting requirements for short-term rental units.

Performance and Administrative Implications:
The revised Bill will make the City's short-term rental program easier to enforce and administer by creating a clearer framework to enforce violations of Chapter 14.

Fiscal Implications:
The impact to revenue will depend on the number of civil fines the Land Use Department issues. The City can expect this number to be greater at first, and then taper off over time as more properties are brought into compliance.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$	$	$				
Operating	$	$	$				$
Total:	$	$	$				$

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$ 71,250	$ 35,625	$ 17,812	R	100
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$ 71,250	$ 35,625	$ 17,812		

Revenue Narrative:

The impact to revenue will depend on the number of civil fines the Land Use Department issues. The City can expect this number to be greater at first, and then taper off over time as more properties are brought into compliance. This projection assumes 250 fines will be issued in the first year, with a 50% reduction in fines each subsequent year until ultimately leveling off at a persistent rate of 40 fines per year. This projection assumes a fine of $285, based on the average of the escalating fine amounts included in the Bill.

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-17
Chapter 14 Civil Penalties

Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-17:

1. On page 3, line 16 before "misrepresentation" ***insert*** "material"

Respectfully submitted,

_____
Alan Webber, Mayor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

10000.1(A)

2020-17 Chapter 14 Civil Penalties (Webber Amend)

Final Audit Report 2020-08-12

Created:	2020-08-12
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfFBn8wbXpRVs-6jDZIm7Aeu2v3Y7NbeU

"2020-17 Chapter 14 Civil Penalties (Webber Amend)" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
2020-08-12 - 8:05:32 PM GMT- IP address: 63.232.20.2

Document emailed to Erin McSherry (ekmcsherry@santafenm.gov) for signature
2020-08-12 - 8:06:02 PM GMT

Email viewed by Erin McSherry (ekmcsherry@santafenm.gov)
2020-08-12 - 8:46:17 PM GMT- IP address: 174.62.11.171

Document e-signed by Erin McSherry (ekmcsherry@santafenm.gov)
Signature Date: 2020-08-12 - 8:46:29 PM GMT - Time Source: server- IP address: 174.62.11.171

Signed document emailed to Erin McSherry (ekmcsherry@santafenm.gov), sapaez@santafenm.gov, esisaacson@santafenm.gov, and Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
2020-08-12 - 8:46:29 PM GMT

POWERED BY Adobe Sign

City of Santa Fe, New Mexico

memo

DATE: July 8, 2020 for the July 29, 2020 Governing Body Meeting

TO: Members of the Governing Body

VIA: Jarel LaPan Hill
Jarel Lapan Hill, City Manager
Eli Isaacson, Land Use Department Director ESI
Noah Berke, Planner Manager N L B

FROM: Lee Logston, Land Use Planner Senior, Current Planning Division

Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The project site consists of two parcels located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

The Governing Body should **APPROVE** Case No. 2019-19 and 2019-20 as recommended by the Planning Commission.

Two motions will be required, one for each case.

Sample motions for case #2019-19:

- ***Move to approve*** *the request for a General Plan Future Land Use Amendment to change the designation of 4000 and 4100 Geo Lane from Institutional to Low Density Residential (3-7 dwelling units per acre), and to adopt the findings of the Planning Commission as outlined in section II.A of the staff report;*

  or

- ***Move to deny*** *the request for a General Plan Future Land Use Amendment to change the designation of 4000 and 4100 Geo Lane from Institutional to Low Density Residential (3-7 dwelling units per acre), and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.*

Sample motions for case #2019-20:

- ***Move to approve*** *the request to rezone 4000 and 4100 Geo Lane from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre), and to adopt the findings of the Planning Commission as outlined in section II.B of the staff report;*

  or

- ***Move to deny*** *the request to rezone 4000 and 4100 Geo Lane from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre), and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.*

II. EXECUTIVE SUMMARY

The Applicant requests (1) approval of a General Plan Amendment to change the Future Land Use designation from Institutional to Low Density Residential (3-7 dwelling units per acre), and (2) a rezoning from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre). The subject site is comprised of two properties totaling approximately 8.59 acres at 4000 and 4100 Geo Lane. Both requests relate to Applicant's plan to create a forty-two-lot single family home subdivision. The property is surrounded on three sides by a mix of residential land uses up to R-12 (Residential- twelve units per acre) density and is bordered to the east by sparsely developed Mixed Use zoned land.

While this area is governed by the Southwest Area Master Plan (SWAMP), the SWAMP gives no detailed guidance for development this property, merely labeling it as Institutional and noting that institutional land uses exist in the area and will continue to exist in the future. The SWAMP gives more detailed guidance for development of the large mixed-use area to the east, and is generally supportive of low-density housing in the area.

The Planning Commission conducted a public hearing on June 6, 2019 for the General Plan Amendment and for what was then an R-6 rezoning request. The Commission found that Applicant had satisfied all the criteria set forth in SFCC 14-3.2 (Amendments to the General Plan) and that housing was appropriate at that location, and adopted findings of fact and conclusions of law recommending that the Governing Body should approve the General Plan Amendment request. The Commission tabled the rezoning request, asking the applicant to consider lower density and to attempt to address concerns raised by Commissioners and members of the public at the hearing.

The applicant returned to the Planning Commission on February 6, 2020 with a reduced density R-5 rezoning request and a 42-lot preliminary subdivision. After much deliberation about vehicular access to Geo Lane, the Commission once again tabled the rezoning request (and therefore the subdivision proposal), asking the applicant to return with more data about traffic safety at the intersections of Paseo del Sol and Geo Lane, and to work with the City Traffic Engineer to see if the left turn bay on Airport Road to Geo lane could be lengthened for additional left turn queuing.

The applicant returned to the Planning Commission on June 4, 2020 with the requested additional accident and traffic data, as well as approval from the City Traffic Engineer to reconfigure the left turn bay, increasing its length by 25 feet to allow queuing for one more vehicle. The Commission found that Applicant had satisfied all the criteria set forth in SFCC 14-3.5(C) (Rezoning Approval Criteria) and adopted findings of fact and conclusions of law recommending that the Governing Body should approve the rezoning request. The Commission

also gave approval to a 42-lot preliminary subdivision, conditioned on the Governing Body approving the General Plan Amendment and rezoning. While the Applicant will return to the Planning Commission with a final subdivision if the Governing Body approves the General Plan Amendment and rezoning, the Governing Body is not considering or making a decision on the subdivision itself.

Applicants have complied with the procedural requirements for a General Plan Amendment and rezoning, including Santa Fe City Code (SFCC) Subsection 14-3.1(H), Notice Requirements; Subsection 14-3.1(E), Pre-application Conference (conducted February 14, 2019); and Subsection 14-3.1(F), Early Neighborhood Notification (ENN) (conducted April 9, 2019).

A. General Plan Amendment

In considering the General Plan Amendment, the Governing Body must base its decision on the approval criteria and balancing test set forth in SFCC Subsection 14-3.2(E)(1), as follows:

(1) 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;
   (b) consistency with other parts of the general plan;
   (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
      (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or
      (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;
   (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;
   (e) compliance with extraterritorial zoning ordinances and extraterritorial plans;
   (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
   (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

If the Governing Body agrees with the Planning Commission's analysis of the General Plan Amendment criteria set forth in Subsection 14-3.2(E)(1), Staff recommends that the Governing Body adopt the Findings of Fact of the Planning Commission as follows:

(1) Pursuant to SFCC Section 14-3.2(E)(1)(a), the Governing Body finds that the proposal is consistent with existing land use conditions and that there is access to available infrastructure.
(2) Pursuant to SFCC Section 14-3.2(E)(1)(b), the Governing Body finds that the proposal is consistent with other parts of the general plan.
(3) Pursuant to SFCC Section 14-3.2(E)(1)(c), the Governing Body finds that the proposed use is not inconsistent with the prevailing use and character in the area, that the Project

is well over the 2 acre minimum required for a general plan amendment, and that it will not benefit one or a few landowners at the expense of the surrounding landowners or the general public, as long as the resulting density is appropriate for the surrounding area.

(4) The Governing Body finds that the criteria in SFCC Section 14-3.2{E)(1)(d) is not applicable to this case.

(5) The Governing Body finds that the criteria in SFCC Section 14-3.2{E)(1)(e) is not applicable to this case.

(6) Pursuant to SFCC Section 14-3.2{E)(1)(f), the Governing Body finds that housing at that location would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area.

(7) Pursuant to SFCC Section 14-3.2(E)(1)(g), the Governing Body has considered conformity with other city policies, including land use policies, ordinances, regulations, and plans.

(8) The Governing Body finds that the additional criteria in SFCC Section 14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.

(9) The Governing Body finds that the additional criteria in SFCC Section 14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

B. Rezoning

In considering the rezoning, the Governing Body must base its decision on the approval criteria and balancing test set forth in SFCC Subsection 14-3.5(C), as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:
   (a) one or more of the following conditions exist:
      (i) there was a mistake in the original zoning;
      (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
      (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
   (b) all the rezoning requirements of Chapter 14 have been met;
   (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
   (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
   (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations, will be able to accommodate the impacts of the proposed development.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:
   (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or
(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

If the Governing Body agrees with the Planning Commission's analysis of the Subsection 14-3.5(C) criteria, Staff recommends that the Governing Body adopt the Findings of Fact of the Planning Commission as follows:

(1) Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii), the Governing Body finds that the rezoning is justified because the proposed density is consistent with surrounding residential neighborhood, additional housing would be more advantageous to the city than additional institutional land uses, and the rezoning is consistent with the Southwest Area Master Plan (SWAMP).
(2) Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the rezoning is consistent with the applicable policies of the general plan and the SWAMP. R-5 zoning is consistent with the recommended future land use map designation of Residential Low Density (3-7 dwelling units per acre).
(3) Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that the property is of sufficient size for rezoning, is located in an area that was annexed to provide for future growth, and that rezoning the property to accommodate residential infill is consistent with city policies regarding the provision of urban land sufficient to meet the growth needs of the city.
(4) Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure will be able to accommodate the impacts of the proposed development. Furthermore, the Applicant is making improvements to the westbound left-turn bay to improve left turn safety onto Geo Lane.
(5) Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density.
(6) Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
(7) Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public.
(8) Pursuant to SFCC Section 14-3.5(D), the Governing Body finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.

EXHIBITS

Exhibit A – Draft Resolution and Bill

1. Resolution for General Plan Amendment
2. Bill for Rezoning

Exhibit B – Planning Commission Staff Reports and Packets

1. June 6, 2019 Staff Report, Relevant Packet Material, Findings and Minutes
2. February 6, 2020 Staff Report, Relevant Packet Material and Minutes
3. June 4, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit A

1. **Resolution for General Plan Amendment**
2. **Bill for Rezoning**

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-___

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM INSTITUTIONAL TO LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY 8.59 ACRES LOCATED AT 4000 AND 4100 GEO LANE, (4000 AND 4100 GEO LANE GENERAL PLAN AMENDMENT, CASE NO. 2019-19).

WHEREAS, the agent for the owners of two parcels of land comprising approximately 8.59 acres located at 4000 and 4100 Geo Lane within Section 12, T.16N., R.8E., N.M.P.M., in Santa Fe County, New Mexico (the "Property"), has submitted an application to amend the General Plan Future Land Use Map classification of the Property from Institutional to Low Density Residential; and

WHEREAS, the Planning Commission at its June 6, 2019 meeting voted to recommend to the Governing Body a change from Institutional to Low Density Residential (3-7 dwelling units per acre); and

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended,

extended, or supplemented; and

WHEREAS, the Governing Body held a public hearing on the proposed amendment; reviewed the staff report, the recommendation of the Planning Commission, and the evidence obtained at the public hearing; and determined that the proposed amendment to the General Plan, as recommended by the Planning Commission, meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

WHEREAS, reclassification of the Property would be consistent with the General Plan Themes and Policies for Land Use and Growth Management (General Plan, Chapters 3 and 4) in that the reclassification would provide affordable, infill housing at the General Plan stated target density of five to seven dwelling units per acre; and

WHEREAS, the reclassification of the Property would allow for uses that are consistent with the prevailing uses and character of the area; and

WHEREAS, the Property has suitable access to and availability of necessary infrastructure; and

WHEREAS, the Governing Body desires to provide for more coordinated, adj usted, and harmonious development in the area of Airport Road that would not have adverse impacts on the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the General Plan Fut ure Land Use Map designation for the Property described is amended to change the designation from Institutional to Low Density Residential (3-7 dwelling units per acre), as shown in Exhibit A, attached hereto.

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

ALAN WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/4000 and 4100 Geo Lane GP Amendment

Exhibit A

Tract 1 Legal Description

A certain tract of land, Tract 1, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears South 20°07'39" East, a distance of 218.21', thence North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'37" West, a distance of 632.23' to a calculated point being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 402.20' to a rebar with cap No. 5217 being the Northwest corner of said tract;
Thence North 88°45'55" East, a distance of 602.85' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 426.06' to a calculated point, the Point of Beginning.

Containing 5.579 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

M K Noonan 07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



Exhibit A

Tract 2 Legal Description

A certain tract of land, Tract 2, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'50" West, a distance of 644.98' to a rebar with cap No. 5217 being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 214.15' to a calculated point being the Northwest corner of said tract;
Thence South 89°47'37" East, a distance of 632.23' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 218.21' to a 1/2" iron pipe, the Point of Beginning.

Containing 3.000 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-16

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE AND CHANGING THE CLASSIFICATION FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE) WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING APPROXIMATELY 8.59 ACRES WITHIN SECTION 12, T.16N., R.8E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO, LOCATED AT 4000 AND 4100 GEO LANE, (CASE NO. 2019-20, 4000 AND 4100 GEO LANE REZONING).

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the City of Santa Fe, which has been restricted and classified as R-1 (Residential – 1 dwelling unit per acre) is hereby restricted to and reclassified to R-5 (Residential – 5 dwelling units per acre):

Tract 1, the parcel of land comprising approximately 5.58 acres generally located at 4000 Geo Lane, lying within Section 12, T.16N., R.8E., N.M.P.M., Santa Fe County, New

Mexico, more fully described in the Legal Description in EXHIBIT A, attached hereto and incorporated by reference;

and

Tract 2, the parcel of land comprising approximately 3.01 acres generally located at 4100 Geo Lane, lying within Section 12, T.16N., R.8E., N.M.P.M., Santa Fe County, New Mexico, more fully described in the Legal Description in EXHIBIT A, attached hereto and incorporated by reference.

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is hereby amended to conform to the change in zoning classification for the Property

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

EXHIBIT A

Tract 1 Legal Description

A certain tract of land, Tract 1, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears South 20°07'39" East, a distance of 218.21', thence North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'37" West, a distance of 632.23' to a calculated point being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 402.20' to a rebar with cap No. 5217 being the Northwest corner of said tract;
Thence North 88°45'55" East, a distance of 602.85' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 426.06' to a calculated point, the Point of Beginning.

Containing 5.579 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

M K Noonan 07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



EXHIBIT A

Tract 2 Legal Description

A certain tract of land, Tract 2, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'50" West, a distance of 644.98' to a rebar with cap No. 5217 being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 214.15' to a calculated point being the Northwest corner of said tract;
Thence South 89°47'37" East, a distance of 632.23' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 218.21' to a 1/2" iron pipe, the Point of Beginning.

Containing 3.000 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 1

Planning Commission Staff Reports and Packets

June 6, 2019 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B1

Land Use Department
Planning Commission Staff Report

Case No:	2019-19 & 2019-20
Hearing Date:	June 6, 2019
Applicant:	John Reeder
Request:	General Plan Amendment and Rezoning
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018
ENN Mtg:	January 31, 2019
Proposal:	General Plan Amendment from Institutional to Low Density Residential and Rezone from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre)for 48 residential lots on 8.59 acres.



Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of both requests.

Two motions will be required in this case:

- *Recommend that the Governing Body approve or deny the General Plan Amendment request from Institutional to Low Density Residential, subject to findings as recommended by staff. Conditions of*

approval are not applicable to General Plan amendments (Case #2019-19).

- *Recommend the Governing Body approve or deny the rezoning request from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre), with the conditions of approval as outlined in this report (Case #2019-20)*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

#	Condition of Approval	Dept. or Division	To be completed by:
1	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD. (Case #2019-20)	Public Utilities/Water Division	Prior to Obtaining Water Service
2	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal
3	The Developer shall build sidewalk along the subdivision's frontage with Geo Lane and Buffalo Grass Road. The developer shall dedicate any needed right-of-way for these improvements. The Developer shall also extend both of these sidewalks north to connect with Airport Road sidewalk, right-of-way permitting. (Case #2019-20)	Engineering Division/Traffic Land Use Department/Technical Review Division	Prior to Subsequent Submittal
4	The Developer shall provide a signing and striping plan. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal
5	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used shall be reviewed and approved by the City's Public Works Department. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal

6	Final details on the proposed storm drain system to be provided, specifically: 1. The conveyance pathway via the proposed curb and gutter and/or through a subsurface storm drain system; and 2. The final design calculations the proposed retention pond. (Case #2019-20)	Land Use Department/ Technical Review Division	Prior to Subsequent Submittal
7	The Developer shall fulfill all obligations of the Santa Fe Homes Program (SFHP) as documented in a SFHP agreement finalized and recorded as part of final development documents.	Office of Affordable Housing	Prior to Final Subdivision

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the plat prior to recordation are found in Appendix A.

III. EXECUTIVE SUMMARY:

The Applicant is requesting a General Plan Amendment from Institutional to Low Density Residential, and a rezoning from R-1 to R-6, with the intent of subdividing the properties totaling +/- 8.59 acres into a 48 lot subdivision. The properties are currently vacant.

Two components make up the Applicant's request:

1. General Plan Amendment to change the Future Land Use Designation from Institutional to Low Density Residential; and
2. Rezoning to change the City Zoning Map from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre).

The Planning Commission's recommendation will proceed to the City Council for final decision on both the General Plan amendment and rezoning. If the General Plan amendment and rezoning are approved, a preliminary subdivision plat application will come before the Commission for future consideration.

Per SFCC §14-3.2(A), the purpose and intent of General Plan amendments is to guide the city's land use decisions. The regulations, restrictions and policies of the city affecting development must be in accordance with the General Plan as provided in Section 3-21-5 NMSA 1978. Approval of General Plan amendments and rezonings are appropriate where it can be shown that the changes are in the public interest. Specific criteria include evaluation of land use compatibility and infrastructure adequacy.

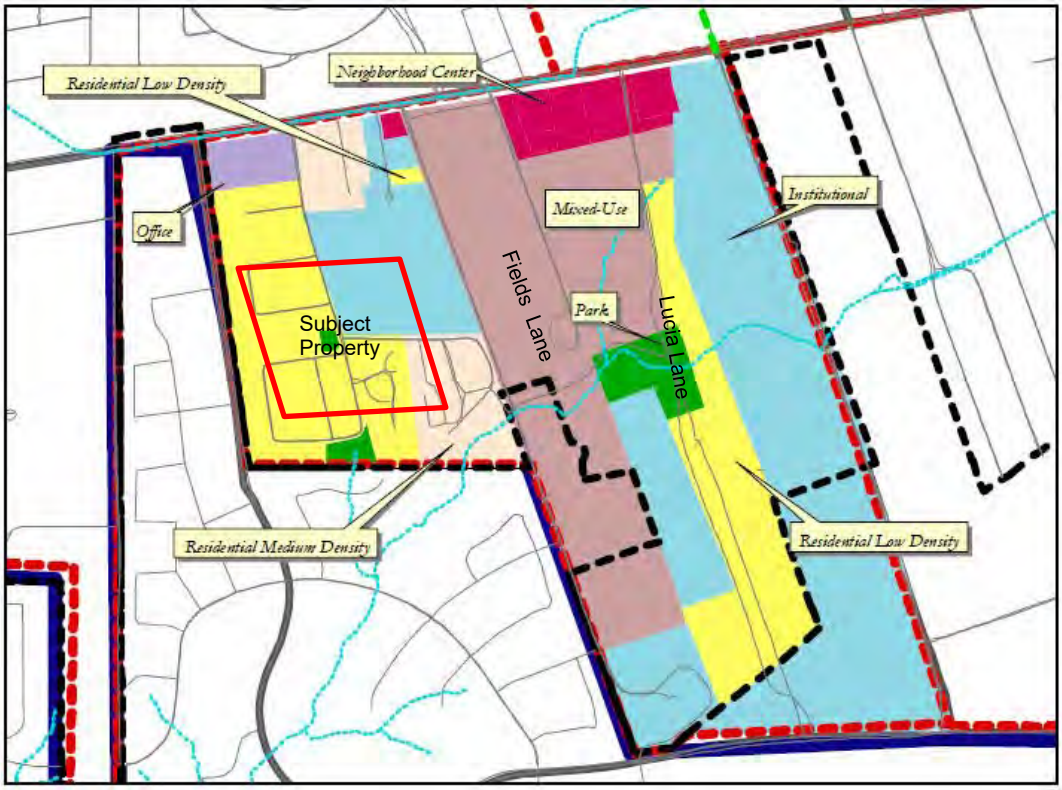
IV. BACKGROUND AND MASTER PLAN ANALYSIS

The subject site consists of two vacant parcels of approximately 5.59 and 3.0 acres, totaling approximately 8.59 acres. This property does not require archaeological clearance as it is under 10 acres. While the site is near Airport Road, it is not actually within the Airport Road Overlay District. The project is within the Southwest Santa Fe Community Master Plan (SWAMP) planning area. Specifically, they are within the Southcentral Neighborhood Plan Area (SCNPA) of the SWAMP. The SCNPA is *"located generally north and east of Tierra Contenta, and is bounded by Airport Road and South Meadows Drive":*

> "In area, it is the smallest of the seven planning units. The plan area can generally be described as an "eclectic" assembly of uses, patterns, and densities. The area form is more the absence of any defining urban pattern, but with several distinguishing land use characteristics. Many of the property owners generally regard their area as a collection of mixed-uses ranging from agriculture, to art and crafts, to institutional, industrial and residential. There are also several instances of live/work type uses occurring in the area. The high proportion of institutional uses and live/work scenarios dominate the neighborhood area." (SWAMP, page 14).

The SWAMP references Neighborhood Activity Centers (schools, churches) and Neighborhood Cores (parks). One specific recommendation of the SWAMP is that a developed public park with pedestrian connections along the natural drainage feature between Lucia and Fields Lanes should be incorporated as the area develops. The SWAMP goes into detail about mixed use development surrounding this Neighborhood Core/Park/Center, but it doesn't say much about the Geo Lane properties, which are merely shown as Institutional.

Figure 1 Future Land Uses Created by SWAMP



This designation was likely given to the vacant properties due to the fact that they are adjacent to the KSK Buddhist Temple. A large portion of the land within this Neighborhood Planning Area is designated Institutional. At the time the SWAMP was adopted, approximately 33% was designated Institutional, with approximately 20% developed residential. The land use designations adopted in the SWAMP largely reflected current land uses at the time:

> "The changes being proposed more closely align future land use to the existing underlying land uses and applicable zoning, as well as promoting the collective neighborhood vision for their area. The intent is to encourage a wider variety of uses and styles within the neighborhood through incorporation of the mixed-use designation" (SWAMP, page 18).

The SWAMP is effectively neutral on the proposed future land use change. The proposed land use change will not prevent the area from achieving Institutional goals, as there is such a large amount of land designated Institutional. More significant and specific land use recommendations for this planning area are centered more around the large mixed-use area between Buffalo Grass Road and Lucia Lane. Generally, housing is assumed to be a component of mixed-use, and satisfies other general housing goals of the SWAMP.

V. EXISTING CONDITIONS:

Direction	Property Address	Zoning
North	KSK Lane, KSK Buddhist Center, Shalom Mobile Home Park	R-1 & R-12 (Residential- one dwelling unit per acre & Residential- twelve dwelling units per acre)
East	Buffalo Grass Road assorted properties	MU (Mixed-Use District)
South	Jaramillo Lane	R-3 & R-12 (Residential- three dwelling units per acre & Residential- twelve dwelling units per acre)
West	West Meadow Subdivision	R-6 (Residential- six dwelling units per acre)

VI. PROJECT DESCRIPTION AND ANALYSIS:

Traffic and Access

The traffic impact study showed that the proposed subdivision will have a minimal traffic impact on the surrounding roadway network. The analysis looked at traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. In all cases the Level of Service (LOS) grades did not change with the additional traffic to be generated by the subdivision.

Geo Lane is a 50 foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40' public ROW, and approximately 18' of pavement. The Applicant will construct curb, gutter, and sidewalk along their property fronting Geo Lane and Buffalo Grass Road, dedicating any necessary ROW for the improvements. The Applicant will also extend both of these sidewalks north to connect with Airport Road sidewalk, right-of-way permitting. This amounts to

approximately 900' of off-site sidewalk improvements that will improve pedestrian safety for existing and future residents.

Currently, Buffalo Grass Road terminates before the southeast corner of the project. The ROW for an extension to Buffalo Grass is already dedicated on the Jackhammer Associates property at 3938 Buffalo Grass Road. The Applicant will construct approximately 265 feet of road, curb, gutter, and sidewalk on this property to connect to the proposed development, paving it to the width of existing Buffalo Grass Road pavement.

The proposed subdivision would have two entrances onto Geo Lane and one onto Buffalo Grass Road. The preliminary design was configured to direct traffic onto Geo Lane making use of the left turn lane that exists on Airport Road for westbound traffic. The roads within the development are proposed to have 50', 46', and 42' ROWs. The entrances from both Geo Lane and Buffalo Grass Road have been deliberately not aligned in order to discourage any through traffic "short cuts" through the subdivision. Average lot size is now shown at approximately 0.11 acres or 5,000 square feet.

Subdivision Analysis
The site has excellent emergency access from Airport Road via Geo Lane and Buffalo Grass Road. Both Geo Lane and Buffalo Grass Road have water, sewer, and gas lines. There are two fire hydrants nearby, on Geo Lane and Buffalo Grass Road at the northwest and northeast corners of the properties, respectively. The site is fairly flat, draining to the south and east with a slope of approximately 18 feet in 800 feet. The Site will be assessed for prairie dogs and any colonies will be relocated prior to issuance of construction permits. The subdivision will come back to Planning Commission for preliminary and final approval.

Santa Fe Homes Program
Per SFCC §14-8.11(D)(1), the rezoning request triggers the Santa Fe Homes Program (SFHP) requirement for affordable lots. Based on the Applicant's subdivision, ten lots (20% of the total proposed) will be affordable and will be identified on the subdivision plat. The SFHP Agreement will be finalized at the time of subdivision approval and payment collected when final subdivision documents are recorded. In the event that the property is sold before lot sales commence, the obligation transfers with the title.

VII. GENERAL PLAN AMENDMENT

The subject property's current future land use designation is Public/Institutional as shown on the Future Land Use Map (See Exhibit B1). The Applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning.

The General Plan can be amended, subject to meeting the approval criteria in SFCC §14-3.2(E):

Criterion 1 [14-3.2(E)(1)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**

The City does not maintain specific projections for growth rates. The proposal is consistent with existing residential and rural live/work land uses and surrounding density. Infrastructure such as sewer, water, and dry facilities are easily accessed from existing streets. Development of relatively affordable lots for housing is consistent with goals in the General Plan and the SWAMP.	
Criterion 2 [14-3.2(E)(1)(b)]: Consistency with other parts of the General Plan;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
There are a variety of built densities and General Plan density designations on either side of Airport Road. This density falls within the second lowest designation we have (Low Density Residential), and slightly below the recommendation for infill density (R-7). The proposal is also generally consistent with the Future Land Use Map as informed by the SWAMP. While the property is designated Institutional, this was most likely because it was adjacent to the KSK Buddhist Temple, as the SWAMP generally followed existing land use patterns. In this neighborhood, there is a very large amount of Institutional designated land, and residential is frequently a component of mixed-use. 3-G-3: “There shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities to address residential growth throughout the Urban Area, including the Railyard property.” The Applicant plans to develop the property at a density that will be affordable. 4-4-I-6: “The target density for new infill residential development, in order to address affordable housing goals, is a minimum of five units per acre (net) with seven units per acre (net) preferred.” The proposed zoning is for six dwelling units per acre. 5-1-G-1: “Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.” The proposed density is the same as the adjacent subdivision and is similar to the density in the surrounding neighborhoods. 6-1-G-5: “Ensure that new development is more ‘connected’ to its surroundings with an increased number of access points and pedestrian and bicycle connections to a neighborhood network.” The proposed subdivision will connect discontinuous sidewalks and improve pedestrian connections for the entire neighborhood. Chapter 3 of the General Plan calls for infill development of existing vacant parcels with a mix of uses within neighborhoods, cites promotion of a "compact urban form" through "sensitive and compatible infill development", and calls for a mix of uses throughout all areas of the City. The project will promote a compact urban form and contribute to infill housing. Chapter 7 of the General Plan calls for "growth that is sustainable in terms of resources and services." The project will connect to existing City infrastructure, thereby maximizing the use of existing land use conditions.	

Criterion 3 [14-3.2(E)(1)(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** **(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or** **(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(i) The proposed use is consistent with the prevailing uses and character of the area. (ii) The proposed development is 8.659 acres, well over the 2 acre minimum. (iii) While new development always has some impact on existing neighborhoods, the general public would benefit from additional housing opportunities.	
Criterion 4 [14-3.2(E)(1)(d)]: an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) [Criterion 1(c) above] if it promotes the general welfare or has other adequate public advantage or justification;	**Criterion Met:** (Yes/No/conditional/N/A) **N/A**
Not Applicable.	
Criterion 5 [14-3.2(E)(1)(e)]: compliance with extraterritorial zoning ordinances and extraterritorial plans;	**Criterion Met:** (Yes/No/conditional/N/A) **N/A**
Not Applicable.	
Criterion 6 [14-3.2(E)(1)(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	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
This project would provide "infill" development at a density that is within character with the surrounding area. Utility infrastructure is already there, the road network needs minimal modification, and the Applicant is making significant off site sidewalk improvements.	
Criterion 7 [14-3.2(E)(1)(g)]: consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant's responses to the required criterion (Exhibit E1) cite compliance with city economic development, affordable housing, and redevelopment policies and plans. Staff agrees that this amendment conforms to city land use policies and ordinances regarding affordable housing, sustainability, and infrastructure.	
Criterion 8 [14-3.2(E)(2)]: In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the General Plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the General Plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the	**Criterion Met:** **(Yes/No/conditional/N/A)** **N/A**

proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that: **(a) the growth and economic projections contained within the General Plan are erroneous or have changed;** **(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or** **(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.**	
The Applicant is not required to document compliance with Criterion 2, since the application does not amend land use policies.	

VIII. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(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;** **(iii) a different use category is more advantageous to the community, as articulated in the General Plan or other adopted city plans;**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-6 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The proposed density is consistent with the SWAMP and is consistent with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**

The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. As detailed already in this report, the SWAMP designates a lot of land in this area as Institutional. A large amount of land is also designated mixed use. Staff feels that the SWAMP is essentially neutral about residential housing at this density in this area.	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The City has not previously made a concerted effort to track the rate and location of growth over time. The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)).	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
A traffic impact analysis was performed to assess the impact of the additional traffic anticipated to be generated by the proposed development. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off site sidewalk improvements. Water and sewer are readily available in both Geo Lane and Buffalo Grass Road. The SWAMP calls for a park in the area, but farther to the east of the subject property. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 48 lots, four lots less than the proposed R-6 zoning would	

actually allow. Furthermore, the proposal would create lots with a minimum size of nearly 5,000 square feet, including five lots at around 6,000 square feet or greater and two lots at over 7,700 square feet. As minimum lot size is 4,000 square feet, most all of the proposed lots would be at least 25% larger than the minimum. The proposed subdivision includes several roads wide enough to allow for on-street parking so that there is not spillover to Geo Lane or Buffalo Grass Road. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed density. The Applicant will make road improvements to their property, as well as extensive off site sidewalk improvements.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant will make road improvements to their property, as well as extensive off site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.	

IX. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for Development Plan on January 31, 2019. Approximately ten members of the public attended; only seven signed in. Sign in sheets and ENN notes are included as Exhibit D.

X. ATTACHMENTS:

EXHIBIT A:
1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law

EXHIBIT B: Development Review Team Memoranda
1. Traffic Engineering Division Memorandum, John Romero, P.E
2. Fire Department Memorandum, Reynaldo Gonzales
3. Technical Review Memorandum, Nick Schiavo, P.E.
4. Wastewater Division Memorandum, Stan Holland, P.E.
5. Water Engineering Division Memorandum, Dee Beingessner

EXHIBIT C: Maps and Photos
1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street Views

EXHIBIT D: Early Neighborhood Notification
1. ENN Sign-In Sheets
2. ENN Packet
3. Meeting Notes
4. Comments Received

EXHIBIT E: Applicant Materials
1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Land Use Division Director	Carol Johnson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit C

Maps and Photos

1. **Future Land Use Map**
2. **Current Zoning Map**
3. **Aerial Photo**
4. **Street Views**

Exhibit C1: Future Land Use Map

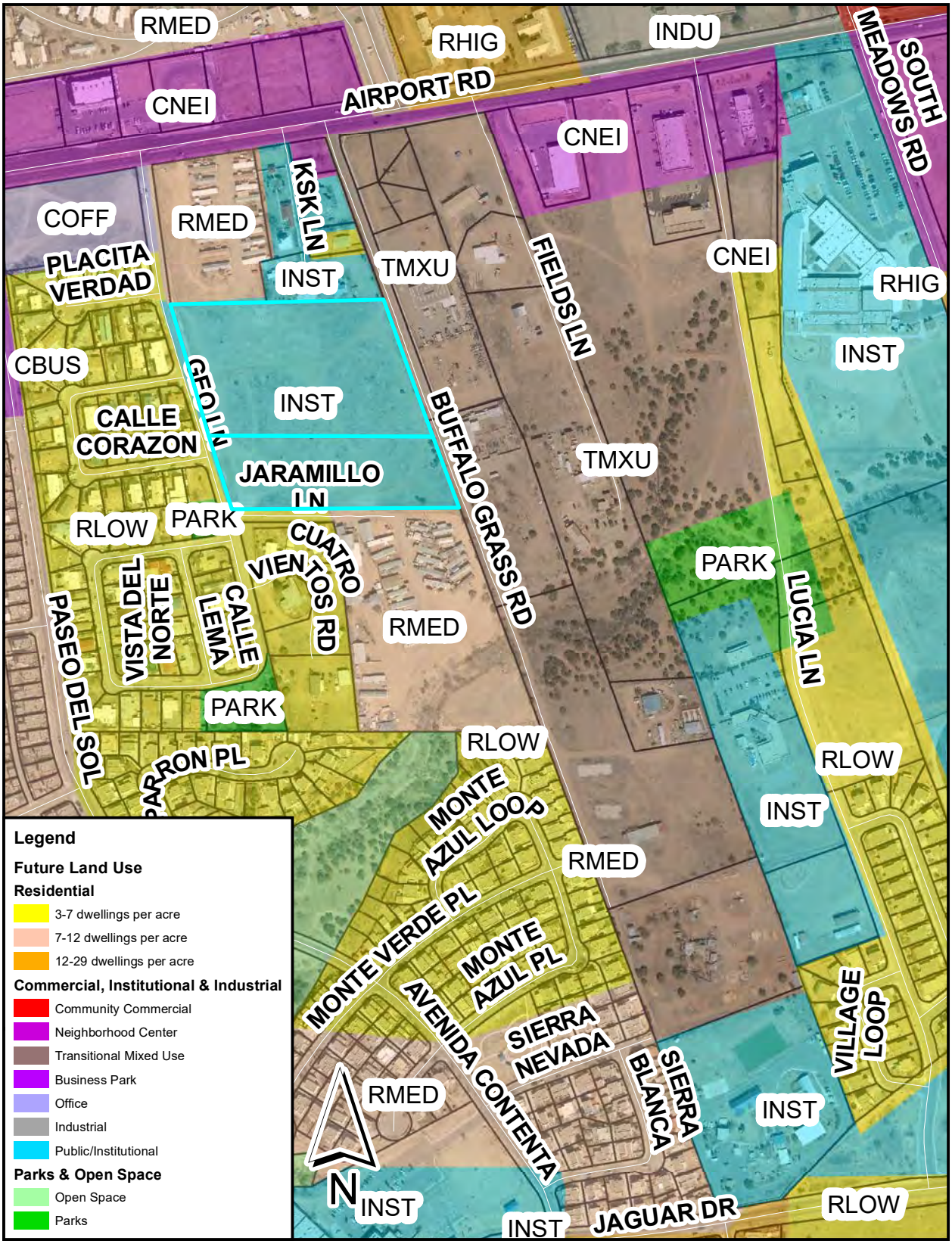


Exhibit C2: Current Zoning Map

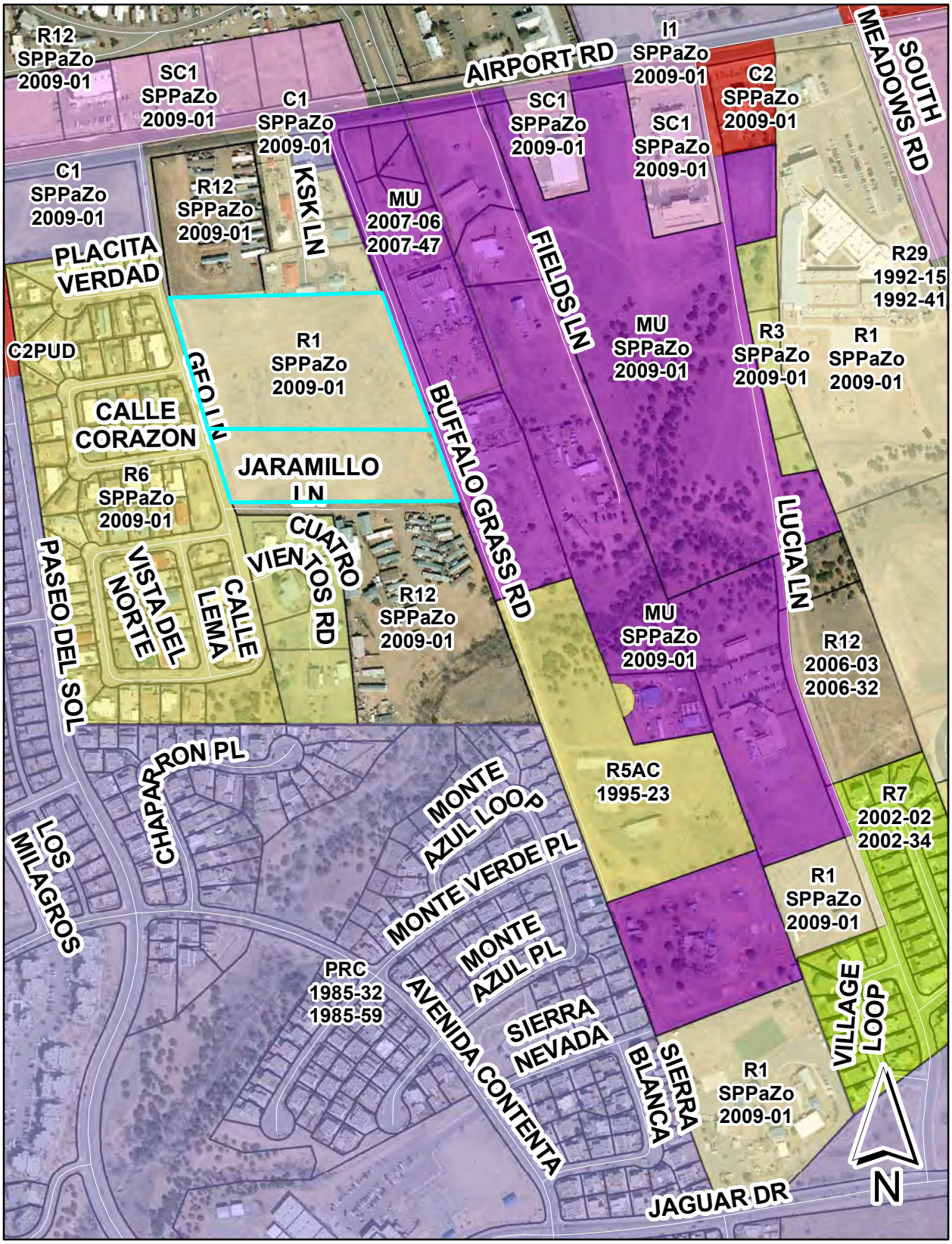


Exhibit C3: Aerial View



Exhibit C4: Street Views

Looking up Geo Lane toward Airport Road, from northwest corner of property.



Looking north on Buffalo Grass Road from southeast corner of property. Road to be built.



Looking across property from northeast corner.



City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification

1. ENN Sign-in Sheets
2. ENN Packet
3. Meeting Notes
4. Comments Received

LIST TO EVIDENCE

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

Project Name: **Meeting Date:**

Meeting Place: **Meeting Time:**

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Debra Snyderman	3810 KSK Lane	
☐	2	AL JARAMILLO PE	6301 JARAMILLO LN	jaramillo501@aol.com
☐	3	Martha Rodriguez	607 Cristo Rey	marthasantafe@aol.com
☐	4	Melissa Trautmann	210 Calle Lenca	None
☐	5	Connie Amenzar	210 Calle Lenca	None
☒	6	Helen M. Chavez	214 Calle Lenca	none
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

EXHIBIT B1

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

LEE LOGSTON
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

1-31-2019
Date

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

EXHIBIT B1

GEO LANE PARK
P.O Box 1523
Santa Fe, NM 87504
505-690-8098

EARLY NEIGHBORHOOD NOTIFICATION MEETING

January 15th, 2019

Dear Neighbor,

Geo Lane Park Partners - John Reeder, Luis Olivas, and Hassan Salam - are requesting the re-zoning of the 8.589 acres at 4000 & 4100 Geo Lane from R-1 to R-6, and are also requesting a General Plan Amendment from Institutional to Low Density Residential, both for the purpose of a proposed affordable housing development of single family residences.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: **6:00 PM**
When: **Thursday, January 31st.**
Where: **Santa Fe Public Library - Southside Branch**
6599 Jaguar Drive
Santa Fe, NM 87507

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact John Reeder: 505-690-8098 or johndreeder@gmail.com

Sincerely,

John Reeder

***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the Land Use Department (955-6820) 5 days prior to the hearing or meeting date.**

ENN GUIDELINES

Applicant Information

Project Name: Geo Lane Park

Name: Reeder (Last) John (First) D (M.I.)

Address: 821 A Gonzales Rd (Street Address) (Suite/Unit #)

Santa Fe, NM (City) 87501 (State) (ZIP Code)

Phone: (505) 690-8098 E-mail Address: johndreeder@gmail.com

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The proposed Geo Lane Park will be a residential subdivision, primarily single story, detached family residences. The effect on the character and appearance of the surrounding neighborhoods will be to improve the overall residential quality and character. The density will be no greater than the adjoining development to the West and substantially less than the densities of the adjoining developments to the North and South.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

Currently, the 8.589 acres for the proposed development is vacant land, sparsely dotted with a few small trees and numerous shrubs and cactus. The relatively flat land is criss-crossed by some dirt tracks. There are no significant features such as rock formations, rivers, arroyos, etc., and no public easements or facilities.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

There are no known Pre-Historic, Historic, Archeological, or Cultural sites or Structures located on the property. There are no acequias on the property and it is many miles from the historic downtown Santa Fe area.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The proposed development is intended to follow the requirements of the City's General Plan for re-zoning requests and to continue to follow the City's requirements as to Code compliance as the development progresses. The proposed zoning and density meets the City's General Plan Land Uses and Densities guidelines and is appropriate for the surrounding area and will be in proper relationship to the adjoining neighbors.

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

The proposed development will add to vehicle and pedestrian traffic on Geo Lane and Buffalo Grass Rd. from the development North to Airport Rd., and then East and West along Airport Rd. A traffic study by the City will determine what measures, if any, will be required to mitigate this impact.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The proposed development will provide temporary jobs for the construction phase of the project, leading to an additional population base of 48 families. This population increase will help support existing and new businesses in the Airport Rd. corridor , as well as the greater Santa Fe City area. The City and the County will both see an increase in property tax revenue from the development.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The proposed development will result a significant addition of permanent affordable housing units to the City's housing supply. Such units are currently in short supply and the project will provide many lower income families of different ages and mixes with a badly needed local option for a relatively affordable home within the City.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

The proposed addition of 48 new single homes will result in additional consumption of water by the families who live in the homes. However, the City of Santa Fe has offset requirements in place for new homes via conservation measures and fees so as to minimize any such impact and to help provide for increases in the water supply. As mentioned in (h) above, no new water distribution lines will be necessary because of the infill nature of the proposed development.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

The proposed project is a small scale residential development and will not require the master planning of mixed land uses. Sidewalks with ramps will be incorporated throughout the subdivision on both sides of all roads for the safe use by pedestrians.

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

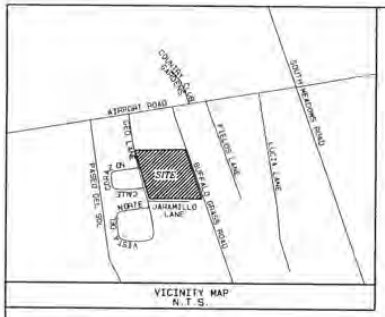
As mentioned in (h) and (i) above, the proposed project will be an infill development and as such will conformwith the City's General Plan goals for such development. Because the proposed project has existing residential developments on 3 sides the proposed zoning and density is highly appropriate and shall compliment it's urban form.

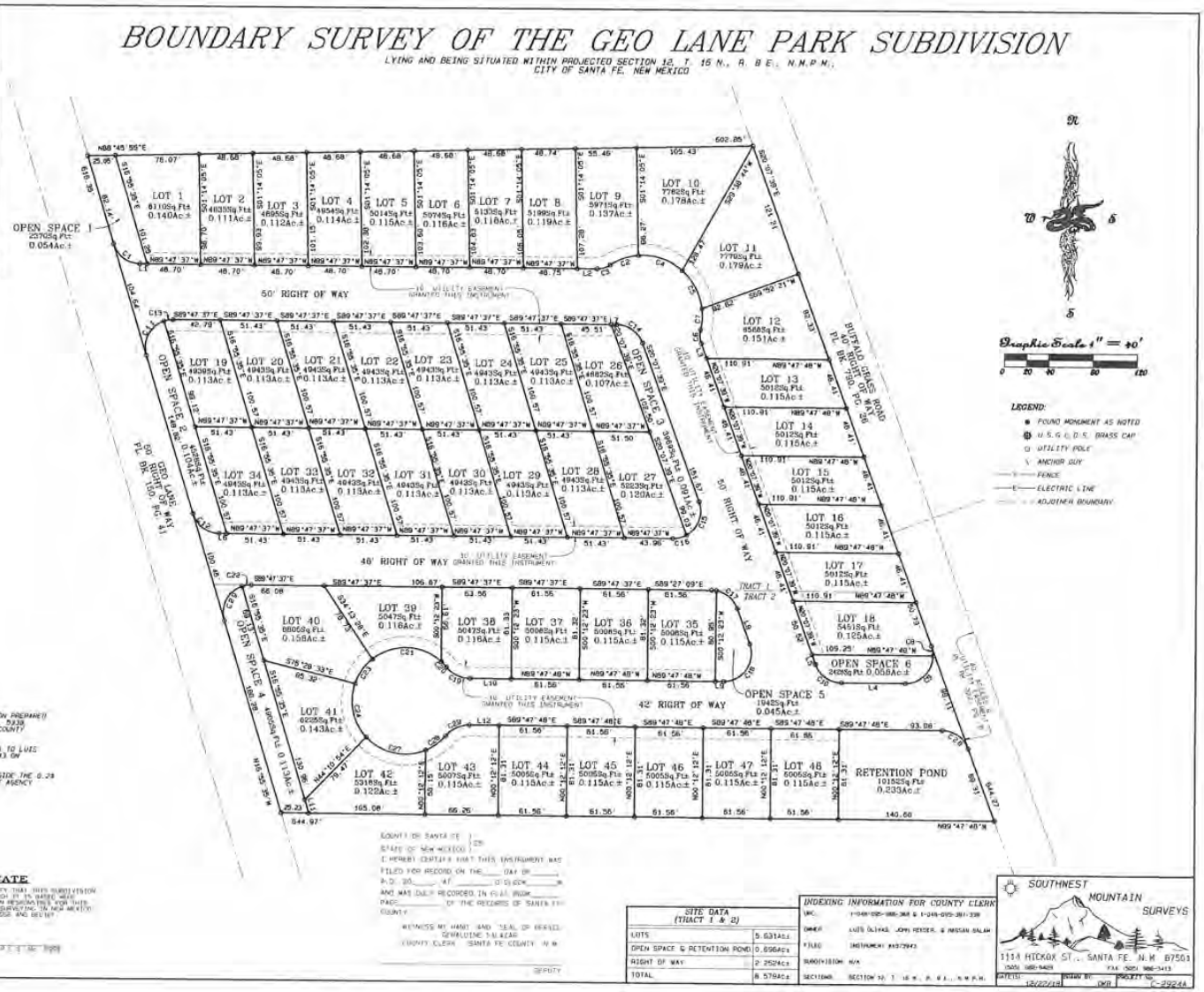
(l) ADDITIONAL COMMENTS (optional)

EXHIBIT B1

BOUNDARY SURVEY OF THE GEO LANE PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO





BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
L1	6.78'	N89°47'37"W			
C1	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C2	27.25'	S70°58'21"W	54.00'	28°54.47"	26.96'
C3	12.34'	S73°22'12"W	21.00'	33°40'22"	12.16'
L2	18.07'	N89°47'37"W			
C4	43.02'	N71°43'44"W	54.00'	45°38'48"	41.89'
C5	39.47'	N27°57'52"W	54.00'	41°53'01"	38.60'
L3	14.45'	N20°07'39"W			
C6	12.34'	N03°17'28"W	21.00'	33°40'22"	12.16'
C7	19.38'	N03°15'43"E	54.00'	20°34'04"	19.28'
C8	8.87'	S09°57'44"E	25.00'	20°19'51"	8.82'
C9	39.27'	S45°12'12"W	25.00'	90°00'00"	35.35'
L4	57.59'	N89°47'48"W			
C10	30.40'	N54°57'44"W	25.00'	69°40'09"	28.56'
L5	9.26'	N20°07'39"W			
C11	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L6	6.78'	N89°47'37"W			
C12	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C13	8.36'	N86°37'22"E	25.00'	19°10'02"	8.32'
L7	5.00'	S89°47'37"E			
C14	30.40'	S54°57'38"E	25.00'	69°39'58"	28.56'
C15	35.25'	S20°16'09"W	25.00'	80°47'35"	32.40'
C16	12.89'	S75°26'10"W	25.00'	29°32'27"	12.75'
C17	26.11'	S56°09'54"E	25.00'	59°50'29"	24.94'
L8	33.40'	S26°07'39"E			
C18	48.14'	S35°02'15"W	25.00'	110°19'51"	41.04'
L9	7.34'	N89°47'48"W			
L10	37.52'	N89°47'48"W			
C19	24.36'	N64°52'11"W	28.00'	49°51'15"	23.60'
C20	8.66'	N43°55'01"W	48.00'	7°56'54"	8.65'
C21	67.63'	N88°15'27"W	48.00'	80°43'58"	62.16'
C22	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
C23	27.37'	S35°59'20"W	48.00'	32°40'11"	27.00'
C24	51.99'	S32°19'18"E	48.00'	62°03'21"	49.48'
C25	30.40'	S54°57'44"E	25.00'	69°40'09"	28.56'
C26	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L11	12.61'	N19°55'35"W			
C27	58.25'	S78°07'03"E	48.00'	69°32'09"	54.74'
C28	22.42'	N33°43'55"E	48.00'	26°45'56"	22.22'
C29	24.36'	N65°36'34"E	28.00'	49°51'15"	23.60'
L12	26.99'	S89°47'48"E			

NOTES:

1. BASIS OF BEARING IS TAKEN DIRECTLY FROM PLAT ENTITLED "LAND DIVISION PREPARED FOR PRAISE TABERNACLE" PREPARED BY BERNIE A. ALARID, N.M.P.L.S. NO. 5338, RECORDED IN BOOK 666, PAGE 21 ON OCTOBER 10, 2007 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. REFER TO WARRANTY DEED, FREEDOM CHURCH PRAISE TABERNACLE CHURCH FKA TO LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM, RECORDED AS INSTRUMENT #1813043 ON NOVEMBER 30, 2018 AT THE SANTA FE COUNTY CLERK'S OFFICE.
3. LANDS SHOWN HEREON LIE WITHIN ZONE X1 - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP 35049C0393D, DATED JUNE 17, 2008.

SURVEYOR'S CERTIFICATE

I, ANTONIO R. NORMAN, N.M.P.E.L.S. No. 17008 DO HEREBY CERTIFY THAT THIS SUBDIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANTONIO R. NORMAN N.M.P.E.L.S. No. 17008

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE ____ DAY OF ____, A.D. 20__ AT ____ O'CLOCK ____ M. AND WAS DULY RECORDED IN FILE BOOK ____ PAGE ____ OF THE RECORDS OF SANTA FE COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, N.M.
DEPUTY

SITE DATA (TRACT 1 & 2)	
LOTS	5.631Ac.±
OPEN SPACE & RETENTION POND	0.696Ac.±
RIGHT OF WAY	2.252Ac.±
TOTAL	8.579Ac.±

INDEXING INFORMATION FOR COUNTY CLERK	
SEC.	T-16N-R8E-SEC 36 & T-15N-R8E-SEC 1
OWNER	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED	INSTRUMENT #1813043
SUBDIVISION	N/A
SECTION	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOK ST., SANTA FE, N.M. 87501
(505) 660-6429 FAX (505) 466-1413
DATE(S): 12/27/18 DRAWN BY: DWB JOB/FILE NO.: C-2924A

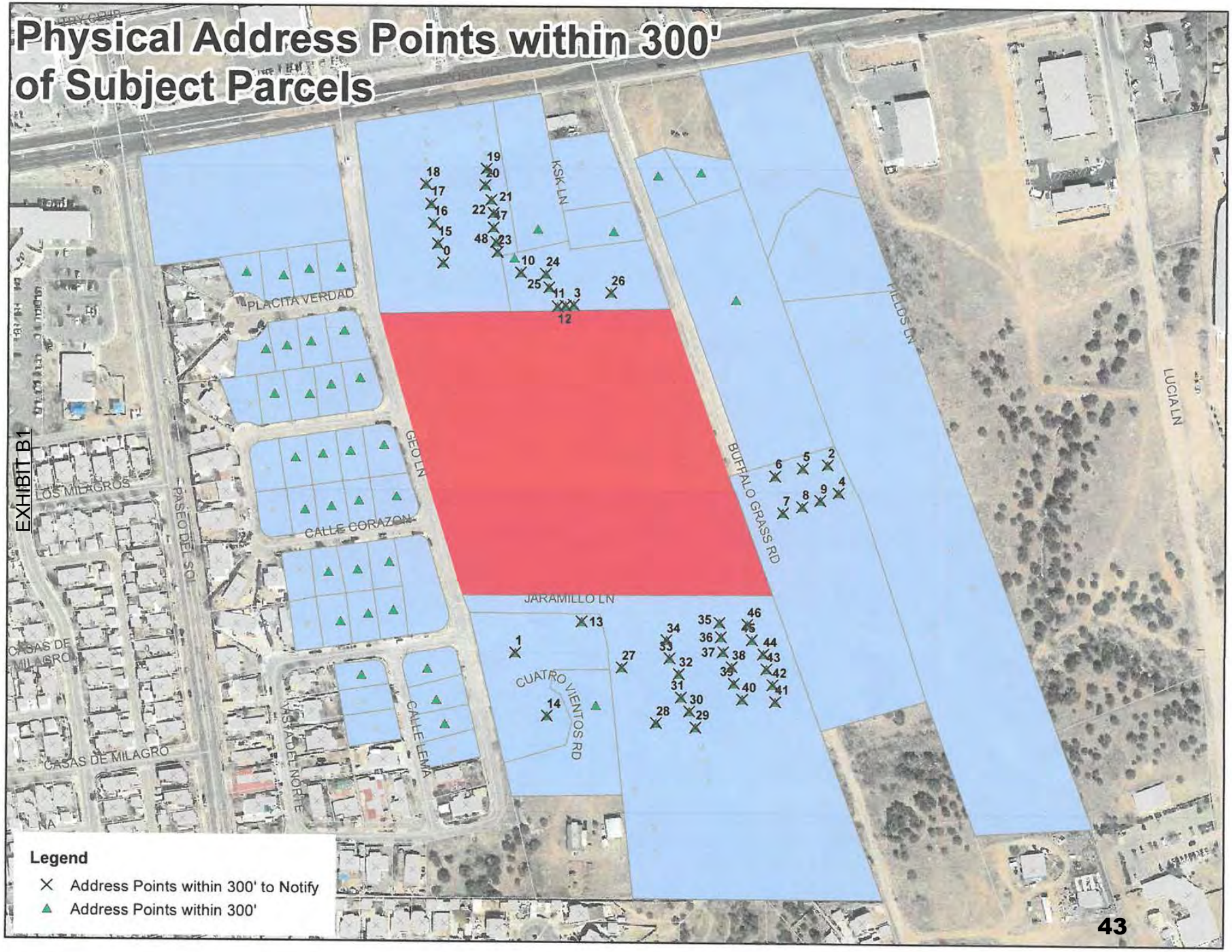

Physical Address Points within 300' of Subject Parcels
EXHIBIT B1
PLACITA VERDAD
KSK LN
GEO LN
PASEO DEL SOL
LOS MILAGROS
CALLE CORAZON
CASAS DE MILAGRO
CASAS DE MILAGRO
CASA DEL NORTE
CALLE LEMA
JARAMILLO LN
CUATRO VIENTOS RD
BUFFALO GRASS RD
FIELDS LN
LUCIA LN
Legend
Address Points within 300' to Notify
Address Points within 300'

EXHIBIT B1

CHAVEZ, HELEN N
214 CALLE LEMA
SANTA FE, NM 87507

PADILLA, PATRICIA A
PO BOX 4055
SANTA FE, NM 87502

KAGYU, SHENPEN KUNCHAB
3777 KSK LANE
SANTA FE, NM 87507

GARCIA, BARBARA G
117 CALLE CORAZON
SANTA FE, NM 87507-3094

GONZALES, STEVE AKA JOSEPH S & BERNADETTE GONZALES
SANTA FE, NM 87507

BRUTSCHE, HANS E & ETAL
PO BOX 6284
SCOTTSDALE, AZ 85261-6284

ARAGON, MARCELO
118 PLACITA VERDAD
SANTA FE, NM 87507

RODRIGUEZ, CALIXTO I & LOURDES RIOS
118 CALLE CORAZON
SANTA FE, NM 87507

ROMERO, CLARA B
152 CALLE CORAZON
SANTA FE, NM 87505

VARGAS, MARTIN T & JOANN J
113 CALLE CORAZON
SANTA FE, NM 87507

WUORINEN, JAMES A
109 PLACITA VERDAD
SANTA FE, NM 87507

LOPEZ, VIRGINIA R
110 PLACITA VERDAD
SANTA FE, NM 87505

MENDEZ, MANUEL D
PO BOX 2435
SANTA FE, NM 87504-2435

ROMERO, CECILIA
153 CALLE CORAZON
SANTA FE, NM 87507

ULIBARRI, FRANK E & MATTIE
8454 S VIA DE ROBERTO
TUCSON, AZ 85747-5018

LUCERO, DOROTHY
109 CALLE CORAZON
SANTA FE, NM 87505

CASTILLO, JOSE L
113 VISTA DEL NORTE
SANTA FE, NM 87505

ROMERO, ANGIE G & TERRENCE J
1011 VELARDE RD A
SANTA FE, NM 87507

ORNELAS, VICTOR & SANDRA
47 AVE JULIANA
SANTA FE, NM 87507

ARCHULETA, SUSANO S
110 CALLE CORAZON
SANTA FE, NM 87501

HOLMES, WILBERT A & KATHY E
157 CALLE CORAZON
SANTA FE, NM 87505

PEREZ, JOSE L & CRICELIA
160 CALLE CORAZON
SANTA FE, NM 87505

GALLEGOS, ANNA MARIE
105 CALLE CORAZON
SANTA FE, NM 87507-3094

DOMINGUEZ, NICHOLAS A & LORA
109 VISTA DEL NORTE
SANTA FE, NM 87505

BACA, GILBERT
3993 AGUA FRIA ST
SANTA FE, NM 87507-9202

FEDERAL NATIONAL MORTGAGE ASSOCATION
14221 DALLAS PARKWAY STE 1000
DALLAS, TX 75254-2916

GALLEGOS, RONALD R
106 CALLE CORAZON
SANTA FE, NM 87501

HUTCHINS, BETHYNE S
161 CALLE CORAZON
SANTA FE, NM 87507

OCHOA, NIDIA YANETH TRUSTEE
106 VISTA DEL NORTE
SANTA FE, NM 87507

HERRERA, JOSE LUIS BERNAL & CLEMENCIA CISNEROS-OLIVAS
164 CALLE CORAZON
SANTA FE, NM 87507-3093

EXHIBIT B1

GUTIERREZ, ROBERT E & PHYLLIS
101 CALLE CORAZON
SANTA FE, NM 87507

MUNOZ, RAQUEL & JUAN ESCAMILLA CARDONA
205 CALLE LEMA
SANTA FE, NM 87507

KAVANAUGH, ARTHUR
105 VISTA DEL NORTE
SANTA FE, NM 87507

ROMO-PEREA, JORGE H & MARIA DE LOS ANGEL
103 NORTHFORK
SANTA FE, NM 87508

CASTILLO, IGNACIA PENA
102 CALLE CORAZON
SANTA FE, NM 87507

PEREZ, FRANCISCO & ANABEL ORONA
165 CALLE CORAZON
SANTA FE, NM 87507-3046

FRANCO, LUIS RAUL & MARIA
168 CALLE CORAZON
SANTA FE, NM 87507

RODRIGUEZ, RODRIGO & ANA
101 VISTA DEL NORTE
SANTA FE, NM 87507

RAMIREZ, JESUS
110 VISTA DEL NORTE
SANTA FE, NM 87505

GEORGE, RONALD E
206 CALLE LEMA
SANTA FE, NM 87505

ALMANZAR, CONSUELO AKA CONNIE ALMANZAR
210 CALLE LEMA
SANTA FE, NM 87507-3015

WEST MEADOW S/D C/O B&E DEVELOP CORP
PO BOX 2046
SANTA FE, NM 875012046

KAGYA, SHENPEN KUNCHAB
3777 KSK LANE
SANTA FE, NM 87507

RODRIGUEZ, MARTHA J
6077 CUATRO VIENTOS RD
SANTA FE, NM 87507

KAYGU SHENPEN KUNCHAB BUDDIST CTR
3777 KSK LANE
SANTA FE, NM 87507

RODRIGUEZ, JESUS R & ROSEMARY
PO BOX 29743
SANTA FE, NM 87592

SNYDERMAN, DEBRA B
3810 KSK LANE
SANTA FE, NM 87507

ASI LA MAR TRAILER PARK
6301 JARAMILLO LN
SANTA FE, NM 87507

BUFFALO GRASS LLC C/O ROSALBA REYES
187 A SUNRISE RD
SANTA FE, NM 87507

BUFFALO GRASS LLC-C/O FLORENCIO A MALDONADO & MARIA G R SEPULVEDA
6151 AIRPORT RD SPC 142
SANTA FE, NM 87507

WESTON, DELL & MARIA C
3842 BUFFALO GRASS RD
SANTA FE, NM 87507

DIAZ, ELIAS & LORENA
3919 CALLE CHUPAROSA
SANTA FE, NM 87505

JACKHAMMER ASSOCIATES C/O YABLON
P O BOX 1794
SANTA FE, NM 87504

DIAZ, ELIAS & LORENA
3919 CALLE CHUPAROSA
SANTA FE, NM 87505

MONTOYA, RACHEL K
3974 FIELDS LN
SANTA FE, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 10
Santa Fe, NM 87507

Current Owner or Resident
6077 A CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE A
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN A
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 6
Santa Fe, NM 87507

EXHIBIT B1

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE B
Santa Fe, NM 87507

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE C
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 3
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 4
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 5
Santa Fe, NM 87507

Current Owner or Resident
3823 KSK LN
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN B
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN C
Santa Fe, NM 87507

Current Owner or Resident
6077 B CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
6082 CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 11
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 12
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 13
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 14
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 6
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 5
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 4
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 3
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 18
Santa Fe, NM 87507

Current Owner or Resident
3829 KSK LN B
Santa Fe, NM 87507

Current Owner or Resident
3829 KSK LN A
Santa Fe, NM 87507

Current Owner or Resident
3834 KSK LN
Santa Fe, NM 87507

Current Owner or Resident
6301 JARAMILLO LN
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 27
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 19
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 18
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 17
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 16
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 15
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 14
Santa Fe, NM 87507

EXHIBIT B1

Current Owner or Resident
6311 JARAMILLO LN SP 2
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 3
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 4
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 5
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 6
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 7
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 8
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 9
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 10
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 11
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 12
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 13
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 2
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 1
Santa Fe, NM 87507

EXHIBIT B1

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

Project Name	Geo Lane Rezone & General Plan Amendment
Project Location	4000 & 4001 Geo Lane
Project Description	Rezone and General Plan Amendment for 49 Lot Subdivision
Applicant / Owner	John Reeder, Luis Olivas
Agent	Jenkins Gavin
Pre-App Meeting Date	December 27, 2018
ENN Meeting Date	January 31, 2019
ENN Meeting Location	Southside Library, 6599 Jaguar Drive
Application Type	Rezone and General Plan Amendment
Land Use Staff	Lee Logston
Other Staff	
Attendance	Lee Logston, John Reeder & Hassan Salam (applicants),seven + members of the public (some did not sign in)

Notes/Comments:

Lee Logston called the meeting at 6:00 PM. Mr. Logston briefly explained the nature of the application and type of land use approval, and that it would go on to City Council. Mr. Logston explained that while a proposed plat was being shown tonight, it was not part of the application now, and it would come to Planning Commission for preliminary and final approval. So, assuming approval of all elements, this project would go through a total of four public hearings, and each will have notification and opportunity for public input. Mr. Logston then introduced Mr. Reeder who gave a brief summary of his proposal.

Residents had many concerns and complaints about other nearby developments, growth in general, crime, or concerns which were not directly related to the proposal. Mr. Logston repeatedly tried to get residents to focus on the project proposed now.

Over all, residents feel that there are too many homes in the area already, and that traffic is already bad. Specifically, they felt that Geo Lane and Buffalo Grass Circle were not capable of carrying more traffic, and that right-in/right-out connections to Airport Road were inadequate. Several residents asked whether a traffic impact study would be required. Both Mr. Reeder

and Mr. Logston answered that one would be required, and that the study would make recommendations for mitigating traffic if warranted. General discussion of traffic, speeding drivers in their neighborhoods, road width, and access to Airport Road ensued. A traffic signal at Geo Lane and Airport Road was proposed.

The difference between mobile homes and manufactured homes was discussed, with a focus on how manufactured homes anchor to the ground. Residents wavered between supporting affordable development and concern over the character of an affordable neighborhood. There was general discussion of the amount of manufactured homes in the area and how the area would age over time.

Several of the residents specifically suggested that fewer homes would be desirable over the density proposed. Mr. Logston pointed out that it could be a possibility that the Planning Commission could recommend lower density, and or the Council might approve it at a different density.

There was some skepticism about notification and mailing, and Mr. Logston agreed to send a list of residents and owners who were noticed to all residents who left their email addresses on the sign in sheet.

The meeting was adjourned at 7:15 PM.

EXHIBIT B1

LOGSTON, LEE R.

From: jaramillo501@aol.com
Sent: Thursday, January 24, 2019 5:05 PM
To: LOGSTON, LEE R.
Subject: Geo Lane Park notification meeting (dispute)

Land use Department,

I'm writing my concerns of the new proposed development.

My first concern is the amount of 50 housing mobile homes designated for the property off Geo Lane for development. That is way too many
mobile homes in the area and will increase the traffic flow with existing properties with only a right turn exits onto airport rd. The City would have to put up street lights on both Geo Lane and Buffalo Grass rd that intersect with Airport rd. The other proposed development is for 48 apartments units in already in progress off Buffalo Grass rd that also adds to the traffic flow. I'm a owner south of the proposed property and was denied further development. If this Geo Lane Park is granted approval for the 50, I will be submitting for further development of more mobile homes for my property. I think the city should limit the proposed property to 25-30 units and not 50 and for the developer to build small recreational parks in the remaining area. I will be showing up to the future meetings on the proposed meetings on this development.

Respectfully Yours,

Al Jaramillo

EXHIBIT B1

LOGSTON, LEE R.

From: Marmika Paskiewicz <marmika@gmail.com>
Sent: Thursday, February 21, 2019 10:44 AM
To: LOGSTON, LEE R.
Subject: Housing development between Geo Lane and Buffalo Grass Road, off Airport Road, behind KSK Buddhist Center

Dear Mr. Logston,
RE: DEVELOPMENT BETWEEN GEO LANE AND BUFFALO GRASS ROAD
First of all, may I say it's a bad idea to cram in 48 residences in the smallest allowable space with no place for walking or play for children, and you know, this will mean over 100 people living there with probably nearly 100 vehicles. Is this what we mean by low-income housing? Forcing groups of people into tight spaces without resources and facilities for families??

SECOND - traffic - A BIG PROBLEM
Airport Road is already one of the most dangerous streets in the city & this adds an extra burden of traffic and equipment in the construction and living phases both.
I feel that I take my life in my hands already every time I go to the Buddhist Center (several times a week for services and to volunteer). I have to make a u-turn at Paseo del Sol because Geo Lane has no u-turns anymore. There is usually a car turning right on red from Paseo (often with a green arrow) as I'm making a U-turn from Airport. They often do not see the u-turns and sometimes rush out without looking either way.
The center medians have caused more trouble for me than they've solved. You can't have right turns on red and u-turns too. They work against each other.
Consider 100 people making u-turns to get to their homes down Geo Lane or Buffalo Grass Road. How many accidents do you think that will cause? Really, Airport Road cannot handle this additional use.

AND THE SOUTHSIDE IMPACT
Residents on the Southside feel that the City does not care about them and is willing to allow anything in this area. (Remember Debbie Jaramillo's famous line about the Westside being a dumping ground for city programs, etc. - well the Southside seems to have taken over that position with this government.)
I believe the development on the Southside should be limited and spaced out like any other area in the city, and that people who have lower incomes shouldn't be relegated to the worst living situations. Let's have low cost housing that suits people and uplifts them, not squeezing them into barely habitable situations. Why isn't there a small playground planned- perhaps a walking trail - and walls to protect residents from road traffic?

There are many other issues as well - such as increased traffic on small roads, increased noise, probable increased tension with a tight population, more police action. The additional noise and traffic will definitely impact the purposes of the Buddhist Center which exists to provide peace and well-being for all.

REALIZE that I am not advocating for no development - just sensible, careful, compassionate development that takes consideration of the community and of the traffic and road use that will be intense.

Many thanks for listening. Please share this with the committee.
-Marmika Paskiewicz
505-603-0118
1829 Hano Road (Casa Alegre)

Lee Loyston,

EXHIBIT B1

As a homeowner @ 3810 KSK Lane of 30 years, a member of the KSK Buddhist Center, a retired teacher and social worker of the Santa Fe Public Schools, a concerned citizen of the Santa Fe area for almost 40 years, and someone who cares about the creation of quality affordable housing, I would like to address those who make the decisions about land use. I invite you to drive around my neighborhood and become aware of recent changes around KSK Lane and Airport and Buffalo Grass Roads that are detrimental to the quality of life here. Add to this, the proposed Geo Lane Park.

I would like to encourage the city of Santa Fe to consider a standard for affordable housing that can be a model for healthy living as well as a desirable community in which to live. Allowing developers to buy property with the sole purpose of cashing out and investing as little as possible is not for the highest good of anyone.

I am researching affordable housing nationwide. A healthy community will be an asset to our city. I believe in the importance of green space, of a place for people to sit and get to know neighbors, of a place to grow food and flowers (small raised bed boxes will do), of a safe space for children to play. Perhaps a small apartment building would allow for quality space or fewer homes, maybe condos. I will continue researching.

The city of Santa Fe land use needs to understand what already exists in this area and how new projects can be integrated. The KSK Tibetan Buddhist Center is a special place. You are all invited to come and see it. We get visitors from around the world. It is a place of meditation and spiritual practice. It is a quiet and safe "mini" community. The current design for Geo Lane Park takes none of this into consideration.

Thank you for listening to these concerns.

Debra Snyderman

505 206-0310

EXHIBIT B1

FOOD TRUCK IN DANGEROUS LOCATION ON AIRPORT RD & KSK LANE



* Neighbor in wheel chair hit by "truck leaving Food Truck — neighbor knocked out of his wheelchair Driver begged him NOT to call police. Driver said he would be deported.

KSK LANE

AIRPORT RD

BUDDHIST RESIDENT OF KSK CENTER

* BUSINESSES THAT ARE PROBLEMS *

"AFFORDABLE HOUSING TRAILERS" ← in front of line of sculptures



(Directly behind Compas TACOS 6161 AIRPORT RD.)

← UNNAMED PARTY CENTER which blasts loud music all hours of the night when rented out for a party, (POLICE make them turn music way down.)

Business * Owned by ANAHI &/or ANDREA #505 629 3754

← BUFFALO GRASS RD →

* Directly behind my house & "Affordable Housing" Trailer Project

EXHIBIT B1



"AFFORDABLE HOUSING PROJECT"

AT

AIRPORT RD

+

BUFFALO GRASS RD.



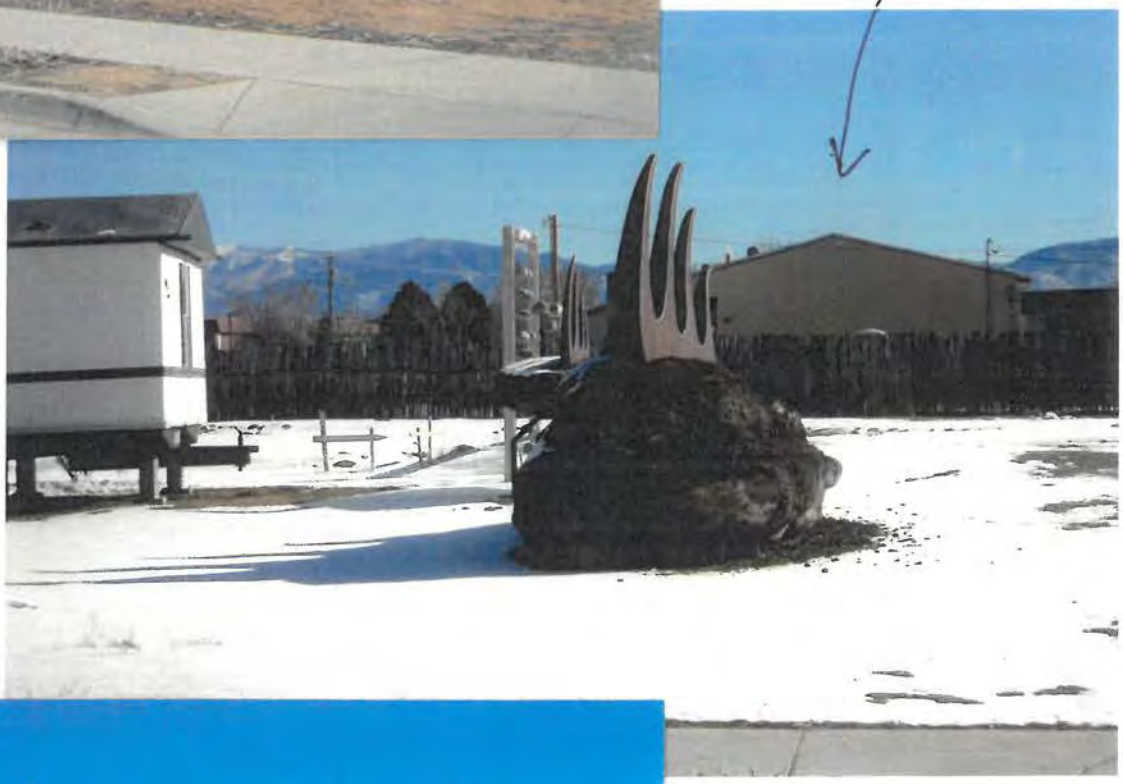


EXHIBIT B1



"AFFORDABLE HOUSING PROJECT"
THIS TRAILER IS (DIRECTLY BEHIND MY HOUSE)

UNNAMED PARTY RENTAL BUSINESS



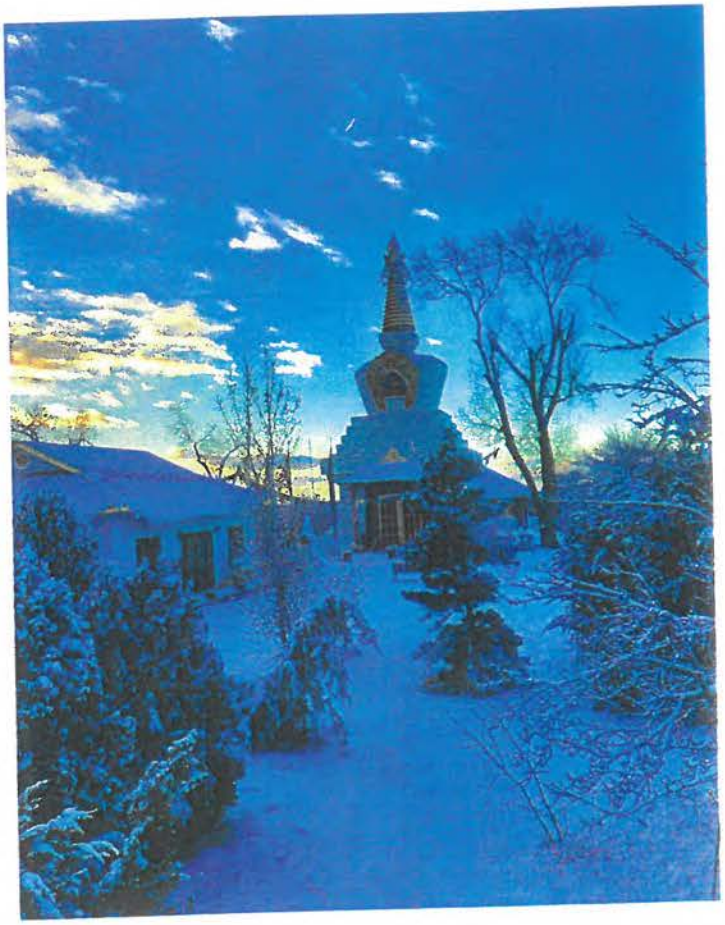


MY HOUSE ON KSK LANE IN BUDDHIST CENTER & BUFFALO GRASS RD. (BOUNDARY BEHIND MY HOUSE)

EXHIBIT B1

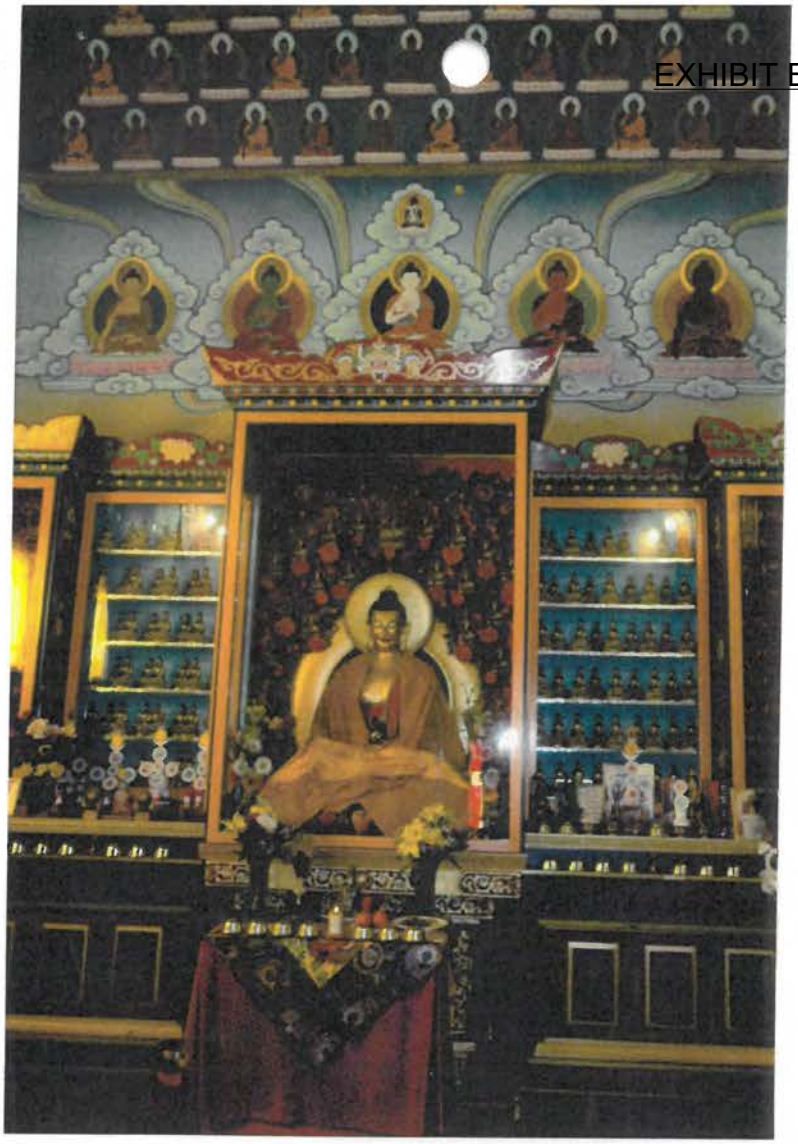






KSK
BUDDHIST
CENTER

AIRPORT RD.
+
KSK LANE



KSK
BUDDHIST
CENTER

* SHRINE INSIDE STUPA

* SHRINE INSIDE GOMPA



EXHIBIT B1



KSK BUDDHIST CENTER FENCE LINE

* PROPOSED GEO LANE PARK -

AFFORDABLE HOUSING PROJECT

REQUESTING 248 Trailers (Manufactured Homes) to be located directly behind fence line.



KSK BUDDHIST CENTER FENCE LINE

City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

1. **Application Submittals**
2. **Traffic Impact Study Summary**
3. **Proposed Subdivision**

EXHIBIT B1

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Feb. 19th, 2019

Statement Regarding Approval Criteria

Re: General Plan Amendment Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM

Further to our Statement dated Feb. 12th, 2019 regarding Approval Criteria for the above referenced property, specifically;

Section 14-3.2(E) SFCC 1987

Criteria

1(a)

We believe our proposed development is consistent with the growth projections and economic development goals as set forth in a comprehensive economic development plan for the City of Santa Fe. It is also consistent with existing Land Use conditions, such as the predominately residential nature of the surrounding area, access from existing streets and roads, as well as the availability of other infrastructure such as sewer, water, and public facilities.

1(b)

Our proposed development is also consistent with other parts of the General Plan, such as in 1.7.9 - Urban Form - which states "...promote a compact form and encourage sensitive/compatible infill development". Our proposal is also consistent with the Future Land Use Map and our property is specifically labeled RMED - medium density residential - in figure 2.2.6 of the Southwest Area Master Plan. And the proposed development would create a neighborhood meeting the "walkable" guidelines because it would be within easy walking or driving distance of commercial areas (the Airport Road corridor).

1(c)

The requested Amendment would not;

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

(ii) affect an area of less than 2 acres (proposed development is 8.659 AC)

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public (refer to the narrative in 2(c) of our concurrent re-zoning application).

1(d)

N/A

1(e), (f), & (g)

We believe our proposed development will comply with all extraterritorial ordinances and extraterritorial plans where any such ordinances or plans may be applicable, and that the project will positively contribute to the coordinated, adjusted and harmonious development of Santa Fe and that it will be in accordance with existing and future needs best promoting health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, due to its "in-fill" nature; and conform with other City policies, including Land Use, ordinances, regulations and plans.

2 Additional Criteria

We believe that evidence does show that our request for an Amendment to the General Plan for a change in the land use of the property to allow our proposed development is **not inconsistent** with the Future Land Use map and will not have a negative impact on surrounding properties. Our proposed change in the Land Use will bring the Land into harmony with the character of the surrounding area.

2 (a) & (b)

N/A

2(c)

Conditions affecting the proposed Land Use have changed over the past few decades. The extended area has evolved from semi-rural to predominately residential and our proposed development will continue that trend while also providing a relatively affordable single family residential option, which is currently in very short supply in the city of Santa Fe.

Respectfully submitted,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B1

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Feb. 12[19th], 2019

Letter Addressing Re-Zoning Approval Criteria

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM from I-1 to R-6

Further to our Letter dated Feb. 12th, 2019 Addressing Re-Zoning Approval Criteria for the above referenced property, specifically;

Section 14-3.5 SFCC 1987

Criterion 1(a)

(i) Not Applicable

(ii) There has been gradual change to the neighborhood over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on 3 sides of the property to the North, South, and West, along with one institutional use (place of worship). Lying to the East on the other side of Buffalo Grass Rd. is a mixture of Live/Work and light commercial establishments.

(iii) Due to the item (ii) above, a different use category from I-1 to R-6 is more advantageous to the community at this time so as to bring the subject property into conformity with the predominately residential developments that are now adjacent on three sides. The proposed new zoning category complies with the City's SWAMP and is consistent with guidelines articulated in various sections of the General Plan, such as in the Future Land Use section.

Therefore, following from the above cited considerations, **the Criterion for 1(a) is met.**

Criterion 1(b)

We, the applicants, have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals. No development plan has yet been created for the property.

Therefore, **the Criterion for 1(b) is met.**

Criterion 1(c)

We believe the re-zoning request is consistent with the applicable policies of the General Plan and also the future land use map. For example, in 1.7.9 of the General Plan - Urban Form - it states '...promote a compact form and encourage sensitive/compatible infill development. And in the SWAMP, map 2.2.6, this specific property is labeled for future use as RMED - medium density residential. Our proposal would also create a neighborhood that would be "walkable" under the SWAMP principles (Principle 1) because we are proposing handicap accessible sidewalks throughout the subdivision on both sides of all roads, and it is within easy walking or driving distance (Principle 6) of commercial areas. Further, we believe our proposed development also meets the spirit and intent of the affordable housing goals of the general plan.

Therefore, **the Criterion for 1(c) is met.**

Criterion 1(d)

"The amount of land proposed for re-zoning and the proposed use of 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". Our proposal for 8+ acres involves well over the 2 acre minimum for such requests.

Therefore, **the Criterion for 1(d) is met.**

Criterion 1(e)

We believe 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. Requests for sewer and water availability are pending and a Traffic Impact Analysis will no doubt be stipulated. Other divisions within the City, such as Land Use, Fire, etc. will be responsible for reviewing the proposed development for compliance and shall make requisite recommendations, any of which shall be incorporated into our proposal and thereby accommodate the impacts of the proposed development.

Therefore, **the Criterion for 1(e) is met.**

Criterion 2 (a)

The proposed change in use will result in a new single family, detached manufactured home development which will be consistent with the prevailing use and character in the area.

Therefore, **the Criterion for 2(a) is met.**

Criterion 2(b)

The proposed re-zoning affects an area greater than 2 acres.

Therefore, **the Criterion for 2(b) is met.**

Criterion 2(c)

We do not believe our re-zoning request will benefit only one or a few landowners at the expense of the surrounding landowners or general public. Our proposed subdivision is for 48 Lots on 8.659 acres, 4 Lots less than the number of Lots the R-6 designation we are requesting would actually support, not including any density bonus we might earn due to the affordable nature of our proposed project. Further, our proposal would create Lots with a minimum size of nearly 5,000 sq. ft., including 5 Lots at around 6,000 sq. ft. or greater and 2 Lots at over 7,700 sq. ft. The minimum Lot size under the R-6 designation is only 4,000 sq. ft., so virtually all of our proposed Lots would be at least 25% larger than the minimum. Our proposed subdivision would also include wider roads than required, allowing for more on-street parking. Considering these features, we believe our proposed subdivision will elevate the overall character of the immediate and general area and thereby improve the property values of the surrounding landowners. The general public will also benefit due to increased property tax revenues for the City and County, as well as by adding more customer base for businesses along the Airport Rd. corridor and the greater Southwest area.

Therefore, **the Criterion for 2(c) is met.**

Criterion D(1) & D(2)

If the impacts of the proposed development cannot be accommodated by the existing infrastructure and public facilities, including the possible need for new streets, sidewalks or curbs necessitated by and attributable to the new development, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities, in addition to impact fees that may be required pursuant to Section 14-8.14, and in conformance with any applicable City ordinances, regulations or policies;

We, the developers, will cooperate and participate wholly or in part with any applicable costs of construction for off-site facilities or improvements determined to be required due the impacts our proposed development, in addition to impact fees that may be required pursuant to Section 14-8.14

Therefore, **the Criterion of D(1) & D(2) will be met.**

Respectfully,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B1

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T

TERRY O. BROWN
NEW MEXICO
6407
LICENSED PROFESSIONAL ENGINEER

Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Peterson Properties, LLC
2325 San Pedro NE #2A
Albuquerque, NM 87110

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:



The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

DEDICATION/AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:
THAT THE UNDERSIGNED OWNER, HAS CAUSE TO DIVIDE THESE LANDS SHOWN HEREON. THIS LAND DIVISION IS MADE WITH THE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S), UTILITY COMPANIES ARE HEREBY GRANTED EASEMENTS AS SHOWN, AND ALSO FOR EXISITNG UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THESE LOTS LIE WITHIN THE PLANNING AND PLATTING JUSIDICTION OF THE CITY AND COUNTY OF SANTA FE, STATE OF NEW MEXICO.

Harold D Trujillo — 7-18-07
PRAISE TABERNACLE CHURCH, PRESIDENT — DATE

STATE OF NEW MEXICO } ss
COUNTY OF SANTA FE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
18th DAY, OF July, 2007
Anni Garcia — MY COMMISSION EXPIRES 7-5-11
NOTARY PUBLIC
OFFICIAL SEAL
Annie Garcia
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS

for Shelly Cobau — 10-3-2007
SANTA FE COUNTY LAND USE ADMINISTRATOR — DATE

Mark Garland — 8-27-07
SANTA FE COUNTY RURAL ADDRESSING — DATE

07-3016
SANTA FE COUNTY DEVELOPMENT PERMIT No.

1. MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT (OR THE CITY OF SANTA FE OR N.M STATE HIGHWAY DEPT.).
2. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.
3. LANDS SHOWN HEREON LIE IN ZONE "X", OUTSIDE THE 100 YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL FLOOD INSURANCE RATE MAP PANEL NO. 350069 0227 B.
4. EXISTING NATURAL DRAINAGE WAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
5. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
6. THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE.
7. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN. PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
8. NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD 61A IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.
9. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO SECTION 12.1 OF THE EZO, TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.
10. SOILS RATING: PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED TO BE MODERATE-SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.
11. WATER SUPPLY ON THESE LOTS IS GOVERNED BY THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 10.1.A.
12. ONLY ONE WELL SHALL BE PERMITTED TO SERVE THESE LOTS. THIS WELL SHALL BE SUBJECT TO A SHARED WELL AGREEMENT.
    A) DRILLING OF ANY DOMESTIC WELL IS PROHIBITED IF REGIONAL WATER IS AVAILABLE WITHIN 200 FEET OF THESE LOTS.
    B) IF REGIONAL WATER BECOMES AVAILABLE, DOMESTIC WELL USE SHALL CEASE WITHIN 90 DAYS AND THESE LOTS SHALL CONNECT TO REGIONAL WATER SYSTEM.
    C) ALL WELLS DRILLED ON THESE LOTS POST JANUARY 1, 2000 MUST BE CONSTRUCTED PER E.Z.O. STANDARDS LISTED IN SECTION 10.1.A.3. PROOF OF PROPER CONSTRUCTION MUST BE SUBMITTED AT THE TIME OF DEVELOPMENT PERMIT REQUEST OR UPON DEMAND BY THE COUNTY LAND USE ADMINISTRATOR.
13. THE SHARED WELL AGREEMENT IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT No. 1502386
14. WATER USE ON THESE TRACTS IS RESTRICTED BY COVENANTS, FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT No. 1502387
15. ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS AS PER THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
16. ALL BUILD-ABLE AREAS SHOWN HAVE SLOPES OF LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGE WAYS OTHER THAN THOSE SHOWN AS DRAINAGE EASEMENTS.

CERTIFICATE

I, BERNIE A. ALARID, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 5338, DO HEREBY CERTIFY THAT THIS LAND DIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED, WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Bernie A. Alarid — 7-18-07
BERNIE A. ALARID, P.L.S. NO. 5338 — DATE

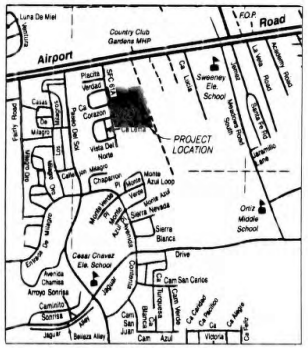
NEW MEXICO PROFESSIONAL SURVEYOR No. 5338 BERNIE A. ALARID

NOTES

1. BASIS OF BEARING IS TAKEN FROM A 1/2" IRON PIPE AND A REBAR W/CAP No. 5217 BEING THE SOUTH BOUNDARY LINE OF AS SHOWN HEREON [N 89°47'50" W]
2. DATA IN PARENTHESIS IS RECORD DATA IN REFERENCE DOCUMENT 1

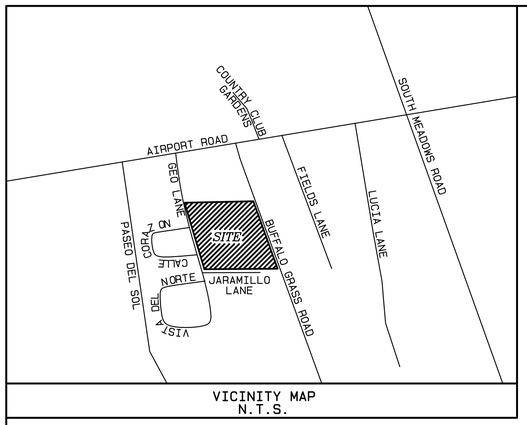
REFERENCE DOCUMENTS

1. PLAT ENTITLED "PLAT OF SURVEY FOR DENNIS R. AND PATRICIA A. PADILLA", PREPARED BY JAMES J. MEDRANO N.M.P.S. No. 5217 AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOK 271, PAGE 30 ON APRIL 14th, 1994.
2. WARRANTY DEED FROM DENNIS R. PADILLA AND PATRICIA A. PADILLA TO PRAISE TABERNACLE CHURCH AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 1628, PAGE 770 ON APRIL 16th, 1999.


Airport
Road
PROJECT LOCATION
Cesar Chavez Elem. School
Sweeney Elem. School
Ortiz Middle School
Arroyo Sonrisa
Camino Sonrisa
Sierra Nevada
Sierra Blanca
Vista Del Norte
Paseo De Peralta
Agua Fria
Cam Carleton
Cam San Carlos
Cam Azul
Victoria
Beleza Alley
Jaguar
Airport Road
Richards Avenue
Old Pecos Trail
Cerrillos Road
Governor Miles Road
Siler Road
Rodeo Road
Frontage Road
Zia Road
Agua Fria St.
Guadalupe St.
Camino Del Monte Sol
Camino Manzano
Camino Cabra
Camino Carleton
Camino Chaparral
Camino Monte Alto
Camino Monte Azul Loop
Camino Monte Vista
Camino Sierra Nevada
Camino Sierra Blanca
Camino Cesar Chavez
Camino Cam San Carlos
Camino Cam Azul
Camino Cam Victoria
Camino Cam Jaguar
Camino Cam Beleza
Camino Cam Sonrisa
Camino Arroyo Sonrisa
Camino Arroyo Frijoles
Camino Arroyo Hondo
Camino Arroyo Seco
Camino Arroyo Tenorio
Camino Arroyo Chamisa
Camino Arroyo Sombrio

BOUNDARY SURVEY OF THE GEO LANE PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO



VICINITY MAP
N.T.S.



BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
L1	6.78'	N89°47'37"W			
C1	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C2	27.25'	S70°59'21"W	54.00'	28°54'47"	26.96'
C3	12.34'	S73°22'12"W	21.00'	33°40'22"	12.16'
L2	18.07'	N89°47'37"W			
C4	43.02'	N71°43'44"W	54.00'	45°38'48"	41.89'
C5	39.47'	N27°57'52"W	54.00'	41°53'01"	38.60'
L3	14.45'	N20°07'39"W			
C6	12.34'	N03°17'28"W	21.00'	33°40'22"	12.16'
C7	19.38'	N03°15'41"E	54.00'	20°34'04"	19.28'
C8	8.87'	S09°57'44"E	25.00'	20°19'51"	8.82'
C9	39.27'	S45°12'12"W	25.00'	90°00'00"	35.36'
L4	57.59'	N89°47'48"W			
C10	30.40'	N54°57'44"W	25.00'	69°40'09"	28.56'
L5	9.26'	N20°07'39"W			
C11	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L6	6.78'	N89°47'37"W			
C12	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C13	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
L7	5.00'	S89°47'37"E			
C14	30.40'	S54°57'38"E	25.00'	69°39'58"	28.56'
C15	35.25'	S20°16'09"W	25.00'	80°47'35"	32.40'
C16	12.89'	S75°26'10"W	25.00'	29°32'27"	12.75'
C17	26.11'	S50°02'54"E	25.00'	59°50'29"	24.94'
L8	33.40'	S20°07'39"E			
C18	48.14'	S35°02'16"W	25.00'	110°19'51"	41.04'
L9	7.34'	N89°47'48"W			
L10	37.52'	N89°47'48"W			
C19	24.36'	N64°52'11"W	28.00'	49°51'15"	23.60'
C20	6.66'	N43°55'01"W	48.00'	7°56'54"	6.65'
C21	67.63'	N88°15'27"W	48.00'	80°43'58"	62.18'
C22	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
C23	27.37'	S35°02'28"W	48.00'	32°40'11"	27.00'
C24	51.99'	S12°19'18"E	48.00'	62°03'21"	49.48'
C25	30.40'	S54°57'44"E	25.00'	69°40'09"	28.56'
C26	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L11	12.61'	N16°55'35"W			
C27	58.25'	S78°07'03"E	48.00'	69°32'09"	54.74'
C28	22.42'	N53°43'55"E	48.00'	26°45'56"	22.22'
C29	24.36'	N65°16'34"E	28.00'	49°51'15"	23.60'
L12	26.99'	S89°47'48"E			

NOTES:

1. BASIS OF BEARING IS TAKEN DIRECTLY FROM PLAT ENTITLED "LAND DIVISION PREPARED FOR PRAISE TABERNACLE" PREPARED BY BERNIE A. ALARID, N.M.P.L.S. No. 5338, RECORDED IN BOOK 666, PAGE 21 ON OCTOBER 10, 2007 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. REFER TO WARRANTY DEED, FREEDOM CHURCH PRAISE TABERNACLE CHURCH FKA TO LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM, RECORDED AS INSTRUMENT #1873943 ON NOVEMBER 30, 2018 AT THE SANTA FE COUNTY CLERK'S OFFICE
3. LANDS SHOWN HEREON LIE WITHIN ZONE 'X' - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP 35049c0393d, DATED JUNE 17, 2008.

SURVEYOR'S CERTIFICATE

MITCHEL K. NOONAN NEW MEXICO 6998 PROFESSIONAL LAND SURVEYOR

I MITCHEL K. NOONAN, N.M.P.L.S. No. 6998 DO HEREBY CERTIFY THAT THIS SUBDIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. NOONAN N.M.P.L.S. No. 6998

COUNTY OF SANTA FE)
) SS
STATE OF NEW MEXICO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE____ DAY OF_____, A.D. 20____, AT _____ O'CLOCK_____M AND WAS DULY RECORDED IN PLAT BOOK_____, PAGE_____, OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY

SITE DATA (TRACT 1 & 2)	
LOTS	5.631Ac±
OPEN SPACE & RETENTION POND	0.696Ac±
RIGHT OF WAY	2.252Ac±
TOTAL	8.579Ac±

INDEXING INFORMATION FOR COUNTY CLERK	
UPC:	1-048-095-388-368 & 1-048-095-397-338
OWNER:	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED:	INSTRUMENT #1873943
SUBDIVISION:	N/A
SECTIONS:	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) 982-9429 FAX (505) 986-3413

DATE (S): 12/22/18 | DRAWN BY: DKR | PROJECT No: C-2924A

EXHIBIT B1

EXHIBIT B1

ITEM # 19-0616

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

Case #2019-19
4000 & 4100 Geo Lane General Plan Amendment
Case #2019-20
4000 & 4100 Geo Lane Rezoning

Owner's/Applicant's Name- Geo Park, LLC
Agent's Name- John Reeder

THIS MATTER came before the Planning Commission (Commission) for hearing on June 6, 2019 upon the application (Application) of John Reeder as agent for Geo Park, LLC (Applicant).

The application includes two properties located at 4000 and 4100 Geo Lane totaling approximately 8.59 acres. The Applicant requests (1) approval of a general plan amendment to change the Future Land Use Designation from Institutional to Low Density Residential and (2) a rezoning from R-1 (Residential-one dwelling unit per acre) to R-6 (Residential-six dwelling units per acre). The plan (Project) would create a 48 lot subdivision.

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 reports from staff, received testimony and evidence from the Applicant, and heard testimony offered by members of the public.
2. Santa Fe City Code (SFCC) §14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
3. SFCC §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC §14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC §14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC §14-3.1(H)-(I)].
4. A pre-application conference was held on December 27, 2018 in accordance with SFCC §14-3.1(E)(1).
5. Pursuant to SFCC §14-3.1(H), notice of the ENN meeting was properly given.
6. Pursuant to SFCC §14-3.1(F), an ENN meeting was held on the Application on January 31, 2019 at the Southside Branch of the Santa Fe Public Library, 6599

Jaguar Drive, Santa Fe, New Mexico 87507. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Seven members of the public signed in, although more attended. Residents expressed numerous concerns, including traffic on Airport Road, crime in the area, rapid growth of the city, and neighborhood character.

7. Pursuant to SFCC §14-2.3(C)(7)(a), the Commission has the authority to review and make recommendations to the Governing Body regarding amendments to the general plan.
8. Pursuant to SFCC §14-2.3(C)(7)(c), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
9. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission recommend approval of the amendment to the general plan and the rezoning, subject to certain conditions of approval (the Conditions) set out in the Staff Report.

General Plan Amendment

1. Pursuant to SFCC §14-3.2, the general plan must be amended before new zoning regulations establishing new land use classifications may be approved.
2. SFCC §14-3.2 sets out certain procedures for amendments to the general plan, including, without limitation, submittal of an application for review, a public hearing by the Commission, and a recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.2(E).
3. Under the general plan, "Low Density Residential" is the second-lowest density category and permits residential zoning of three to seven units per acre.
4. SFCC §14-3.2(E)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending any amendmeut to the general plan.
5. Based on the Staff Report and testimony and evidence presented at the hearing, the Commission finds that all applicable criteria in SFCC §14-3.2(E)(1) have been met.
6. Pursuant to SFCC §14-3.2(E)(1)(a), the Commission finds that the proposal is consistent with existing land use conditions and that there is access to available infrastructure.
7. Pursuant to SFCC §14-3.2(E)(1)(b), the Commission finds that the proposal is consistent with other parts of the general plan.
8. Pursuant to SFCC §14-3.2(E)(1)(c), the Commission finds that the proposed use is not inconsistent with the prevailing use and character in the area, that the Project is well over the 2 acre minimum required for a general plan amendment, and that it will not benefit one or a few landowners at the expense of the surrounding landowners or the general public, as long as the resulting density is appropriate for the surrounding area.

9. The Commission finds that the criterion in SFCC §14-3.2(E)(1)(d) is not applicable to this case.
10. The Commission finds that the criterion in SFCC §14-3.2(E)(1)(e) is not applicable to this case.
11. Pursuant to SFCC §14-3.2(E)(1)(f), the Commission finds that housing at that location would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area.
12. Pursuant to SFCC §14-3.2(E)(1)(g), the Commission has considered conformity with other city policies, including land use policies, ordinances, regulations and plans.
13. The Commission finds that the additional criteria in SFCC §14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.
14. The Commission finds that the additional criteria in SFCC §14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

Rezoning

1. SFCC) §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
2. SFCC §14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
3. At the hearing, members of the public and individual Commissioners raised concerns about the proposed R-6 zoning and suggested that a lower density might be more appropriate due to the existing density in the surrounding area.
4. The proposed rezoning should be tabled to permit the Applicant to consider the concerns expressed by individual Commissioners and members of the public concerning density and the proposed design of the new project.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC §14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements were followed.

Case #2019-19
4000 & 4100 Geo Lane General Plan Amendment
Case #2019-20
4000 & 4100 Geo Lane Rezoning

General Plan Amendment

1. The Applicant has the right under the Code to propose an amendment to the general plan.
2. The Commission has the power and authority at law and under the Code to review the proposed amendment to the general plan and to make recommendations regarding the proposed amendment to the general plan to the Governing Body.
3. All applicable code requirements for recommendation of approval of an amendment to the general plan have been met.

Rezoning

1. The Applicant has the right under the Code to propose the rezoning of the Property.
2. 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.
3. The Commission tabled consideration of the proposed rezoning set forth in the Application for Case No. 2019-20.

WHEREFORE, IT IS ORDERED ON THE 11th DAY OF JULY 2019 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission recommends that the Governing Body approve of the general plan amendment, as requested in the Application for Case No. 2019-19, subject to the Conditions in the Staff Report.

John B. Hiatt
Chairperson

7-11-19
Date:

FILED:

Yolanda Y. Vigil
City Clerk

7/12/19
Date:

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

07/11/2019
Date:

EXHIBIT B1

City of Santa Fe

Agenda

AMENDED

PLANNING COMMISSION
Thursday, June 06, 2019 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
MINUTES: May 16, 2019
FINDINGS/CONCLUSIONS:
Case #2018-97. 4327 and 4323 Airport Road Rezoning

E. OLD BUSINESS
F. NEW BUSINESS

1. An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission; Repeal Obsolete References to the Business Capitol District Development Review Committee; and Make Such Other Changes as Are Necessary to Provide Consistency. (Councilor Abeyta) (Noah Berke, Planner Manager, nlberke@santafenm.gov, 955-6647)

2. **Case #2019-46. 0 Camino Carlos Rey Verizon Telecommunication Facility.** Black & Veatch, Agent, for Verizon Wireless, Applicant, request approval of a new Telecommunication Facility pursuant to Subsection 14-6.2(E) "Telecommunication Facilities". The property is zoned R-3 (Residential- three dwelling units per acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)

3. **Case #2019-39. 5750 Alameda Frontage Road Special Use Permit for a Fire Station.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Special Use Permit to allow for City of Santa Fe Fire Station. The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

4. **Case #2019-38. 5750 Alameda Frontage Road Fire Station Number 2 Development Plan, Height, and Sign Variances.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Development Plan for a new City of Santa Fe Fire Station that will be approximately 14,000 square feet. The request also includes variances to Table 14-7.2-1 "Maximum Height of Structures" and Subsection 14-8.10(G) "General Requirements for Signs According to District". The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

5. **Case #2019-40. 1849 Arroyo Chamiso Rezone.** JenkinsGavin, Inc., Agent, for John & Janet Di Janni, Owners, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-2 (Residential- two dwelling units per acre). The property is located at 1849 Arroyo Chamiso and is approximately 2.0 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

6. **Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision.** JenkinsGavin, Inc., *Agent, for John & Janet DiJanni, Owner, requests approval of a preliminary subdivision* plat for four residential lots located at 1849 Arroyo Chamiso. The property is zoned R-1 (Residential- one dwelling unit per acre) and is approximately 2.0 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*
2. *Discussion of ENN Procedures and Policies.*
3. *Discussion of Affordable Housing.*

I. ADJOURNMENT

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	May 28, 2019
TIME:	10:03 AM

EXHIBIT B1

SUMMARY INDEX
PLANNING COMMISSION
June 6, 2019

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes & Findings/Conclusions		
1) Minutes of May 16, 2019	Approved	2
2) Findings/Conclusions:	Approved as proposed	2-3
a. Case #2018-97 - 4327 and 4323 Airport Road Rezoning		
E. Old Business	None	3
F. New Business		
1. Summary Committee Repeal	Postponed to next meeting	3-7
2. Case #2019-46. Verizon Facility	Approved	7-10
3. Case #2019-39. Special Use	Approved	10-13
4. Case #2019-38 Development Plan	Approved	10-13
5. Case #2019-40. 1849 Arroyo Chamiso Rezone	Approved	14-20
6. Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision	Approved	14-20
7. Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment	Approved	20-31
8. Case # 2019-20. 4000 and 4100 Geo Lane Rezoning	Tabled	20-31
G. Staff Communications	Discussion	31-32
H. Matters from the Commission	Discussion	32-33

PLANNING COMMISSION
Thursday, June 6, 2019 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:04 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Janet Clow
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan [arriving later]
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
(One Vacancy)

Others Present:
Ms. Carol Johnson, Land Use Department Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Mr. Dan Esquibel, Planner Senior
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and Commissioner Hogan voting against.

MOTION: Commissioner Sategna moved, seconded by Commissioner Lawrence, to approve the preliminary subdivision plat in Case #2019-41, subject to conditions of approval and technical corrections recommended by Staff.

VOTE: The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and Commissioner Hogan voting against.

Chair Hiatt, regarding the Findings of Fact and Conclusions of Law for both cases, asked Ms. Paez if she had heard anything in testimony that would change her proposed FF/CL for both cases.

Ms. Paez said the actions are consistent with what is in the packet.

Chair Hiatt asked Mr. Logston if any testimony would change any FF/CL.

Mr. Logston said no.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, in Case 2019-40 and 2019-41 to approve the Findings of Fact and Conclusions of Law as proposed.

VOTE: The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Hogan, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez was not present for the vote.

7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R -1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

Staff Report

Mr. Logston presented the Staff Report for both cases. He explained that the Applicant is not looking for preliminary subdivision approval right now, but he was asked to show how the density would look on the ground. The Planning Commission just makes a recommendation on both of the cases. He was not very specific about these parcels and in S.W.A.M.P. designations were given, based on who owns and current usage. While the parcel is designated as institutional, the Master Plan doesn't recommend against residential. The General Plan criteria meet growth and development goals and in SWAMP, this is not out of character. The use is advantageous to the public; it meets Chapter 14 standards and development and growth goals, and the infrastructure can handle it.

Three motions are required"

1 - recommend to the Governing Body to approve the General Plan Amendment on use to residential and no conditions are applicable.
2 - approve rezoning from R-1 to R-6, subject to conditions of approval and technical corrections;
3 - Approval of the FF/CL for both cases.

He said #2019-19 is the correct caption.

Applicant's Presentation

Mr. John Reeder was sworn and said he is acting as agent and as a 1/3 owner, here with his partners. We seek to develop as an Affordable Housing subdivision and feel that is very appropriate. It was institutional because it was owned by a church which was not possible to build and put it up for sale.

They are asking for R-6 rezoning. The property is bounded on two sides by R-12 and the others by R-6. So it will be consistent with the area and ideal for infill and requires no expansion of infrastructure. Roads and utilities are already there. They are seeking to develop 48 lots although 51 would be allowed at R-6. The public would be better served with residential instead of vacant land. People do donuts on the grounds there. So, there are hazardous activities now.

We were surprised at a little opposition and understand some neighbors are impacted by it who live right next door. Overall there is benefit to the public as a version of west meadows across the street.

Questions to the Applicant

Commissioner Faulkner asked what kind of housing they envision.

Mr. Reeder said they would not want to restrict manufactured housing that is permanently anchored. The lots would be 5,000 to 7,000 square feet so a house could be up to 2,000 square feet.

Commissioner Faulkner said she saw the rectangle shape and not square which would restrict building a house.

Mr. Reeder did not think so and said they still have flexibility there. Right now, it is very preliminary, and they seek rezoning first and then will be open to those comments.

Public Comment

Marty Rodriguez was sworn and said they were going to get a church there. She was born there and lived there all her life. There was no traffic and no crime but now there are both. She noted that the Mayor wanted to erase the lines between south side and downtown but putting another trailer park there would not erase it. We want something nice there. 48 mobile homes there would be a cost of a hundred more cars on Airport Road. She said she could just see the traffic and motorcycles that go in and out. She would rather have a church.

Helen Chávez was sworn and said she was born and raised here. She and her husband moved there in the 1990's he passed away four years ago. Geo Lane is my back yard. There is lots of crime there. No U-turns are permitted on that street. Cars could fit into Geo Lane and have to make a turn to go back onto Geo Lane. There are many schools there and businesses. The owner told her he was selling mobile home lots. She has two dogs to protect her from the things going on. She thought it will create more crime and traffic and deaths. Santa Fe has changed a lot. She would hope for commercial development. She asked the Commission to take thought things into consideration.

Debra Snyderman was sworn and explained that on KSK Lane, the only way in is by making a U- turn. She said, "I apologize if you feel I have been disrespectful. I have felt disrespected when the first mobile home moved into Buffalo Grass. The street I live on is R-3 and I have lived there since 1988 as a retired teacher. When I started, we were 47th in the nation in salaries and still made our adobe home very lovely.

In 2018 was the first mobile home and a wall separated me from neighbors who were also R-3. I had to build a coyote fence on top since the trailer was right in my face, so I had to adjust. Since the first one, I have felt totally disrespected by the City of Santa Fe. We are placed on the bottom of the list. It is symbolic for the way our part of the City is treated with trailers and inappropriate businesses.

"Many things that occur in my neighborhood would not be tolerated in other parts of

town. We have no covenants. I have a master's degree and traveled a lot of the world and intend to keep traveling. We appear to be the least likely to defend ourselves and get an attorney to help defend us. I've tried to work with Councilors and City Staff at City Hall. I do a lot of volunteer work like ESL tutoring at the Southside Library. That should be a standard for the rest of the Airport community but not what we are getting. People with money go in and buy it for Affordable Housing because there are no standards. They just want to cash out and divide their land into as many lots as possible. Where are they going to park two cars? Please consider those. To get to my house is the KSK Buddhist Center. The Dali Lama has been there and other important Buddhists. Anyone coming in has to make a U turn and the only place now is Paseo del Sol. This is an everyday occurrence. People on Paseo del Sol can turn right on red but people when I have a green arrow still turn and people blow me off. This is without the hundred extra cars needing to get into Geo Lane or Buffalo Grass. Only 4-5 cars that can get into that lane if coming from east. Coming from the west is a right turn and they must pass KSK Lane.

Chair Hiatt said the Commission usually allows 2-3 minutes.

Ms. Snyderman said the two issues are traffic safety and the standard for Affordable Housing. I'm all for Affordable Housing. As a social worker, research has been done how to create a healthy community and not an at-risk neighborhood.

Ms. Monica Marikapas, 1829 Hano Road, was sworn and a member on the board of the Buddhist Center and an event manager and assistant to the Lamas. As Buddhists, we try to find the best solution and be kind to all parties involved. But this development is clearly not good except for the developers. It is not a good space for human beings, being packed in as tight as possible with no room for children. The Buddhist is kind of in the center. There are three issues: traffic, neighbors impacted and impact on possible residents in this state.

"This is not an Affordable Housing project. To squeeze 48 trailers in doesn't make a good project in any way. I go to the Center 4-7 times each week. But I take my life in my hands when making a U–turn at Paseo del Sol. I pay attention every time. But there is going to be an accident there.

"We are a quiet group. We do Buddhist chanting and we are a peaceful group. I like having the big field behind us and the new development will abut right up against us from the back of our buildings."

"I also wondered when hearing questions about Arroyo Chamiso in a very large lot. These lots are already surrounded by huge numbers of people. How about R-2 and R-3 and put in real houses. I encourage you to vote against this.

Darrell McAllen was sworn and said, "Our biggest concern is traffic control. I go up Airport Road and it is a major road from 599 to Cerrillos Road. I leave at 5:45 but at

7:00 someone has to let us out to take kids to school. I never like to do a U-turn, so I have to go all the way around. I think it is way too many houses for such a small lot. There are about 80-100 mobile homes there now and 20 more nearby. The road is very narrow, and kids play there. We first heard they would put real homes there and I understand the rectangular shape now. With only two access points, the road is dangerous and narrow. I would not want a mobile home park there but regular homes on regular lots. Certainly not putting older manufactured homes there. I think there is a city ordinance to also consider.

Tanya Venetta, 134 Vista del Norte in the southern part of South Meadows, was sworn. We were never notified about this rezoning. I heard tonight that letters were mailed only to those within 200' but it should be to everyone who has to live on that road. I have two kids, 6 and 9. In the morning it is at a stop. And in the afternoon only 3 cars fit into Geo Lane and that needs to be adjusted. As far as Affordable Housing. we do need Affordable Housing, but it should not be at the expense of the people who already live there.

"I've heard you talk about a negative impact and this would definitely be negative on my community and my children. Please take into consideration the others who are there. Everyone who is affected should be notified. When you put up a sign, it is not like a letter and they will find someone who can tell them what it says. There are 80 homes in South Meadows and about 10% were notified.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Commissioner Faulkner said this development bothers me. Commissioner Garcia and I represent District 3 and density is a real problem. These are not communities, but houses and that property should be used as an amenity of some kind. No park is visible. I have a problem with increasing this density. There is no walkability to healthy food. We don't need to add more people to a food desert. Parks are not well maintained. This zoning is not appropriate because the area around is so dense.

Commissioner Clow asked about the type of homes for this property.

Mr. Logston said there are no new mobile homes or trailers permitted anywhere in the City. Manufactured homes are built to their own standard and matchstick built homes and are attached to the ground. We are not allowed to prohibit manufactured homes and people choose them for affordability.

The lot shape is rectangular and their size it typical for manufactured homes.

Mr. Berke added that a subdivision is just that - creating square pieces of land and the State Code prohibits us from prohibiting manufactured homes. The industry worked hard on that. HUD has standards for them. This is just a rezoning case. Some get

approved and then no development happens. Also, people like Pulte and D.L Horton could purchase those lots. Pulte bought and built 250 homes for Las Soleras.

It is an option for manufactured homes, and we don't regulate them except 1976. And stick built homes can be built there.

Mr. Logston said notice requirements in the code is mailing to those within 300' and frequently we hear people who did not get a notice. Maybe we should encourage applicants to expand that, but they followed code.

A grocery or a park would be an excellent development. Grocery stores come in when there is a critical mass. The City cannot force anyone to develop a grocery store there.

He did not discount any of the concerns the residents have when it comes to a head. We are planning to do much more updating to the General Plan, but he could only make a recommendation based on what we have in the Code and neighbors base it on other things.

Commissioner Hogan asked Mr. Romero about access to Geo Lane.

Mr. Romero said left turns are allowed and they don't have to make a U-turn. U turns are needed for Buffalo Grass Road. He understood how U-turns are considered difficult and dangerous. But they are not dangerous and in fact, are safer than allowing left out.

The City built medians along Airport Road and before them, there were constant left turns along Airport Road. With the medians, there have been bigger reductions of injury and accidents. Rarely is there an accident with U-turns. U-turners have to yield to left turners and right turners.

Regarding Geo Lane, the traffic study showed the left turn could accommodate the future traffic.

Commissioner Hogan asked if stacking is adequate for U-turns.

Mr. Romero said the left turn storage is small compared to other major roads. But the majority are accommodated.

We cannot increase capacity there. Connections have been improvements. We worked with schools, knowing we needed other ways out on the west side. The South Meadows connection to 599 makes it more desirable. More people use 599 to get downtown. We are also working on optimizing the signals on Airport Road and studying whether the Jemez Road signal is still needed. We are close to making the timing work there.

Commissioner Gutierrez said at peak hours, everybody is traveling up in the morning

and down in the evening and I don't think a 3-car capacity will work with the development. Cars travel extremely fast there on Airport Road. He asked if it can be extended.

Mr. Romero said if we could extend it, we would ask the developer to do that. But on the other side is a left turn lane just east of Geo Lane and to lengthen it would mean no left turn allowable.

Commissioner Gutierrez noted that property has not been built out.

Mr. Romero said it serves the whole area.

Commissioner Faulkner commented she did not care if trailers are there. The issue is density. There is so much need for amenities there and just adding more people just makes it worse. The city is being critical that our need for Affordable Housing still allows in lieu of fees. I am against the zoning to this level of density.

Commissioner Garcia said putting so many houses on smaller lots is not good. - Owning your own house is or should be everyone's right. There are also many homes there without amenities along Airport Road. This is a frontage of Airport Road and a little too dense. In this case, we need to consider how the whole neighborhoods there would work. I think the density is too much.

Commissioner Gutierrez had some questions for Director Ladd for clarity. If someone who wants to buy one and qualifies for 0 could pay $34,900.

Director Ladd explained the way it works is a 20% requirement with three different income tiers. It is a trigger for the Santa Fe Homes Program, but we cannot apply it until we get to the subdivision stage. This price in front of the Commission is a subsidized price for the lot and geared to the three tiers and would have to be certified by the City.

Commissioner Gutierrez quoted the list of Affordable Housing lots for this development but understood that might change as it goes forward.

Director Ladd agreed. There is a fractional fee for fractional unit. She clarified that the fee in lieu of amendment only applies to multi-family units. So there is not a relationship with these particular projects.

Commissioner Faulkner asked if any of that fund will be used on this property.

Director Ladd said that individual buyers might qualify if they are income-qualified.

Commissioner Faulkner asked if any of those funds go to individuals if they applied for a property for their home.

Director Ladd said it is very possible, if they qualify for those funds. The nonprofits

would connect them to those loans.

Commissioner Faulkner said the fee in lieu of provision allows a developer to not do Affordable Housing and spread affordable options throughout the city. Other developers do high density development in Districts 2 and 3. Everyone tonight complained about affordable clustering like in Districts 2 and 3. And the only way to combat poverty clustering and crime and low voting turnout and inequity in general is to spread poverty throughout a city. The Mayor gave us a book and that is one of the points in the book. There is an absolute connection.

Director Ladd said the Affordable Housing Trust funds are allocated on an annual basis and nonprofits propose a method for assistance. That can be rental assistance or down payment assistance. Because of rental assistance, it can be used on any property and allows a person the ability to rent or buy in any section of the city. She felt it gives people a choice to live in any part of town and not be limited to a development like this.

Commissioner Faulkner said that is if the area will accept the developer.

Director Ladd said it is just an issue if the landlord is able to choose which kind of assistance vouchers they choose to accept.

Chair Hiatt asked Mr. Reeder if he had thoughts about massaging the project in any way.

Mr. Reeder said Mr. Logston already addressed the notices and we mailed out 114 letters within 300' of our property. We are bordered on the north by Shalom R-12 and on south by a trailer park at R-12. The recommended density for low income is R-7 and we didn't go that far. If the lots were bigger, it would not be affordable homes. We want an R-6 subdivision. We could look into more square shape. We hired a civil engineer but wanted to get rezoning before doing the engineering for the density. We can try to make the lots more conducive to stick-built houses.

We did volunteer to construct sidewalks on Geo Lane and Buffalo Grass on our side all the way to Airport Road. So people would not have to walk in the street.

Commissioner Gutierrez said he was on the Commission when Buffalo Grass came in. The end game of what happened there was not a benefit to the city. So if you get approval here, how would you mitigate the problem of trying to get 2 mobile homes on one lot? That is what happened in Buffalo Grass. With two trailers, the quality of life is not good.

Mr. Reeder thought they could create covenants for only one unit per lot and that all be anchored with a permanent foundation. We also could build a wall to screen from adjacent developments.

Commissioner Gutierrez concluded that they are not opposed to limiting one dwelling unit per lot.

Mr. Reeder agreed, although the City might override that.

Commissioner Gutierrez asked if that limitation could be done on the plat.

Mr. Berke said the City cannot and the Commission cannot impose conditions that violate the laws and ADUs are allowed but the Developer can impose covenants on them. The City cannot enforce those covenants. The Rufina subdivisions were oddly shaped but could still have stick-built homes. The developer offered to put a covenant on the plat and with staff, they kept up with it.

Commissioner Gutierrez said Mr. Reeder could put that covenant on the plat. Okay.

Commissioner Gutierrez would like to see two entrances on Geo Lane and two on Buffalo Grass to deal with traffic.

Mr. Reeder said they could think about that. Buffalo is much narrower than Geo Lane. Having that one entrance was to discourage people from Buffalo Grass and directing to Geo Lane. That was their own engineering thought.

Commissioner Gutierrez said a lot at 25' wide and 100' long eliminates a place for kids to play. He would support more open space and he would require longer stacking.

Commissioner Faulkner asked if as developer, he would create the covenants but an HOA would enforce them. She said in her neighborhood, no HOA ever evolved so we have no covenants. They are only as good as the HOA ability to enforce them. That is a big risk.

Commissioner Hogan noted there are other deed restrictions possible.

Commissioner Sategna said to Director Ladd that at this point we are just recommending on rezoning and a lot of this is hypothetical on what it would mean for Affordable Housing. He was just trying to understand is the higher density or 25% to qualify for Affordable Housing would apply. What triggers the Affordable Housing? Would the developer be required to provide a 20% subsidy?

Director Ladd it is 20% for residential and 15% for multi-family. And multi-family can get 15% by right. To pay a fee other than that, is not an option for the developer. It is 20% on this number of lots.

Action of the Commission

MOTION: Commissioner Faulkner moved to not recommend R-6 density. It is already so dense that adding more people will not help the problem for social justice and food.

Director Johnson advised that the General Plan Amendment must be considered first.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Sategna. to not recommend the General Plan Amendment. [She later withdrew the motion.]

Commissioner Gutierrez said instead of having this coming to a vote, he would like to see more work put in on it. Penciling out what the partners think would work to make it a nice subdivision for Airport Road. He would rather see it tabled with more thought to be put into it. They have heard the concerns of the neighbors.

Commissioner Hogan thought the Commission could provide specific direction. He pointed out that R-6 zoning is not inherently dense.

Commissioner Faulkner said less density and more consideration for a park or open space for people who live there would be best. She was willing to withdraw her motion if they are willing to be less dense with more amenities.

Mr. Berke explained the General Plan Amendment could be approved with conditions attached on street width, right angles, etc. Right now the General Plan has institutional use there from R-1- R-6.

Commissioner Faulkner asked that they consider a grocery store rather than residential. Getting rid of amenities is not good.

Chair Hiatt did not have a sense of where the Commission is going and although she made a motion, not to assume that he would be thinking it is not going his way. But he asked if the Applicant would like a table or go for a vote.

Mr. Reeder asked to confer with his partners.

After conferring, he said, "We have waited six months since the ENN meeting. We'd like a decision but are willing to work on it more.

He asked if the Commission could act on the General Plan Amendment and table the rest. He clarified that the application would not be for a grocery store. It will be residential. It is not going to be a church either.

Commissioner Faulkner withdrew her motion to deny.

Commissioner Clow pointed out that if we approve the General Plan Amendment to a lower density, would it mean it is up for grabs to be decided later.

Director Johnson said yes. It would move the General Plan Amendment to the Governing Body and the uses are fairly broad that would be consistent with the General Plan.

Commissioner Clow thought it would be appropriate to consider that.

MOTION: Commissioner Clow moved, seconded by Commissioner Faulkner, in Case #2019-19, to approve the General Plan Amendment from institutional to low density residential with the conditions of approval recommended by Staff.

Commissioner Sategna asked if it is appropriate to ask them to return.

Commissioner Hogan said this motion just gives them permission to return.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Ms. Paez recommended to table the rezoning issue.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, to table Case #2019-20.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Commissioner Faulkner felt badly for the developer and said it is just circumstances.

Chair Hiatt thanked those who testified.

G. STAFF COMMUNICATIONS

Director Johnson reported that with the adoption of the budget, some changes were made. In the reorganization, two assistant directors will be added to the team. The posting of the positions closed yesterday evening. We have put in the work program two ambitious projects. One is the update to the Land Use Code to improve processes, particularly ENN and have more consistency among the processes and the other part is initiating a community conversation on how to approach General Plan Amendments and is streamlining the number of elements. It has been almost 20 years since this

conversation happened and moving into year two, to be able to get into more substantive changes. The broader conversation is on how to govern ourselves. All of this is conditioned upon hiring those two directors.

Ms. Paez announced the City Attorney's Office is 100% staffed.

Mr. Berke said he felt this was great discussion tonight.

Mr. Berke and Chair Hiatt both apologized for the confusion regarding the Findings of Fact and Conclusions of Law.

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*

Chair Hiatt said the results from the conversation among Commissioner Faulkner and Chair Hiatt with Staff were a concern that this would take us past 10 pm and it has already. We are all committed to two meetings per month with projects spaced out.

Commissioner Faulkner thought everyone was ready to run by the time we are done, and we are tired, and it is not fair to the public when we are exhausted. We need to give them the time and thought they deserve. And should have a public comment on agendas.

She asked Staff to bring back next time what a public comment is to be. I signed up for two meetings.

Chair Hiatt asked Councilor Heldmeyer about having public comment to make sure we get the public input.

Commissioner Faulkner thought if we had two meetings each month, we would not be stacked up for time.

Councilor Heldmeyer thought public comment is good but on a specific topic at a specific time makes lots more sense. The School Board has a public comment on their agenda and people talk about whatever they want. if it is not an item on the agenda. She gave several examples.

If the question is how we can bring up a subject, in terms of land use, there are many specific issues that could be notified what is to be discussed and a fair number would make good comments. It is possible but it needs structure.

Commissioner Faulkner said she had talked to Director Johnson about this. We were thinking about all the stuff staff reviews. This comment could give feedback.

Ms. Heldmeyer agreed and not on quasi-judicial items.

Chair Hiatt asked for comment from Director Johnson - Whatever we can do to balance it and not make the public get upset with us.

Director Johnson said she would rather have their two projects not be the focus. Also, LRP has not been active and with these two hires, their first work would be community outreach.

Chair Hiatt asked to get some ideas when they would come up.

Director Johnson anticipated a hiring list within a week to ten days. They probably won't be on board on July 1. And she also has to issue an RFP for our consultant.

Ms. Heldmeyer said after July 1, we will have an increase in constituent service and with people who help Councilors. There will be two of them for 8 Councilors. They will get input on a lot of things from the public and they could help LUD on what they are hearing about. It gives you some extra hands.

Chair Hiatt thought we should postpone discussion on ENN and fee in lieu of.

2. *Discussion of ENN Procedures and Policies.*

This item was not considered.

3. *Discussion of Affordable Housing.*

This item was not considered.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 10:28 p.m.

The next meeting will be June 20, 2019.

Approved by:

John B. Hiatt, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 2

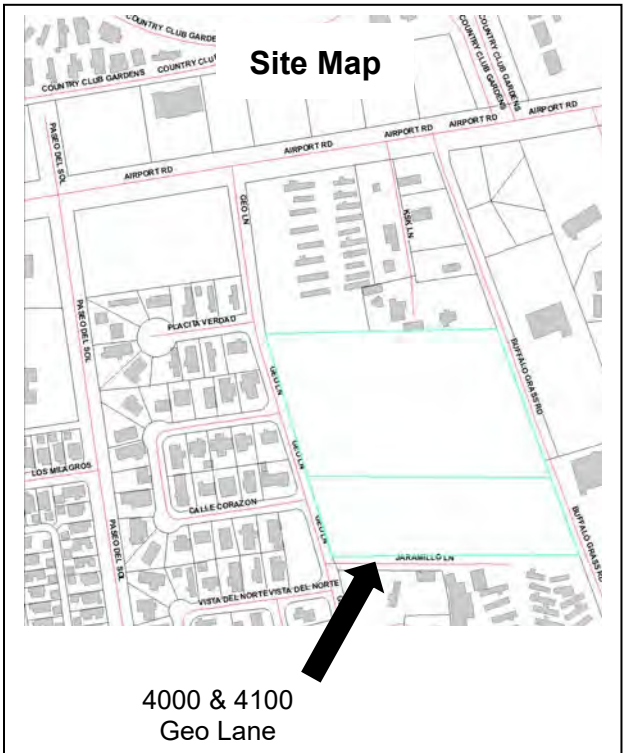
Planning Commission Staff Reports and Packets

February 6, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B2

Land Use Department
Planning Commission Staff Report

Case No:	2019-20 & 2019-1520
Hearing Date:	February 6, 2020
Applicant:	John Reeder
Request:	Rezoning & Preliminary Subdivision
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018 & December 9, 2019
ENN Mtg:	January 31, 2019 & November 6, 2019
Proposal:	Rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre), and Preliminary Subdivision approval for 42 residential lots on 8.59 acres.



Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

RELATED CASE:

Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment*. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).* ***RECOMMENDED FOR APPROVAL TO THE GOVERNING BODY JUNE 6, 2019***

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of the rezoning request and approve the preliminary subdivision plat.

Four motions will be required in this case:

- *Recommend the Governing Body approve the rezoning request for Case #2019-20 from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre);*
- *Approve the preliminary subdivision for Case #2019-1520 subject to rezoning approval by the Governing Body, with the conditions of approval and technical corrections as outlined in this report;*
- *Approve the Findings of Fact and Conclusions of Law for Case #2019-20 (Exhibit A(2)); and*
- *Approve the Findings of Fact and Conclusions of Law for Case #2019-1520 (Exhibit A(3)).*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2019-1520:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Preliminary Subdivision approval is dependent on being granted a Rezoning to R-6.	Land Use/Current Planning	Prior to Final Subdivision Approval
2	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department.	Engineering Division/Traffic	Prior to Final Subdivision Approval
3	The Developer shall provide a signing and striping plan.	Engineering Division/Traffic	Prior to Final Subdivision Approval
4	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used shall be reviewed and approved by the City's Public Works Department and shall be New Mexico Night Sky Protect Act compliant.	Engineering Division/Traffic	Prior to Final Subdivision Approval
5	Provide certified drainage report stamped by a registered NM Professional Engineer.	Technical Review Division/Terrain Management	Prior to Final Subdivision Approval

6	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD.	Public Utilities/Water Division	Prior to Obtaining Water Service
7	Indicate on subdivision drawings how the project will meet the requirements in 14-8.4 (E), (F), (G,) and (H).	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval
8	Graphically indicate the street trees with the same size symbol throughout the plan to make clear what is tree and what is shrub. When more than ten trees are required by Section 14-8.4, more than one species shall be provided unless otherwise approved.	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval
9	Storm water detention ponds must be landscaped per Subsection 14-8.4(F)(2)(e). Open space must be planted per Subsection 14-8.4(H), however if a park dedication is accepted by Santa Fe Parks and Recreation, this will be waived in lieu of the Parks and Recreation requirements.	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the plat prior to recordation are listed in Exhibit A(1).

III. EXECUTIVE SUMMARY:

The Planning Commission first considered an application for this property on June 6, 2019. The application, at that time, consisted of a General Plan Amendment from Institutional future land use designation to Low Density Residential (three to seven units per acre) which was recommended for approval, and a rezoning from R-1 (Residential- one dwelling unit per acre to R-6 (Residential- six dwelling units per acre). The Applicant's intent at that time was to develop approximately 48 residential lots on +/- 8.59 acres. The Planning Commission tabled the rezoning request, asking the Applicant to come back with something potentially less dense that would better address the concerns of the surrounding residents, which included traffic, density, lot shape, type of housing to be built, and the lack of parks and open space.

The Applicant is now requesting a rezoning to R-5 (Residential- five dwelling units per acre), and is requesting preliminary subdivision approval for a 42 lot subdivision. While the proposed density is not significantly less than the original proposal, the Applicant has made a number of changes to the proposed subdivision in an attempt to address resident concerns. The amended rezoning application did not require a new Early Neighborhood Notification (ENN) meeting, but an ENN for the preliminary subdivision application was held on November 6, 2019. The Applicant held an additional, non-required meeting the following week.

If given a favorable recommendation on the R-6 rezoning application, the Applicant will go to the Governing Body for final approval of the rezoning and the General Plan Amendment. A preliminary subdivision approval would be conditioned on the Governing Body approving both the General Plan amendment and the rezoning. If the General Plan amendment and rezoning are approved, the final subdivision plat will come back to the Commission for final approval.

IV. BACKGROUND

At the ENN and the June 6, 2019 public hearing for the original application, the proposal met with considerable opposition from residents who feel that the Southside is experiencing rapid and uncontrolled growth, resulting in poor quality of life for residents. Residents opposed the rezoning request at this location for a multitude of reasons, including traffic impacts, the potential for the subdivision to become a manufactured home community, and quality of life issues. The following section will detail how the Applicant has attempted to address each of the concerns with this amended application.

Traffic

Volume: Residents have said that they feel that Geo Lane and Buffalo Grass Road are very busy and cannot accommodate any more traffic. Approximately 109 residences have their primary access from Geo Lane. Buffalo Grass Road provides access to far fewer houses (fewer than 20) but provides access for a number of businesses. The Traffic Impact Analysis (TIA) performed for the original R-6 proposal measured traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. For all of these intersections, the Level of Service (LOS) grades did not change with the additional traffic to be generated by the subdivision. Specifically, the intersections of Geo Lane and Buffalo Grass Road currently operate at level of service “B” at both morning and evening peaks, and this level of service will not change with traffic from the new subdivision. The proposed subdivision has two accesses on Geo Lane and one on Buffalo Grass. All three of these intersections are expected to operate at level of service “A”. Therefore, while there may be a perception that these are very busy roads, they are not currently near capacity, and the effect of the new subdivision will not change the LOS for these roads.

Parking: Residents have expressed concern that residents of and visitors to the new development will park on Geo Lane or Buffalo Grass Road instead of within the subdivision. Each lot within the subdivision will easily provide the required two off street parking spaces. Furthermore, three out of four primary streets within the subdivision will be 50 foot public ROWs, which are wide enough for parking on one side of the street. The one road within the subdivision that is built on a 42 foot ROW is a cul-de-sac. It should be noted that even if there is overflow parking, Geo Lane and Buffalo Grass Road are both public streets, not private. Geo Lane has a 50 foot ROW which can accommodate parking on one side.

Manufactured Homes

Lot shape: There was conjecture at the June 6 hearing that the rectangular shape of the lots in the original subdivision design would encourage the placement of manufactured homes over building stick-built homes. The perception was that lots were too narrow for stick-built homes, but with an average width of approximately 50 feet for over half the lots in the original conceptual layout, they were typical of lots in many stick-built home subdivisions. Many of the single-family, stick built home lots in El Camino Crossing are 44 feet wide. Stick built homes in Cielo Azul are being built on 40 to 50 foot wide lots, with an average

lot width of roughly 45 feet. In Las Acequias, sick-built home lots average approximately 50 feet wide. In spite of this, to address concerns of the Commission and residents, the Applicant has increased the width of the lots to an approximate average width of 58 feet.

Federal and state law regarding manufactured homes:
It has been argued in this case, and it is frequently argued, that residents of the new subdivision might bring in new or old mobile homes. The National Manufactured Housing Construction and Safety Standards Act of 1974 established construction, design, performance, and installation standards for manufactured housing or prefabricated homes. The Department of Housing and Urban Development (HUD) enforces these standards to assure their quality, durability, affordability, and safety. These HUD construction and safety standards preempt state and local laws, and apply to all manufactured homes produced after June 15, 1976. Manufactured homes are built to stick built home standards.

New Mexico followed up with its own law reinforcing the National Manufactured Housing Act of 1974 with the New Mexico Manufactured Housing and Zoning Act in 1978:

> *In the exercise of any of the powers and duties conferred by law, no governing body of a political subdivision of the state or any planning and zoning agency thereunder shall exclude multi-section manufactured homes from a specific-use district in which site-built, single-family housing is allowed or place more severe restrictions upon a multi-section manufactured home than are placed upon single-family, site-built housing within that specific-use district so long as the manufactured housing is built or constructed according to the Housing and Urban Development Zone Code II or the Uniform Building Code [3-21A-3 N.M.S.A. 1978].*

Municipalities simply cannot restrict manufactured homes due to neighbor sentiment. The only authority municipalities have is to regulate aesthetic standards. The New Mexico Manufactured Housing and Zoning Act continues to state that:

> *The governing body of any political subdivision of the state or any planning and zoning agency thereunder is authorized to regulate manufactured housing to require that it meets all requirements other than original construction requirements of other single-family dwellings that are site-built homes in the same specific-use district and to further require by ordinance that such manufactured housing be consistent with applicable historic or aesthetic standards [3-21A-3 N.M.S.A. 1978].*

SFCC defines a single-family dwelling unit *as "One principal dwelling unit, occupied by one family, located on a lot without other principal uses or structures. Single- family dwelling includes a manufactured home but does not include a mobile home."* A mobile home can only be placed on a lot as a single family use with a special use permit. Finally, mobile homes and RVs are prohibited as accessory structures per Santa Fe City Code (SFCC) Section 14-6.3(C).

Covenants: It was clear, in discussion about manufactured homes, that neighbors fear that older, unattractive manufactured homes would be brought into this subdivision. The Applicant has included in their covenants provisions that the homes be no more than five years old, and that the homes be attached to a permanent masonry foundation finished in stucco or some other material that compliments the finish

of the home. This is to ensure a more grounded, permanent finish than skirting that will be consistent throughout the development. The Applicant is willing to place a restriction on guesthouses in the HOA covenants.

Quality of life issues

Pedestrian safety: Residents have said that they feel their neighborhood is dangerous for pedestrians. Geo Lane does not currently have a continuous sidewalk connecting to Airport Road, and Buffalo Grass Road only has one on its east side. The City is not requiring it, but the Applicant is offering to build approximately 400 feet of off-site sidewalk on the east side of Geo Lane, and almost 500 feet off-site on Buffalo Grass Road. Sidewalks would be 5' wide and a planter strip would be provided, but not planted. This would connect the new subdivision and to Airport Road and vastly expand the sidewalk system within the greater neighborhood. As an off-site infrastructure improvement, City staff will not require this, but if the Applicant confirms willingness to construct off-site sidewalks at the public hearing, this could be included final subdivision stage.

Road alignments: Residents have expressed concerns about cut through traffic in the new subdivision. The Applicant has aligned the roads within the proposed subdivision in such a way as to eliminate a straight through path.

Lack of parks: Residents have said repeatedly that they feel that the south side generally is devoid of parks, and have repeatedly said that, even though the lot size, shape, and layout is really no different from any other subdivision, that that the proposal did not offer any chances for recreation, and would be unhealthy for children. While the dedication of park land is not required for a development this size, the Applicant will dedicate a quarter-acre public park to the City at this location, and the Parks Department has committed to maintain it. This park will be open to all residents.

The Applicant is also willing to donate the lot directly adjacent to the KSK Buddhist property to the organization as a garden space for the Temple, or perhaps to the neighborhood for use as a community garden. At the time of this application, this is still being discussed. If not donated, the lot would be an additional open space parcel for the subdivision and would not be developed as a residential lot. This will be specified by a note on the plat. Additionally, at the request of residents, the Applicant has provided a larger rear setback for structures on several of the lots that are closest to monk residences on the KSK grounds.

General quality of life concerns: Residents voiced many concerns over general crime and declining quality of life in their area. Many of these concerns are big picture issues that cannot be addressed with this application, but as detailed in this staff report, the Applicant has done what is possible to address these concerns with the subdivision design. "Quality of life" is not determined by density or housing type alone. The proposed development is not any denser that any of the surrounding development; in fact, it is less dense than many of the surrounding areas.

V. EXISTING CONDITIONS:

Land Use

Surrounding development consists mostly of single-family, manufactured homes and small mobile home parks. Surrounding zoning includes R-3 (Residential- three dwelling units per acre), R-6 (Residential- six dwelling units per acre), R-12 (Residential- twelve dwelling units per acre), and MU (Mixed Use).

Direction	Property Address	Zoning
North	KSK Lane, KSK Buddhist Center, Shalom Mobile Home Park	R-1 & R-12 (Residential- one dwelling unit per acre & Residential- twelve dwelling units per acre)
East	Buffalo Grass Road assorted properties	MU (Mixed-Use District)
South	Jaramillo Lane	R-3 & R-12 (Residential- three dwelling units per acre & Residential- twelve dwelling units per acre)
West	West Meadow Subdivision	R-6 (Residential- six dwelling units per acre)

VI. PROJECT ANALYSIS:

Traffic and Access

Geo Lane is a 50 foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40’ public ROW, with approximately 18’ of pavement and sidewalks. The Applicant will construct curb, gutter, and sidewalk along their property on the east side of Geo Lane and the west side of Buffalo Grass Road, dedicating any necessary ROW for the improvements. As mentioned before, the Applicant will also extend both of these sidewalks north to connect with existing Airport Road sidewalks. This amounts to approximately 900’ of off-site sidewalk improvements that will improve pedestrian safety for existing and future residents.

Currently, Buffalo Grass Road terminates before the southeast corner of the project. The ROW for an extension to Buffalo Grass is already dedicated on the Jackhammer Associates property at 3938 Buffalo Grass Road. The Applicant will construct approximately 265 feet of road, curb, gutter, and sidewalk on this property to connect to the proposed development, paving it to the width of existing Buffalo Grass Road pavement.

The proposed subdivision would have two entrances onto Geo Lane and one onto Buffalo Grass Road. The preliminary design was configured to direct traffic onto Geo Lane, making use of the left turn lane that exists on Airport Road for westbound traffic. The entrances from both Geo Lane and Buffalo Grass Road have been deliberately not aligned in order to discourage any through traffic "short cuts" through the subdivision.

Subdivision Analysis

No common open space is required in a single family subdivision of this type, as lots are of sufficient size to not trigger the requirement. As mentioned in the background section, the Applicant intends to donate/dedicate the equivalent of one lot either to KSK Temple or to the residents as open space within the subdivision. The nature of this land donation/dedication will be resolved by the time the Applicant

seeks final subdivision approval. The following table summarizes information about the proposed subdivision:

Zoning	R-5 (Residential – five units acre)
Total Lots	42
Affordable Lots	8 (20%)
Gross Density	4.8 units/acre
Average Lot Size	5,847 sf
Street Setback	7’ or 20’ (Standard R-1 through R-6)
Side Setback	5’/10’ set/step back (Standard R-1 through R-6)
Rear Setback	15’ (Standard R-1 through R-6)
Height at Setback	14’ max height at 5’ setback
Maximum Height	24’ max
Park Dedication	0.26 acres
Ponding/Retention	0.41 acres
Voluntary Dedication	0.14 acres

Grading and Drainage
The site is fairly flat, draining to the south and east with a slope of approximately 18 feet in 800 feet. A centralized pond at the southeast corner of the property will handle storm water runoff.

Fire, Water, Sewer, and Dry Utilities
Both Geo Lane and Buffalo Grass Road have City water, City sewer, and gas lines. There are two fire hydrants nearby, on Geo Lane and Buffalo Grass Road at the northwest and northeast corners of the properties, respectively.

Impact on Schools
The Applicant notified Santa Fe Public Schools per Ordinance 2008-32 of the proposed development.

Santa Fe Homes Program
Per SFCC Subsection14-8.11(D)(1), the rezoning request triggers the Santa Fe Homes Program (SFHP) requirement for affordable lots. Based on the Applicant’s subdivision, eight lots (20% of the total proposed) will be affordable and will be identified on the subdivision plat. The SFHP Agreement will be finalized at the time of subdivision approval and payment collected when final subdivision documents are recorded. In the event that the property is sold before lot sales commence, the obligation transfers with the title.

Homeowners Association and Private Covenants
HOA assessments will pay for community expenses for maintaining common areas such as retention ponds, maintaining private roadways that access garages, and maintaining subdivision boundary fencing. As discussed in the background section, they are also provisions regarding the age, type, and foundation requirements for any manufactured homes placed within the subdivision.

Environmental Review: Archaeology and Prairie Dogs

The project lies within the Suburban Archaeological Review District. As the property is under ten acres in size, an archaeological clearance permit will not be required per SFCC Subsection 14-3.13(B)(3)(a). The Site will be assessed for prairie dogs and any colonies will be relocated per SFCC Section14-8.12 prior to issuance of construction permits.

VII. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(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;** **(iii) a different use category is more advantageous to the community, as articulated in the General Plan or other adopted city plans;**	**Criterion Met:** (Yes/No) **YES**
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-5 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The Commission has already recommended changing the future land use designation from Institutional to Low Density Residential, recognizing the abundance of land designated Institutional in this area, and consistency with the SWAMP and with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No) **YES**
The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No) **YES**
The proposed rezone is consistent with the Commission's previous recommendation to change the	

future land use designation from Institutional to Low Density Residential. The Southwest Area Master Plan (SWAMP) serves as the general plan for this area, and the SWAMP is essentially neutral about residential housing at this density in this area. Low density residential is an appropriate land use with the general Mixed Use intent of this area, and as found by the Commission in the general plan amendment case, housing at this location "would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area."	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No) **YES**
The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)), and is consistent with the General Plan in terms of density.	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No) **YES**
A traffic impact analysis was previously performed to assess the impact of the additional traffic anticipated to be generated by the proposed development, based on R-6 density, higher than the R-5 now proposed. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off-site sidewalk improvements. Water and sewer are readily available in both Geo Lane and Buffalo Grass Road. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development. The Applicant is dedicating a public park to the City. Existing infrastructure can accommodate the development, and the Applicant is making improvements as well.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 42 lots, and includes the dedication of a quarter acre park and potential donation of a lot to either the KSK Buddhist temple or the community. The average lot size is over 5,800 square feet, well over the minimum lot size of 4,000 square feet. The proposed subdivision includes several roads wide enough to allow for on-street parking, so resident and visitor parking should be confined to the subdivision. The developer is willing to	

build 900 feet of off-site sidewalk improvements. A public park will be dedicated. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed density. The Applicant will make road improvements to their property, as well as extensive off-site sidewalk improvements.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No) **YES**
The Applicant will make road improvements to the property, as well as extensive off-site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.	

VIII. PRELIMINARY SUBDIVISION PLAT

SFCC Section14-3.7 governs the authority, procedures and restrictions for the division of land. SFCC Subsection 14-3.7(B)(3)(d) states that "The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider."

The criteria for approval of a Preliminary Subdivision are detailed below:

Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.	**Criterion Met:** (Yes/No) **YES**
Archaeological clearance was not required for this proposal. There is minimal vegetation on the site, and there are no significant natural features, water courses, or historical sites.	
Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land	**Criterion Met:** (Yes/No) **YES**

shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).	
There are no water courses or FEMA designated flood plains on or near this property. There is minimal slope to the property, with less than 20 feet elevation loss between the north and south boundaries of the property. The retention basin is located at the southeast corner of the property, where it will take full advantage of natural slopes.	
Criterion 3: All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).	**Criterion Met:** (Yes/No) **YES**
The Development Review Team (DRT) has reviewed the Applicant's proposed subdivision design. The DRT includes the following City Divisions: Traffic, Technical Review, Water, Sewer, Fire and Land Use. Review comments and conditions from the DRT provide necessary changes to the proposal to conform to the City Code in order to meet standards for public health, safety or welfare. The engineering design for terrain management, roads and utilities complies with all requirements of Chapter 14. Sewer will gravity flow for all lots within the subdivision. The water line will be capable of providing the fire flow standards of the International Fire Code.	
Criterion 4: A *plat* shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any variances with this proposal.	
Criterion 5: A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any exceptions with this proposal.	

IX. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for the original application, consisting of general plan amendment and R-6 rezoning requests, on January 31, 2019. Approximately ten members of the public attended. An ENN for the amended application, consisting of an R-5 rezoning request along with preliminary subdivision approval, was held on November 6, 2019. Four residents signed in. Additionally, another informal meeting for neighbors was held on November 12, 2019 as an additional opportunity for neighbor input, which was attended by two residents and one member of the press. Concerns voiced at all meetings were largely the same, and the Applicant's efforts to address these concerns are detailed in the Background Section of this report. ENN notes are found in Exhibit D.

X. EXPIRATION

According to SFCC Subsection14-3.19(B)(2) “Approval of a preliminary subdivision plat … shall expire three years after final action approving it unless the final plat … is approved.” Should the Commission approve the preliminary subdivision plat and adopt the recommended Findings of Fact at this hearing, the expiration date would be February 6, 2023.

The rezoning request is a recommendation, rather than a final decision. Therefore, there is no expiration date provision in our code.

XI. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2019-20
3. Draft Findings of Fact/Conclusions of Law Case #2019-1520

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division Memorandum, John Romero, P.E
2. Technical Review Memorandum, Dee Beingessner
3. Water Engineering Division Memorandum, Brian Snyder
4. Wastewater Division Memorandum, Stan Holland, P.E.
5. Landscape & Site ADA Compliance, Dalinda Bangert
6. Fire Department Memorandum, Geronimo Griego

EXHIBIT C: Maps and Photos

EXHIBIT D: Early Neighborhood Notification

EXHIBIT E: Applicant Materials

1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Interim Land Use Director	Eli Isaacson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification

1. ENN Packet
2. ENN Sign in Sheets
3. ENN Notes

EXHIBIT B2

Geo Park, LLC
P.O. Box 1523
Santa Fe, NM 87504
505-690-8098

October 21, 2019

Dear Property Owners and Residents,

We are following up on our earlier meetings and Planning Commission hearing from June 6th and have scheduled an ENN (Early Neighborhood Notification) meeting for Wednesday, Nov. 6th at 5:30 pm in the Southside Library Branch to discuss our revised proposal for development of the 8.589 acres at 4000 & 4100 Geo Lane. Our revised proposal reflects feedback from neighbors and commission members who raised concerns about the density we were originally requesting, open space and other considerations. Our new request is for reduced density from R-6 to R-5 with larger and reconfigured Lots, more open space, wider roads, and other improvements.

Early Neighborhood Notification is intended to provide for an exchange of information between applicants for proposed development projects and the project's neighbors before plans become too firm to respond meaningfully to community input. In order to offer ample opportunity for neighbors to provide feedback there will be another meeting the following week on Tuesday, Nov. 12th, at 5:30, also in the Southside Library, for anyone wishing to attend the official ENN meeting but cannot make it on Wednesday, Nov. 6th. This additional meeting will be informal but will be open to anyone wishing to offer input.

Pursuant to the City of Santa Fe Land Development code : SFCC 14-3.1 (F), the official Early Neighborhood Notification meeting is scheduled for:

Time: **5:30 pm**
Date: **Wednesday, Nov. 6th**
Where: **Southside Library Branch 6599 Jaguar Drive, Santa Fe, NM 87507**

Attached you will find a vicinity map for our proposed project. If you have any questions or comments and you cannot attend either meeting, please feel free to call me anytime at 505-690-8098 or email me at johndreeder@gmail.com. I will be happy to arrange to meet individually at a mutually convenient time and place.

Respectfully,

John Reeder - Geo Park, LLC

ENN GUIDELINES

Applicant Information

Project Name: Geo Lane Park

Name: Geo Park, LLC
Last First MI

Address: PO Box 1523 Santa Fe NM 87504
Street Address Suite/Unit #

City State ZIP Code

Phone: 505 690 8098 E-mail Address: johndreede@gmail.com

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The proposed Geo Lane Park will be a residential subdivision, primarily single story, detached single family residences. The effect on the character and appearance of the surrounding neighborhoods will be to improve the overall residential quality and character, and improve pedestrian access to and from the area. The requested R-5 density will be less than any surrounding developments, which include R-11 to the North, R-12 to the South, and R-6 to the West.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

Currently, the 8.589 acres for the proposed development is vacant land, sparsely dotted with a few small trees and numerous shrubs and cactus. The relatively flat land is criss-crossed by some dirt tracks. Trespassing all terrain vehicles sometimes create a nuisance of noise and dust. There are no significant features such as rock formations, rivers, arroyos, etc., and no public easements or facilities.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

There are no known Pre-Historic, Historic, Archeological, or Cultural sites or Structures located on the property. There are no acequias on the property and it is many miles from the historic downtown Santa Fe area.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The proposed development is intended to follow the requirements of the City's General Plan for re-zoning requests and to continue to follow the City's requirements as to Code compliance as the development progresses. The proposed zoning and density meets the City's General Plan Land Uses and Densities guidelines and is appropriate for the surrounding area and will be in a proper and favorable relationship to it's neighbors.

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

The proposed development will add to vehicle and pedestrian traffic on Geo Lane and Buffalo Grass Rd. from the development North to Airport Rd., and then East and West along Airport Rd. A traffic impact study completed in May of 2019,* determined the development would have a minimal traffic impact on the surrounding roadway network.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The proposed development will provide temporary jobs for the construction phase of the project, leading to an additional population base of 43 families. This population increase will help support existing and new businesses in the Airport Rd. corridor , as well as the greater Santa Fe City area. The City and the County will both see an increase in property tax revenue from the development.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The proposed development will result a significant addition of permanent affordable housing units to the City's housing supply. Such units are currently in short supply and the project will provide many lower income families of different ages and mixes with a badly needed local option for a relatively affordable home within the City.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

*Terry O. Brown, P.E. Certified Traffic and Transportation Engineer

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

The proposed project is a small scale residential development and will not require the master planning of mixed land uses. Sidewalks with ramps will be incorporated throughout the subdivision on both sides of all roads for the safe use by pedestrians.

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

As mentioned in (h) and (i) above, the proposed project will be an infill development and as such will conform with the City's General Plan goals for such development. Because the proposed project has existing residential developments on 3 sides the proposed zoning and density is highly appropriate and shall compliment it's urban form.

(l) ADDITIONAL COMMENTS (optional)

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

Project Name: GEO LANE PARK **Meeting Date:** NOVEMBER 6, 2019

Meeting Place: SOUTHSIDE LIBRARY **Meeting Time:** 5:30 PM

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Helen M. Chavez	214 Calle Lena	
☐	2	Theresa Gallegos		
☐	3	Mark Podojil IV	607 Cristo Rey	
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

LEE LOGSTON
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

NOV 6, 2019
Date

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

EXHIBIT B2

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

Project Name: GEO LANE PARK **Meeting Date:** NOVEMBER 6, 2019

Meeting Place: SOUTHSIDE LIBRARY **Meeting Time:** 5:30 PM

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Marmika Patkiewicz	3777 KSK Lane/Buddhist Center	Marmika@gmail.com
☐	2			
☐	3			
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

LEE LOGSTON — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

Nov 6, 2019 — Date

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

EXHIBIT B2

South Side Library
11·12·2019
5:30 pm

Sign In Sheet

Marnika Paskiewicz –

Katherine Lewin

Helen N. CHAVEZ

John Reeder

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

Project Name	Geo Lane Rezone & Preliminary Subdivision
Project Location	4000 & 4100 Geo Lane
Project Description	Rezoning and Preliminary Subdivision Approval for 42 Lot Subdivision
Applicant / Owner	John Reeder, Luis Olivas, Hassan Salam
Agent	
Pre-App Meeting Date	December 27, 2018
ENN Meeting Date	November 6, 2019
ENN Meeting Location	Southside Library, 6599 Jaguar Drive
Application Type	Rezoning and Preliminary Subdivision
Land Use Staff	Lee Logston
Other Staff	
Attendance	Lee Logston, John Reeder, Luis Olivas & Hassan Salam (applicants),and four members of the public

Notes/Comments:

Lee Logston called the meeting at 5:30 PM. Mr. Logston briefly explained the history of this project. While the Planning Commission previously recommended the General Plan future land use designation change from Institutional to Low Density Residential, they tabled the R-6 rezoning proposal, asking the applicant to come back with something less dense, and to try to address the concerns of residents, who had shown considerable opposition to the proposal. Mr. Logston explained that the General Plan Amendment would still proceed to Council, but that the applicant was waiting to get a favorable recommendation from the Commission on some level of zoning. The current proposal is for R-5 and Preliminary Subdivision approval. The Commission could approve the subdivision conditioned on the Council approving the General Plan Amendment and Rezone. There would be at least two more public hearings: Council consideration of the General Plan change and rezone, and Planning Commission consideration of the Final Subdivision. Mr. Logston then introduced Mr. Reeder who gave a brief summary of his proposal, and the EN proceeded in a conversational manner.

Mr. Reeder explained that the revised proposal had fewer lots (42) to address density concerns, squarer lots to address concerns that the lots were only conducive to manufactured

homes, wider streets to provide ample resident parking, an open space lot directly behind the Buddhist Temple, and a quarter-acre open space dedicated to a future park. He explained that he had been in discussions with the Parks Department, and that the City had expressed willingness to take on maintenance of a small park in the area. He explained that they intended for the subdivision to have covenants specifying standards for manufactured homes and prohibitions against ADUs.

Over all, residents feel that there are too many homes in the area already, and that traffic is already bad. Specifically, they felt that Geo Lane and Buffalo Grass Circle were not capable of carrying more traffic, and that right-in/right-out connections to Airport Road were inadequate. Mr. Reeder answered that the traffic study showed that Geo Lane and Buffalo Grass would function at acceptable levels with the new subdivision. Mr. Logston added that while he could certainly imagine that these roads seem busy, they are not at their actual capacity, and wider than many other residential roads.

There was general discussion of traffic, speeding drivers in their neighborhoods, road width, parking, crime, City enforcement, and quality of life. Mr. Reeder and Mr. Logston tried to focus the discussion on the subdivision, and what can be done with this subdivision to address some of those concerns. Mr. Reeder stated that he felt he had done his best to address what he could. Mr. Logston encouraged residents to work with Police, Code Enforcement, Constituent Services, and their City Councilors on the larger issues that they were concerned about.

The meeting was officially adjourned at 6:45 PM, but a couple of residents stuck around a little longer to talk.

City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

EXHIBIT B2

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Dec. 18, 2019

To: Whom It May Concern;

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM

We - John Reeder, Hassan Salam, and Luis Olivas, members of GEO Park LLC - the owners of the property at 4000 & 4100 Geo Lane, Santa Fe, NM, do formerly request the Re-Zoning of the property from its current R-1 zoning designation to an R-5 designation.

Our intent is to develop the property as Lots for an affordable single family housing community allowing traditional site-built houses, modular homes, and manufactured homes on permanent masonry foundations.

Thank you for considering our request.

Sincerely,

John Reeder - Agent/Applicant

EXHIBIT B2

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Dec. 18th, 2019

Letter Addressing Re-Zoning Approval Criteria

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM from R-1 to R-5

Further to our Letter dated Dec. 18th, 2019 Addressing Re-Zoning Approval Criteria for the above referenced property, specifically;

Section 14-3.5 SFCC 1987

Criterion 1(a)

(i) Not Applicable

(ii) There has been gradual change to the neighborhood over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on 3 sides of the property to the South, West, and North, along with one institutional use (also North – a place of worship). Lying to the East on the other side of Buffalo Grass Rd. is a mixture of Live/Work and light commercial establishments.

(iii) Due to the item (ii) above, a different use category from R-1 to R-5 is more advantageous to the community at this time so as to bring the subject property into conformity with the predominately residential developments that are now adjacent on three sides. The proposed new zoning category complies with the City's SWAMP and is consistent with guidelines articulated in various sections of the General Plan, such as in the Future Land Use section.

Therefore, following from the above cited considerations, **the Criterion for 1(a) is met.**

Criterion 1(b)

We, the applicants, have met the Chapter 14 procedural requirements for re-zoning, including holding Early Neighborhood Notification Meetings, posting and mailing of notification requirements, and submitting required application submittals, including a preliminary development plan.

Therefore, **the Criterion for 1(b) is met.**

Criterion 1(c)

We believe the re-zoning request is consistent with the applicable policies of the General Plan and also the future land use map. For example, in 1.7.9 of the General Plan - Urban Form - it states '...promote a compact form and encourage sensitive/compatible infill development. And in the SWAMP, map 2.2.6, this specific property is labeled for future use as RMED - medium density residential. Our proposal would also create a neighborhood that would be "walkable" under the SWAMP principles (Principle 1) because we are proposing handicap accessible sidewalks throughout the subdivision on both sides of all roads, and it is within easy walking or driving distance (Principle 6) of commercial areas. Further, we believe our proposed development also meets the spirit and intent of the affordable housing goals of the general plan.

Therefore, **the Criterion for 1(c) is met.**

Criterion 1(d)

"The amount of land proposed for re-zoning and the proposed use of 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". Our proposal for 8+ acres involves well over the 2 acre minimum for such requests.

Therefore, **the Criterion for 1(d) is met.**

Criterion 1(e)

We believe 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. Requests for sewer and water availability have found both sewer and water to be available and a Traffic Impact Analysis has been conducted by a licensed and certified Engineer. Other divisions within the City, such as Land Use, Parks & Recreation, Fire, Traffic, etc. will be responsible for reviewing the proposed development for compliance and shall make applicable recommendations, which shall be incorporated into our proposal and thereby accommodate the impacts of the proposed development.

Therefore, **the Criterion for 1(e) is met.**

Criterion 2 (a)

The proposed change in use will result in a new detached single family home development , which will be consistent with the prevailing use and character in the area.

Therefore, **the Criterion for 2(a) is met.**

Criterion 2(b)

The proposed re-zoning affects an area greater than 2 acres.

Therefore, **the Criterion for 2(b) is met.**

Criterion 2(c)

We do not believe our re-zoning request will benefit only one or a few landowners at the expense of the surrounding landowners or general public. Our proposed subdivision is for 42 Lots on 8.659 acres, which is an R-5 density. This density is less than any existing density in the adjoining developments. The subdivision to the West is R-6 and there is R-11 and R-12 adjoining on the North and the South. Further, our proposal would create Lots with a minimum size of 5,000 sq. ft., including 6 Lots at around 6,000 sq. ft. or greater and another 6 Lots at over 7,000 sq. ft. The minimum Lot size under the existing R-6 subdivision to the West is only 4,000 sq. ft., so virtually all of our proposed Lots would be at least 25% larger than the minimum size of any in the immediate neighborhood. Our proposed subdivision would also include wider roads than required, allowing for more on-street parking. Considering these multiple features, we believe our proposed subdivision will elevate the overall character of the immediate and general area and thereby improve the property values of the surrounding landowners. The general public will also benefit due to increased property tax revenues for the City and County, as well as by adding more customer base for businesses along the Airport Rd. corridor and the greater Southwest area.

Therefore, **the Criterion for 2(c) is met.**

Criterion D(1) & D(2)

If the impacts of the proposed development cannot be accommodated by the existing infrastructure and public facilities, including the possible need for new streets, sidewalks or curbs necessitated by and attributable to the new development, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities, in addition to impact fees that may be required pursuant to Section 14-8.14, and in conformance with any applicable City ordinances, regulations or policies;

We, the developers, will cooperate and participate wholly or in part with any applicable costs of construction for off-site facilities or improvements determined to be required due the impacts our proposed development, in addition to impact fees that may be required pursuant to Section 14-8.14

Therefore, **the Criterion of D(1) & D(2) will be met.**

Respectfully,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B2

Terry O. Brown P.E.

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T

TERRY O. BROWN
NEW MEXICO
6407
LICENSED PROFESSIONAL ENGINEER

Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:

The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

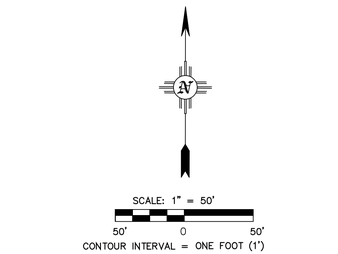
- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

EXHIBIT B2

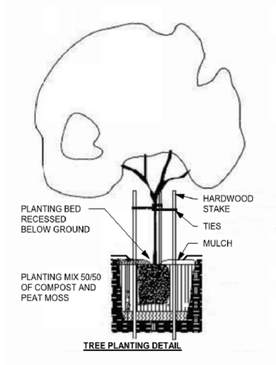




LEGEND

- 7160 — EXISTING CONTOURS
- 65 — DESIGN CONTOURS
- PARCEL LINES
- PROPOSED TREES
- ASPHALT PAVEMENT
- OPEN SPACE
- RESEEDED AREA

NOT ALL SYMBOLS WILL NECESSARILY APPLY TO THIS PROJECT



TREE PLANTING DETAIL

TREES:
1 TREE PER 30' O.C. AVERAGE
3,618 LINEAR FEET/30=121 TREES

REQUIRED OPEN SPACE:
500 S.F. OF PLANTED OPEN SPACE PER ACRE OF DEVELOPMENT
DEVELOPMENT AREA=8.58± ACRES
8.58 x 500 = 4290± SF = 0.10± ACRES

Civil Engineering • Water Resources • Traffic Engineering
W• E Walker Engineering
905 Camino Sierra Vista, • Santa Fe, NM 87505
505-820-7990
FAX 505-820-3539
E-MAIL civil@walkerengineering.net

No.	REVISION	BY	APP.	DATE

PROJECT: 19-143 LANDSCAPE
FILE: 143 LANDSCAPE
DATE: 12/12/2019
SCALE: AS NOTED
DESIGNED BY: J.R.D.
DRAWN BY: J.R.D.
CHECKED BY: M.E.W.

CITY REVIEW

DEPARTMENT	SIGN-OFF	DATE
WASTEWATER		
WATER		
PW ENGINEERING		
TRAFFIC		
FIRE DEPARTMENT		
SOLID WASTE		
LANDSCAPE		
TRAILS/OPEN SPACE		
SUBDIVISION REVIEW		

PROJECT: GEO LANE SUBDIVISION

SHEET TITLE: OVERALL LANDSCAPE PLAN

SHEET NO.

L-1

City of Santa Fe

Agenda

PLANNING COMMISSION
Thursday, February 6, 2020 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
MINUTES: None
FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS
F. NEW BUSINESS

1. An Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic". (Councilors Abeyta and Lindell) (Eli Isaacson, Interim Land Use Director, esisaacson@santafenm.gov, 955-6830)

2. **Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.** Montoya Land Consulting Inc., Agent, for Lucy Lopez et alia, Owner, requests a variance from Table 14-7.2-1 "Table of Dimensional Standards for Residential Districts" to allow a side yard setback of less than 5 feet. The property is zoned R-3 (Residential - three dwelling units per acre), and is within the River and Trails Archaeological Review District. (Dan Esquibel, Case Manager daesquibel@santafenm.gov, 955-6587)

3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

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

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	January 21, 2019
TIME:	10:04 AM

SUMMARY INDEX
PLANNING COMMISSION MINUTES
FEBRUARY 6, 2020

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes and Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic"	Recommended Approval	2-3
2) Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.	Approved	3-5
" Findings/Conclusions	Approved	5
3) Case #2019-20. 4000 and 4100 Geo Lane Rezoning.	Postponed	5-33
4) Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.	Postponed	6-33
G. Staff Communications	Comments	33
H. Matters from the Commission	Comments	33-34
I. Adjournment	Adjourned at 9:25 pm	34

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, February 6, 2020 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence

Members Absent
Commissioner Mark Hogan (excused)
Commissioner Dominic Sategna (excused)
(One Vacancy)

Others Present:
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Public Comment

None.

Commission Discussion

Commissioner Lawrence asked to clarify if there would be any access issues with the new lot arrangements.

Mr. Esquibel said no, the accesses have all been preestablished.

Action of the Commission

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Variance subject to the conditions of approval and technical corrections recommended by staff.

Chair confirmed with Ms. Paez that the motion had enough detail for the variance.

Commissioner Gutierrez commented the Commission had denied a few variances in the past but with the history of the property and the longevity of the family living there, he wanted to second the motion.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).**

4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential-one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).**

A photograph of Airport Road and Geo Lane is attached as Exhibit "1".

Staff Report

Mr. Logston said the two cases would be heard together. The Commission has considered this case before on June 6, 2019 as an R6 zoning request and general plan amendment. The Commission recommended approval of the general plan amendment from institutional to low-density residential but asked that the rezoning be reconsidered. The applicant has returned with the rezoning request and has added a preliminary subdivision request, conditioned on approval of the rezoning.

In the first case 2019-20 there is the rezoning request from R1 to R5. The subdivision portion is a preliminary subdivision for 42-lot single-family residential. There is 8.59 total acreage. The Commission approved the general plan amendment and tabled the rezoning. The applicant was asked to return with something less dense to better address concerns of local residents. The applicant has done that by way of explanation.

The applicant missed a notification deadline and rather than postpone, was advised by staff to wait until he had the rezone recommendation. Then both could be taken to City Council together. The applicant is requesting R5 in preliminary subdivision and made efforts to address the safety and quality of life concerns expressed by the residents in the ENN process in June. Much of that is included in his staff report.

In summary, the applicant is open to making off-site pedestrian improvements: increased width of roads for more parking on-street; increased width of lots in response to lot configuration and plans to dedicate a open space to KSK. That will be left as open space for a community garden if not accepted by KSK. Another concern of the residents was manufactured homes. The applicant is willing to put conditions such as appearance, how they attach to the ground and the finish, that would be in covenant with the subdivision.

Mr. Logston noted an error in his staff report on Condition of Approval #1, (page 2) that rezoning be granted to R6 - that should actually be R5.

Staff feels the criteria of rezoning has been met and the proposed preliminary subdivision meets development standards and approval criteria and does not create any nonconformities or increase them. Therefore, staff recommends approval.

Four motions will be needed: 1) recommend the Governing Body approve the rezoning request; 2) approve the preliminary subdivision; 3&4) a motion approving Findings of Fact and Conclusions of Law for each case.

Commissioner Clow noted on page 6 that the applicant also is willing to place a restriction on guest houses in the HOA covenant.

Mr. Logston confirmed that was correct.

Commission Gutierrez asked if the June 6, 2019 minutes had been emailed or printed out.

Mr. Logston replied they were emailed.

Mr. Logston added that he received a call from Pat Padilla, who was not sure she could make the meeting tonight. She owns the Shalom Mobile Home Park on the corner of Airport and Geo Lane. Ms. Padilla asked that he relay her overall concerns about traffic in general on the southside and about the crime.

Commissioner Faulkner asked staff to go over Item 7 (e), (f),(g) and (h) of the Conditions of Approval.

Mr. Logston needed to check the Code, but thought it had to do with active water harvesting.

Ms. Paez noted in 14-8.4, the Landscape and Site Design section, paragraph (e) is water harvesting and irrigation standards; (f) is plant material standards; (g) is street tree standards and (h) is open space planting requirements.

Mr. Berke elaborated on the sections. The water harvesting reference is an option to the applicant to actively or passively harvest water and show how they will do that, prior to final subdivision. The remainder of the section talks about irrigation and graywater. Irrigation details requirements for most of the street trees such as backflow prevention and control boxes. Plant material standards specific to types of trees, acceptable sizes of shrubs, and preservation and relocation of trees. The open space requirement is 1 tree and 2 shrubs for every 500 ft.^{2} of open space, and quantity and spacing.

Mr. Logston said his staff report details the concerns of the neighbors and he knew the applicants would discuss what they have done in that regard. He offered to read those if the Commission wanted.

Chair suggested waiting until after the public hearing.

Applicant's Presentation

John Reeder, 824 Gonzales Road, was sworn. He said they took the criticism heard in June to heart and have addressed all of the issues possible. They have incorporated much of the suggestions into their new proposal. Primary was the density of the subdivision and they reduced their request from R6 to R5 - a 12.5% reduction in density. They contacted City Parks who accepted a donation of 1/4 acre of their open space for a park. They reconfigured three lots to a more traditional square shape due to suggestions on configuration and have discussed with HomeWise a possible partnership. HomeWise has committed to helping them find homeowners and offered to consider stick-built houses in the subdivision. An open space lot will be given a legal description to enable them to donate it and they discussed donation with KSK adjoining the subdivision. He showed the lot on the map and the open space offered to KSK. If they do not accept the open space it will remain open space of the subdivision.

When lots were removed, they also made the roads much wider. Every road is now 50 feet wide with the exception of the small road to the cul-de-sac on the south side of the subdivision. The extra width will allow space for two cars to park off street as well as on street on one side of the road. The point was to discourage parking on Geo Lane and make it more convenient for those in the subdivision to park within the subdivision.

He noted their engineer Maury Walker was present, and could speak to impacts the subdivision could have in terms of utilities and other items. Also, Kim Shanahan wanted to speak.

Chair confirmed both Mr. Shanahan and Mr. Walker would speak in the public comment for the applicant.

Chair Hiatt opened the floor to public comment with a three-minute limitation.

Public Comment

Kim Shanahan at 51 Herrera Road, was sworn. He said he was speaking on behalf of the applicant because he knew him, and Mr. Reeder and his partners are not greedy developers. They are Santa Feans who believe in the community and want to do something good; to provide affordable housing. He knows about affordable housing as a former executive officer of Santa Fe Area Homebuilders Association. In his opinion, the proposal accommodates every concern of the neighbors relative to density, affordable housing and other concerns. He said Mr. Reeder mentioned the public park within the subdivision. In fact, property that he designated for the pafrk is outside of the subdivision and faces the neighborhood and will be more of a neighborhood park.

Mr. Shanahan added that Mr. Reeder is willing to give the open space to the Buddhist Community because of its proximity to their dormitory. Again, he is trying to be

a good neighbor. He also plans to extend the sidewalks on both sides past his property to Airport Road to further connect walk ability. The manufactured homes/stick-built homes are difficult to build for less than $200 a square foot. That's $300,000 for a 1500 ft.^{2}. Doublewides on concrete foundations are mortgageable and will increase in value and are appropriate for the neighborhood.

Anna Hansen, 2008 Kiva Road, was sworn. She is a long-time member of KSK and helped build the stoupa. The community has been there a long time and are good neighbors and have improved the quality of life in the area. She is concerned about the dormitories and is grateful they want space in between. She also understands KSK would like a wall. Another concern is the road is very narrow and the applicant should consider the kind of traffic that will use the road. The road may need improvement and pavement and sidewalks as well as a crosswalk across Airport Road. She asked the Commission to consider comments from the KSK neighborhood. She cares deeply about the Center and the quality of life for residents there.

Marmika Paskiewicz, 1829 Hano Road, was sworn. She is a member of the Board of Directors of KSK Buddhist Center and they met recently. They have considered some suggestions made by Mr. Reeder. The Board is happy he is willing to do the extra space, but feels a wall is necessary. The Buddhist center is a little different and exotic and could attract interest and would be helpful to have some protection. A primary concern beyond that is traffic and the right turn on red on Paseo del Sol. A U-turn has to be made and people freely run through the red light. The turn on red has right of way but doesn't work well for them because of the medians. They asked that the Commission eliminate the right turn on red and make arrangements for a safe crossing for pedestrian/school traffic. The Center supports the residents' concerns and feel those should be considered.

Debra Snyderman, 3810 KSK Lane, spoke as a resident of KSK. She is also on the Board of Directors for the KSK Center and has lived there since 1988. She has seen many changes to the neighborhood without much concern to quality of life. The Commission granted R4 zoning on June 6th and Mr. Reeder's plans are based on R5 zoning. In her discussions with Mayor Webber in the summer of 2019, he told her the poverty around Airport Road is concentrated in trailer parks. Also, the Santa Fe Reporter, July 2019, stated regarding the Airport Road area "*has one of the highest rates of people living in poverty and poor health and the highest number of children on free and reduced lunch in the entire country*. According to the Community Health Needs Assessment, 22.9% of people in the Airport Road area are less than the poverty level - over 4,000 people. And again, the poverty is concentrated in trailer parks.

She said Mr. Reeder has plans to make money off the poor by buying the land between Buffalo Grass Road and Geo Lane. They plan to divide the land into as many lots as allowed and invest as little as possible to create a healthy place to live. There appears to be no standards for so-called affordable housing. Her opposition to Geo Lane Park is based on the following concerns: the park is a plan for another unhealthy, densely

concentrated, impoverished neighborhood within a larger community without the needed amenities to assist the growing numbers of poor with the means of getting out of poverty. Amenities include things like childcare centers, counseling services, job training, access to healthy food, clean, safe recreation spaces, health clinics and other items.

Her second objection to the Geo Park is the dangerous traffic concern. The Commission should consider there are five public schools within walking distance to the park, all on the south side of Airport Road. She mentions the schools to give a sense of the traffic issues at the beginning and end of the school day. Traffic during morning rush hour is frequently backed up by car accidents and emergency vehicles. After school, the neighborhood often sees children, with or without parents, and adults crossing Airport Road from South Meadows, Paseo del Sol where there are no safe or clearly marked crosswalks. Her neighbor was almost hit by a car when getting off a bus, because the car was turning right on red. There is no other way to get to and from their homes except by making U-turns because of the medians.

Helen Chavez, West Meadows Subdivision, was sworn. She showed the format of West Meadows built in 1983. The City has too many parks and half of them are run down, including the two parks in West Meadows. Kids don't use them, and one is used for dumping of furniture, weeds, old trees and other items. One of the roads is caving in and the landscaping is bad. She was told a lot of things that were promised when Mr. Hunt built the project, were not done. She doesn't take Mr. Reeder at his word that something will happen. She was against the project. She asked what is Airport Road - food trucks, a few schools, kids running across hoping to make it. The retention pond will create a lot of problems and bring bugs and people will dump their trash. Eighty percent of the people in West Meadows are Mexican Nationals and she has gone door to door to get support on this. They are afraid to come. The area will increase in crime, and invasion of people and how would that benefit their children. All she can say is "God help us if this gets done".

Marti Rodriguez, 6077 Quatro Vientos, was sworn. She agrees about the park. The park across the street is an eyesore and if they are going to make another eyesore, she doesn't want it. Why do they have to have old mobile homes on Airport Road that will take down property values. The paper had something the other day about removing the junkyard near the airport because it was embarrassing to the City when people fly in. Why not have something nice that families can do. Her mom and dad worked hard to pay for their property and the value is just decreasing. It's like West Side Story, get out of the south side, get out of the west side, move to the north side. We can't afford to live in the northside. She knows that they can stop the old mobile homes. When she tried selling her old mobile home, she was told she could not put it in the mobile home parks because it was too old.

Daryl McCown, 6077 Quatro Vientos, was sworn. He supports his neighbors. His concerns are mostly water, which is a big concern and traffic, a bigger concern. Making

a U-turn on Paseo del Sol is dangerous. His wife, when taking his daughter to school, hopes for a person courteous enough to let her come out on Geo Lane. Everyone lives on the south side and he hopes the City will do something about the traffic. If they put in a park, he hoped it will it be environmentally friendly. Also, he would like to see more fire hydrants because there are only two on Geo Lane.

Alfonso Jaramillo, 6301Jaramillo Lane, directly to the south of the project, was sworn. He also supports the community and has reviewed the new plan. Mr. Reeder went from 80 some lots to 40 some lots - a12.5% reduction. He thought lots should be further reduced to 25% to 22 mobile home lots. Geo Lane has no lights and is a safety issue for people in the high-density traffic area and a light on Buffalo Grass Road, would make sense. There have been several accidents accessing County Club Gardens because they have to go in the middle of the lane and wait. He has been there since 1974 and the traffic flow is tremendous. There has been a lot of development on Airport Road and he hears more is coming in addition to Mr. Reeder. That is why he requests that the reduction be set lower to consider future development. He is not trying to stop the development. He understands the City has to grow and earns money through the water and sewer, but he is hoping the Commission considers this.

Commissioner Gutierrez asked Mr. Jaramillo how many units are on his property.

Mr. Jaramillo explained his family has been on the property since 1974 and he is now the owner. They manage a property of 30 units. He lives on Jaramillo Lane, a private lane and there is housing behind his property. They all enter and exit through Geo Lane. He also read a future apartment development is planned on Buffalo Grass Road. There is no other entrance and that is why he thought Buffalo Grass Road would be essential to have a streetlight. It would also benefit Country Club Gardens and traffic through Geo Lane.

Commissioner Gutierrez asked if they were able to access Buffalo Grass Road or is it always Geo Lane.

Mr. Jaramillo confirmed access was only through Geo Lane.

Chair Hiatt closed the public hearing.

Commissioner Garcia asked to address Ms. Snyderman and the five points she said she wanted the Commission to hear. He asked to hear the last two she was not able to discuss due to time, but she should be concise, in less than 30 seconds.

Ms. Snyderman said there were not actually five points. It is just that Buffalo Grass Road is 27 feet wide behind her house. The Buddhist Center property houses 7 people and Buffalo Grass Road has no dividing line. She wanted to know the legal size for a City

double-lane road because it is already used as a two-lane road by necessity. That is her biggest concern is the current use if they plan to add more cars.

Chair Hiatt said her testimony had something he wanted to ask Mr. Burke about. He did not remember the Commission approving R4 at the June 6th meeting.

Mr. Berke said that was correct, the Commission did not approve R4. They approved a general plan amendment for a recommendation for low density designation. The property was institutional and was proposed at the time to be rezoned to R6. The Commission would not approve that but agreed the general plan amendment could move forward to recommend a lower density than R6. They did not choose R4 specifically.

Alba Blondis, 7042 Valentine Loop, was sworn. She has observed a number of accidents as a traveler on Airport Road southwest bound, left-hand turn lane onto Geo Road. Her concern is safety if they add a lot more drivers. She thought Airport Road is a State road. She thought it would be up to the New Mexico State Department of Transportation to alter turning lanes or widen roads. She doubted that will occur in a timely fashion before an influx of drivers.

Chair Hiatt clarified that Airport Road is City owned.

Ms. Chavez, previously sworn, said she forgot to mention West Meadows owns a little bit of Geo Lane towards the back and it is a sharp U-turn. If you miss the U-Turn, you go downhill. West Meadows owns all the streets to the right coming in from Airport to Geo.

Ms. Rodriguez, previously sworn, asked to add they did not even have a sidewalk on one side of Geo Lane.

Chair Hiatt closed the public hearing.

He asked to hear from Mr. Walker, since he had heard all the concerns about traffic. He added that everyone knew all of the growth is occurring on the south side and when there is a project on Agua Fria, Alameda, Airport Road, the Commission hears this. They know the traffic is not good.

Maury Walker, 905 Camino Sierra Vista, with Walker Engineering, was sworn. He said he unfortunately did not do the traffic study. He was not completely aware of what the study revealed. He said John Romero may be more aware of that. They are going to provide sidewalks along their frontage on both sides of both Geo Lane and Buffalo Grass. The question on ponding collecting bugs and trash - this will be a retention pond that drains in 24 hours so there will be no standing waters. As far as 27 feet for the size of the road, that is adequate for two cars to pass; 24 feet is usually the minimum.

Commissioner Gutierrez noted in the revised plan all of the roadways, except one, are 50 feet to accommodate on street parking. He asked the roadway widths originally presented.

Mr. Walker said he would have to look them up but thought the cul-de-sac was 38 feet and some areas were 42 and they increased 38 feet to 42 and 42 was increased to 50 feet.

Mr. Reeder clarified that the first turn into the subdivision off Airport Road was 50 feet and previously was 42. The road that was 38 was increased to 42 feet and additionally they shifted the entry onto Buffalo Grass Road to another location.

Chair Hiatt asked who conducted the traffic study.

Mr. Reeder said Terry O' Brown Traffic Engineers out of Albuquerque.

Chair Hiatt asked Mr. Reeder if he wanted to respond to comments from the public hearing.

Mr. Reeder replied there is an existing coyote fence, but he could discuss the wall contemplated by the KSK with his partners. He was sure they would be amenable to building a wall. If KSK does not want to own the lot, it would not be a problem. They would make it a community open space.

Chair Hiatt noted the decision would be left to him whether to give KSK in fee simple or keep it as an open space, but the wall sounds important. This is a good time to talk to his partners about that.

Mr. Reeder added he had forgotten to mention in addition to the donation of the open space, they created a 20-foot setback as a buffer along the KSK property. That was more than standard. That raises the question whether the wall should be on the property line or follow the setback to create more space for KSK, but they can discuss that.

Commissioner Faulkner asked how many vehicles per household were considered when the traffic engineer calculated the increase in traffic.

Mr. Reeder believed it was five but could double check.

Mr. Logston suggested asking John Romero.

Mr. John Romero, Traffic Engineer, said the calculation is based on a survey of numerous subdivisions of detached homes to determine a rate of vehicles per home, and what that roughly comes to during PM peak hours. They use national surveys developed by the International Traffic Engineering Association and their own local surveys. Santa

Fe is even lower. They estimate about 1 nighttime vehicle per day; and estimate 10 trips - with two trips as a person leaving and coming back throughout the day. The AM is even lower and is a fraction of .75 per house.

Commissioner Faulkner thought it counterintuitive. The number doesn't seem accurate when observing traffic in the morning on Airport Road.

Mr. Romero said he understood the perception. He has done five surveys of detached homes of subdivisions. Santa Fe is constantly lower than the rates they use in the traffic assumptions for traffic studies.

Chair Hiatt added, as acceptable for development. He confirmed in this case Mr. Romero was looking at whether the proposed traffic created by the development, as proposed, would have a significant impact on the rest of the traffic in the areas of Airport Road. He asked if his opinion was it would not significantly impact the traffic. It's hard to believe it would not have any impact.

Mr. Romero explained there is a difference of opinion on traffic congestion. Santa Fe relative to the entire nation has a very low traffic congestion. It takes 30 minutes max to get from one side of town to the other during rush hour. They have Bluetooth devices on some signals throughout the City that track people's travel across town. He understood Airport Road gets jammed in the morning, but a lot has to do with the timing of the signals, and they have a contract that will improve the timing. Another reason, especially in this area, is signal proximity. South Meadows and Jemez Road have a close signal proximity making it hard to time the signals. This study looks at the effects of removing the Jemez signal. They will hold public hearings, and study that to see if that will help to improve traffic flow on Airport Road. He noted in the 18 years he has been with the City there has not been a timing plan done on Airport Road.

Commissioner Faulkner asked when the study will be complete.

Mr. Romero said a notice to proceed has been issued to the consultant and they have obtained traffic counts and begun modeling. They hope to have something by summer. They will have a public meeting, with the primary purpose not to get feedback on expanding the road but just to discuss the removal of the signal.

Commissioner Faulkner asked if there is a traffic count for Geo Road.

Mr. Romero said the traffic study included a count, but he didn't recall the numbers.

Commissioner Garcia asked if there are any future City projects planned that could possibly redesign Airport Road and accommodate some of the issues. There are plenty of accidents coming out of Country Club Gardens trailer park, which should never have been allowed.

Mr. Romero replied none at the moment. They did a project to introduce the medians and before that it was a free-for-all. The numerous closely spaced access points caused a lot of problems and the access control shows a decrease in accidents. They had proposed left-in only at Country Club Gardens but realized they need to retain full access.

Placing a signal at Country Club Gardens was discussed but there were issues. One was Country Club Gardens and Buffalo Grass Road do not align. One signal could not service both. Secondly, if they introduced another signal it would further impede the through flow on Airport Road. The major issue is meeting the Federal warrants that is based on volume and there is not near enough exiting vehicles from Country Club Gardens to warrant a signal. Also, on the U-turn, when the left arrow comes up for U-turn for a left turn westbound, simultaneously Paseo going northbound gets a right arrow. The overlap right helps with the efficiency of the signal because there are a lot of people turning right going into town. Without that more green time would have to be given to the side street removing that green time from the main street. The right turners have the right-of-way and those making U-turns have to yield and signs explain that along Airport Road.

Commissioner Gutierrez asked if the median improvements actually improved Airport Road.

Mr. Romero thought it was an improvement over what was there, and they accomplished as much as possible with what they had. The City was developed over a long period of time without a standards and there were a lot of access points. If they did it over again, they would not allow subdivisions to make all the strip properties and all of the access points. It would be more like what was done in Las Solares. They have to retrofit these areas and is not ideal, but they try to maximize what they can, and he thought that was done on Airport Road.

Commissioner Gutierrez confirmed that to cross Airport Road closest to the property they would have to go to Paseo del Sol. He asked where someone would cross going east.

Mr. Romero thought South Meadows was the next signalized intersection.

Commissioner Gutierrez confirmed it would be between Paseo del Sol and South Meadows. He asked if possible, for another crosswalk in the area.

Mr. Romero said with the number of lanes and the volume of traffic on Airport, an uncontrolled crosswalk would be very dangerous and a potential for pedestrian crashes. Cerrillos Road as an example, crosswalks are allowed at signalized intersections and most signals are spaced about ¼ mile per signal. If a person wants to cross at Geo Lane

going to the signals is a reasonable way. If they want to go to Walgreens, they could continue on the south side of the road and cross at the signal. A convenient crossing for every potential need is hard to make safely. A big issue with multilane crosswalks and roads is the inside lane might stop for a person crossing, but it is impossible to know if the other lane would and they could hit the person.

Commissioner Gutierrez said that was fair to say and may luck be on your side if you don't go to the signal.

He indicated he has an issue with the staging lanes getting into Geo, the only left in that accesses the subdivision. He had Mr. Logston send photographs of the area and on the other side of the property there is a nice lane. He thought the staging lane is so short it will cause everyday problems. He suggested taking some of the staging lane from Esplanade for Geo Lane. He was not sure if that was possible with the subdivision of this nature. The 109 homes serviced by Geo Lane and a 40% increase proposed, to him Esplenda with the light at the McDonald's, is a path of least resistance. Opposed to a non-signalized left turn into the staging lane into the shopping center. He asked if possible, to remove some of the turning lane to the shopping center to provide more turning lane for Geo.

Mr. Romero said he couldn't answer definitively. They have looked at it with Terry Brown and will look at it again to see if they can add at least 20 feet. They will measure the Qs into the commercial development to see if possible, to take some of that to help Geo Lane.

Chair Hiatt asked Commissioner Gutierrez if he was talking about the chart currently on the screen, the left turn into Geo Lane.

Mr. Romero said yes, this is the one into Esplanade Village.

Commissioner Garcia said if this project were to pass, would they have to make that a condition of approval for the added turning lane to happen.

Mr. Romero suggested it be a condition and for that to be looked at and the findings presented at time of final subdivision plat. Staff could provide that information at that time.

Chair Hiatt asked to talk with Mr. Reeder about parks. Several have said the parks in their area are trash. He wasn't sure the Commission could do anything about the specific issue. He asked if Mr. Reeder wanted to respond about his plans with his parks.

Mr. Reeder said he does have a response but wanted to correct one misconception. Ms. Chavez mentioned two parks within the West Meadows subdivision she stated are City parks. He believed them to be private parks and that is why they are

in their current condition. They are not maintained by the City. The parks were shown on screen and were labeled as private parks.

He noted the park he is proposing on Geo Lane is almost opposite the private park. John Munoz, the Director of City Parks and Recreation proposed a no maintenance park. He wasn't clear on the details but knew they are looking at a model with a permanent groundcover that is not earth, gravel, or grass. The surface is a cushioning type of surface that also acts as a weed barrier. The park would have exercise equipment and facilities and the City has committed to taking it as a Park, but the plans are pending.

Mr. Berke noted that Richard Thompson the Parks Division Director was present on behalf of Mr. Munoz. Staff has been talking with John and Richard about what the park would entail. They will present the final details of the park to the Commission at the final subdivision plat.

Chair Hiatt asked if there were questions about parks.

Mr. Richard Thompson explained USA Fitness offered a grant opportunity to build up to five outdoor exercise facilities. They would include a concrete slab, with a resilient safety surface of styrene bead resin polymer matrix that provides cushion from height. The exercise equipment includes a climbing wall as well as horizontal surfaces and a stairstep piece. The proposed parks that would receive the grant are predominantly regional trail systems and this park would be an exception. The development is about $150k for 1/4 acre.

Commissioner Garcia asked who would maintain the park and how would it be regulated.

Mr. Thompson said if the Parks and Recreation Department/Land Use accepts the donation it would be added to the inventory of parks and maintained by Operations and Maintenance.

Commissioner Faulkner asked how many parks are in the City and how many people are on the crews to maintain those.

Mr. Thompson replied there are 78 parks and currently 51 staff from the Parks Division; 42 of those are front line staff and a supervisor.

Commissioner Faulkner asked what frontline staff meant.

Mr. Thompson explained it is the crew who pick up trash, mow grass, trim trees and other duties daily. There are 42 people frontline, 9 people in administration, IPM, horticulture, and special events.

Commissioner Faulkner asked the number of people who literally go out and if there are two crews.

Mr. Thompson replied there are five districts each with a staff of five and four temporary seasonal employees.

Commissioner Faulkner confirmed there were five people at each of five districts; that is 25 plus 4 is 29. She asked the number of parks in each district.

Mr. Thompson answered between 12-14. He added that crews not only maintain the parks, but maintain 120 trails, arroyos, and open space and 475 medians rights of way (68 miles).

Commissioner Faulkner asked if it were true that the parks workers also maintain some public buildings.

Mr. Thompson said the crews maintain all City properties. District allocation is the four, plus seasonal temps per district making another 20, and a trails crew and arterial crew and public space crew.

Commissioner Faulkner confirmed they manage all the properties including the buildings, the medians, the trails, and all the parks. She said she knows what the Parks Department is up against. Her concern is a) if the City has the money for a low-maintenance park and b) how to make it a safe place, not a gathering place for crime. The equipment is expensive to install, what do they expect for the lifespan on the rubber surface.

Mr. Thompson replied he wasn't sure about the equipment, that is stainless steel, but lifespan of the resilient safety surfacing is estimated at four years.

Commissioner Faulkner confirmed the first set would be installed with a grant but after that, the City would have to come up with she would imagine, tens of thousands of dollars minimum.

Mr. Thompson agreed.

Commissioner Faulkner was concerned. She lives on the south side of town and the Parks Department is amazing for what they are up against. She thought this was another case like traffic where there is an existing issue. She wasn't sure what the best solution is; to add more to the situation until a long-term sustainability plan is developed. That should include more personnel for the Parks Department.

Commissioner Gutierrez said he had a conversation with Mr. Berke on City Code. He is under the impression this subdivision will trigger the need for a park.

Mr. Berke said that is correct.

Commission Gutierrez stated the park is not a gift; the applicant must build a park. He asked Mr. Thompson why go after a grant for this park because the developer has to build a park for the subdivision.

Mr. Thompson said he may have misspoken. The five parks identified within the grant proposal did not include this park.

Commissioner Clow pointed out what she believed a misstatement on page 6, where it states: "lack of parks - while the dedication of parkland is not required for development of this size, the applicant will dedicate 1/4-acre public park." She asked if the park is required or not.

Mr. Berke explained the applicant has an option by the size of development to dedicate, do an improved park, or pay the impact fees in lieu of. The applicant has chosen to dedicate and improve the park working with the Parks Department.

Commissioner Gutierrez asked Mr. Thompson if the park would be built to specs and the City would ensure it all meets Code.

Mr. Thompson said that is the normal process.

Commissioner Gutierrez said while on the Commission he has seen less parks accepted than not accepted. He asked what would trigger Parks to say they do not want the park and if they could exercise that option.

Mr. Thompson said he was correct.

Commissioner Gutierrez said his youngest child is three years old and to her a park is a swing, some grass, and things for her to play on. Having a park such as explained by Mr. Thompson or Mr. Reeder is not a park. This is a subdivision park he envisions will have children and they will need a place to play.

Commissioner Faulkner asked Mr. Reeder on the open space if there was an indication KSK would accept the donation.

Mr. Reeder said they have had one conversation with some members of the KSK board, who did not commit. They were going to discuss with other board members and there has been no decision on that. They will donate the open space if KSK would like it, otherwise it will just be an open space within the subdivision.

Commissioner Faulkner asked who at that point would be responsible for maintaining the space.

Mr. Reeder replied it would have to be the HOA.

Commissioner Faulkner said it appears the target market for the housing might find HOA fees substantial enough to maintain the common area, including the open space and possibly the park, a burden to that population. It always concerns her when developers assign responsibility to the HOA. The HOA that existed when she moved into her neighborhood no longer exists. In some HOA's there are out-of-state management firms and it becomes a burden to the residents. Their fees are increased; maintenance becomes difficult to pay for, and in this scenario, she fears it will become much like the parks people complained about earlier. It is difficult to keep open space clean. She was not sure an HOA was a good solution.

Mr. Reeder explained he has other options as far as the open space. They are not required to provide open space because the lot sizes have been increased. if the open space is not desired it could be added to the two adjoining lots. Also, to the question about HOAs, it is necessary, but raises an issue he wants to address. Several people spoke about trailer parks. They are not proposing a trailer park, this will be affordable homes. They set out to develop a relatively affordable home subdivision. They are required to name 8 lots as affordable and price them accordingly. Their goal initially was to establish an affordable entry-level subdivision where people could own their first home, gain pride of home ownership and home equity that could possibly be used as a steppingstone to something more, later. This type of housing is necessary and in great demand in Santa Fe. He thought they were proposing something that would be welcomed because of the dire need. He turned the floor over to Mr. Logston for comments.

Mr. Logston pointed out that Santa Fe has not chosen to bond heavily in order to create storm drainage systems throughout the City. Every subdivision in the City, going way back, is responsible for its own drainage. HOAs are created in every subdivision, if for no other purpose than to maintain their own grading and drainage. He hears the issue of people failing to do that every day. At some point the citizens have to take the responsibilities of maintenance and homeownership and being a good citizen. An HOA will be put in place for that reason.

The applicant has offered to dedicate a park in response to residents' comments that they don't have parks. He understands that maintenance is an issue. The offer to donate land to KSK was also done in good faith to address some of their concerns regarding the proximity of the monk's residence. People all over the country are asking for that and enjoying. They may not have an answer for everything tonight, but all of the efforts have been to provide things that can add to the quality of life, one of the biggest things they heard. There is time to work out details for maintenance and other concerns before final subdivision approval.

Commissioner Clow commented on the restriction of guesthouses in the HOA. She thought that was important based on the presentation in June. There was concern that two families might reside on each lot. She asked to hear from the applicant if they are willing to add a restriction on the HOA covenants restricting guesthouses.

Mr. Reeder replied under current regulations every fee simple lot there is, is allowed a primary single-family dwelling as well as an accessory dwelling unit. He would propose to adopt covenants that would restrict an accessory dwelling unit to another fixed foundation unit on the property. Not what happened to the property developed on Buffalo Grass/Airport Road where people brought in manufactured homes they failed to anchor. Or old trailers or some other kind of trailer they connected to utilities. They intend to adopt covenants that address that and to prohibit any mobile/recreational vehicle or van that could be used as a dwelling unit. Those restrictions would be adopted and filed with their final plat.

Commissioner Faulkner asked the cost of the average monthly mortgage in the development.

Mr. Reeder said likely their homes would be in the $300,000 range, probably a little less. A mortgage payment would be around $1,500 per month. The intent is that these be relatively affordable. Again, affordable has specific definitions based on the average area income.

Commissioner Faulkner confirmed there would be about 42 lots and the HOA would be responsible for maintaining the drainage, the common areas and possibly the park. She asked if $20 a month would be sufficient to cover the maintenance. She noted covenants are only enforceable if the HOA takes someone to court. If the HOA can't afford to stop someone violating the covenant, the covenant would matter. She said these are philosophically great solutions she thought $20 a month per household was not enough.

Chair Hiatt thought they could not pin them down on what the HOA would look like, what they would charge or how successful they would be. He pays $10 month in a reasonable neighborhood off Governor Miles and it is an out-of-state company. There are hundreds of households in his neighborhood. He knows they will have trouble, and that the process after the fact is incredibly difficult. The only thing the HOA can do generally is put a lien on the property so once it is sold, they recover the money.

Commissioner Faulkner said that is her point. Ruling maintenance and costs over to the HOAs when they don't know who they will be or if the fee will be enough. She didn't like putting future homeowners in charge of something this significant without knowing how it can be implemented.

Mr. Reeder responded that the only common areas proposed are the open space and the detention pond. The pond is designed to drain within 24 hours to avoid a breeding ground for mosquitoes. Both the pond and open space will require some maintenance. They plan to create an HOA and establish a fee and collect it initially as the developer. It will be up to the homeowners to maintain the association. This is where the neighbors have to take responsibility and look after their own neighborhoods. They cannot legislate that or require it; it has to be voluntary.

Commissioner Faulkner said she feels for him as a developer. This part of town is already overpopulated in that the schools and streets are overwhelmed. There are a lot of challenges related to access to food and amenities that are walkable. She did not like density increases in the area because they are already struggling just to provide a quality life for residents already there. It is a significant number of people.

Commissioner Gutierrez said his end game is to have a subdivision that the neighbors are happy with and the developer can make money. Regarding the open space, he asked staff to read the Code about lot size and an open space is no longer required.

Mr. Berke explained the developer could provide open space on each individual lot. The lot size threshold is 20-25% of the lot.

Mr. Logston added, generally it is around 4000 ft.^{2} with the common open space and the lots in this subdivision average 5800 ft.^{2} and the lots exceed the size that would require common open space.

Commissioner Gutierrez confirmed all of the lots hit that threshold.

Commissioner Garcia said he's not opposed to people developing their property and having economic development and growth where there is a lot of space. There are already three trailer parks or neighborhoods in this area. He wants to support the development economically, but also sees a lot of issues, including the open spaces. He asked if there was anything else the applicant could tell him before they wrap up.

Chair Hiatt noted that the Commission is charged to follow the regulations and the ordinances. When developers meet all the criteria the Commission has to respond affirmatively, unless there's an overriding concern in the public interest. In his mind, the Commission has to follow those obligations. They heard from the community. The applicant has tried in good faith to respond to the community. They have to honor people's property rights to buy property to develop as long as they're doing it within the Code. He tries to take public interest into consideration. Traffic is a bugaboo that is disconcerting in this City and safety goes along hand in hand. But the City traffic engineer says this meets code and is in fact better than the national code. He thought that has to be considered.

Commissioner Garcia said this development is right in the middle of three other trailer parks. He asked how that affects the safety of the community especially with the amount of people coming in and the traffic, the deceleration left turn lane into Geo. He wants to feel like this development is going to be okay and not another problem in the area.

Mr. Logston noted in their packets is an executive summary of the TIA. In that summary, exhibit D, page 2 through page 3 they can only measure and grade the traffic at the intersections. The traffic study shows that the intersection of Geo Lane operates at B using grade school ratings on the evening, a.m., and p.m. peaks, and will continue to operate at a level of service B. Geo and Airport currently operate at level B and are projected to operate at the same level and Buffalo Grass is also at level B. Any road in the City is busier in the morning or evening and the rest of the time it is not bad. It is one of the better performing intersections around. The left-turns are not necessarily easy onto Geo and the U-turns can be dangerous, but he doesn't know what else to say.

Mr. Berke said he wanted to clarify some points. Some of the issues are bigger than this subdivision and will not be solved if approved or denied. Traffic on Airport Road is a bigger issue; people living in poverty is a bigger issue than a subdivision.

One thing before them today is a rezoning request which tends to ask if this would be compatible with the surrounding area. Compatibility can come in different forms, style of life, density and other issues. Generally speaking, they have heard from the Commission and the public that staff doesn't work enough with the developers, the developers don't work enough with neighbors; neighbors don't necessarily want anything. We have tried to listen to the Commission and many months ago they said this proposal at R6 is to dense for the area.

The developer went back to the neighborhood and staff attended 2-3 meetings. Subsequently almost every need was addressed that was heard from stakeholders in the area. Some needs just couldn't be met; they cannot improve the crime rate on the south side. Staff pushed the developer to do things, including covenants on older manufactured homes. It is unfortunate there are no design standards for manufactured homes or single-family units, and it relies on the developers and HOAs to include those in the covenants.

Also, the developer is willing to create a sidewalk going past their property line to Airport Road on Geo Lane. And both Geo Lane and Buffalo Grass are public right of ways. They are maintained by the City right of ways at 40' on Buffalo Grass and 50' on Geo Lane, which is standard.

He also points out that the Airport Road overlay discourages direct access onto Airport Road. The City took that action in 2011/12 to address too many cuts and slowdowns. Staffing at the Parks level is a funding mechanism and is a bigger issue.

The City still has the requirement of fee in lieu of, or a park dedication. The Parks accepted the dedication and the developer offered to improve it. That will be seen on the final subdivision.

Commissioner Clow said in reading staff's report and listening to the presentation she couldn't see any way she could vote against this. It is not ideal, but it does meet the requirements of the Code. Also, there is a big need for affordable housing. This provides more affordable lots although unfortunate it is on the south side. But that is where the vacant land is in Santa Fe. It is hard to have a development and make everything perfect, but she thought it better to have the project than not.

Commissioner Faulkner said the reason she uses to vote against this is it is only looking at the Code. She said the Commission's charge is to take quality-of-life seriously. This is what has led to the southside being what it is today. To follow the same process; they have made these mistakes consistently without considering quality-of-life above what the Code allows. She said it is not responsible to just recognize they have made mistakes and continue doing them. The Commission is charged to consider quality-of-life as well.

She noted in her neighborhood police are called every weekend about people parking on the street. The formula used was that every house would only have two cars. That isn't true in a family subdivision. Formulas are not taking into account the rationality of reality; they use an average. She takes quality-of-life very seriously on the south side because she knows what is happening there. If you know you have certain problems, you don't make them worse by adding more challenges to the situation. Increasing density in the area will add more challenges to an already taxed community. Her job as a Commissioner is to look at quality-of-life as priority.

Commissioner Gutierrez said he understands the Commission is charged to look at the Code. He asked Chair Hiatt if it was fair to say they could look at the quality of life, or do they just look at the Code. Also, what other things keep them from just looking at Code.

Chair Hiatt said health and safety are always part of the consideration. He hasn't heard enough to feel this is a health and safety issue. He realizes traffic will increase and more dangerous situations will occur on Airport Road from right turns, based on 42 more homes and more people. The City has a commitment to infill; they have to because they do not have enough places. This wouldn't be allowed on Canyon Road, obviously. This is a fact of life; they live in a small city with small roads and that is a problem. But he hasn't heard enough not to accept this when the applicant follows the law and has done more than asked under the law.

Commissioner Gutierrez said health and safety should be considered. He asked if quality of life should be considered or not.

Chair Hiatt said if they can define quality of life meaning how it will work in my neighborhood and whether they have quality-of-life. That's a wonderful argument, but it's the same argument they hear all the time, I don't want this in my neighborhood. He didn't hear that from KSK, and the fact is, there is space there. Mr. Reeder bought the space and has done a remarkable job trying to assert a quality of life for everybody. He is not sure that the neighborhood won't be better, but he is not sure they can solve all the problems. He agreed crime is a serious problem but it is not clear to him that this will add to or detract from the crime in the area.

Commissioner Gutierrez said after listening to the Chair he has two issues he would like resolved. Number one - for safety, the left turn. He would like a deeper turn lane. He was okay if quality of life is considered and Mr. Reeder has done a good job. A trigger tonight was when he received his packet, he was under the impression through the HOA and meeting minutes there would be one single residence per given lot. Now, there is a guest residence. He asked Mr. Reeder if he would include in his HOA covenant, no RVs could be parked there, and homes would be on a block. Then he would be okay with guest homes. Until those two issues are worked out, he could not support the current proposal.

Chair Hiatt asked if Mr. Gutierrez would be willing to approve as a preliminary plan and wait until the final to see if Mr. Reeder made those corrections.

Commissioner Gutierrez addressed staff. He said one question is always traffic. If the traffic comes back and says they cannot do this, he would be supporting without knowing the end result. He's not sure what it would take to see if they could do this regarding traffic.

Chair Hiatt said they will have to do a traffic study of some sort. He asked Mr. Reeder to come to the podium to address the additional units on the property. He said he thought he heard Mr. Reeder say when talking about restrictions of anchors to land, he was referring to the principal residence. He asked if he was referring to additional dwelling units.

Mr. Reeder said to be honest, he is also unclear. He is not sure to what extent the City regulation would trump anything they try to implement as a covenant. He did not think they could flat-out disallow every accessible dwelling unit. He thought they could put restrictions on what the accessory dwelling units would look like. They intend to definitely disallow anything of a recreational vehicle nature or motor home.

Chair Hiatt asked Mr. Berke if they could restrict through the HOA.

Mr. Berke said as a municipality the City cannot impose a restriction on something already given by right in Code. If the applicant wanted to place a restriction in their covenants the City would honor that as part of the permitting process.

Chair Hiatt asked Mr. Reeder if he has the opportunity to include that, would he restrict additional dwellings units in his HOA covenants.

Mr. Reeder said short answer, "yes".

Chair Hiatt noted Mr. Shanahan spoke in the public hearing, which has been closed. He asked Mr. Shanahan to come forward.

Mr. Shanahan said he was a Planning Commissioner from 2003 to 2006 and led the charge to adopt the 30% affordability requirement. He has built over 200 homes and is an affordable housing advocate as well as an advocate for the south side. Regarding codes, this applicant is requesting a change of zoning. It opens up a can of worms for the Commissioners to make their points, all which have been good. However, shortly there will be other applicants in C-1 zoning on Airport Road saying they are entitled to 21 units per acre. They will have the right to do that. The Commission will have a difficult time denying them on any quality-of-life considerations, because Code allows it.

That Mr. Reeder wants to do single-family detached, home ownership in the neighborhood, that is exactly what they want. It seems they should be more macro perspective. Airport Road will get more traffic, considerably more because of the C-1 zoning that exists and is touted as where multi-families should go. If put into perspective: R5 single family detached, homeownership, even potentially with a 400 to 500 ft.^{2} casita, is what they should be allowing.

Commissioner Clow said she has couple of other issues. She confirmed on the extended sidewalk that the applicant is willing to do that. Also, the HOA would restrict manufactured homes over five years old.

Mr. Reeder said he would be willing to extend the sidewalk even though the City does not require that. He agreed part of the HOA covenants would include that there could be no manufactured homes over five years old.

Mr. Reeder addressed Commissioner Garcia on his point about trailer parks. He wanted to reiterate and emphasize they are not developing a trailer park. These will be deeded lots owned by the homeowner. It is less at an R5 density than anything in the area. They are trying to create something that will elevate the neighborhood making every home more valuable and desirable, not less.

Commissioner Garcia noted there are trailer park properties around this property, but realizes it is a development.

Chair Hiatt asked that the Commissioners call them mobile homes or manufactured homes.

Commissioner Faulkner said some of the concerns can be addressed between now and the final submission.

Mr. Logston agreed. The Commission is asked to make a recommendation on a rezone and by the preliminary subdivision the covenants will be hammered out. There are a few moving parts that couldn't be drafted in general language. The Commission's decision is if the 42-lot subdivision is planned enough to move forward. The details would be worked out in final.

Commissioner Faulkner asked if that includes the park.

Mr. Logston said they will have full details on the park. This will go to the Governing Body for rezone and general plan amendment before coming back for final subdivision.

Commissioner Faulkner asked if there is a chance the traffic study could be done before that.

Chair Hiatt thought that would take the next several months and this will move faster.

Commissioner Gutierrez said Mr. Reeder and Mr. Shanahan made good points. We need single family dwellings, and this is a place people would take pride in, but he wanted them to know where he stood. He was still troubled by the turn lane and at this point could not support the request.

Mr. Berke suggested the Commission could recommend the Governing Body request a study or request the staging lane be extended as part of the rezoning.

Action of the Commission

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Lawrence, to recommend approval to the Governing Body for the rezoning to R5 and recommend the Governing Body address the issue of an extended left turn lane onto Geo Lane. Commissioner Lawrence seconded the motion.

VOTE: The motion failed by majority roll call vote with Commissioners Clow and Lawrence voting in favor and Commissioners Faulkner, Garcia, and Gutierrez voting against.

Commissioner Faulkner said she still felt there were a lot of unanswered questions such as the park, how it will be paid for, if the City will accept it, and traffic issues. The applicant has done a lot to make this work but there are still too many unanswered questions.

Commissioner Garcia is not against the development of new places, but is voting no regarding traffic studies.

Commissioner Gutierrez said they may not know he moonlights as a tow truck driver and the accidents he sees on Airport Road are enough to make this a safety concern. Until they have a definitive on extending the turn lane, he is not comfortable supporting.

Commissioner Lawrence explained her vote yes is because the R5 is reasonable zoning and reasonable for the neighborhood and the area, despite the other concerns.

Chair Hiatt said he would have voted yes, and the motion still would have failed because it did not have a majority. He asked if they want a separate motion to recommend disapproval.

Ms. Paez explained the Commission's recommendation is that the Governing Body does not approve the rezoning. This will still go to the Governing Body and will trigger a slightly different voting requirement. Instead of the majority of the quorum they would need a majority of the actual members.

A condition of the approval of the preliminary subdivision plat, Condition #1, is conditioned on the rezone going through. The Commission can still vote on the preliminary plan. The preliminary plan will go forward if approved by the Governing Body.

MOTION: In Case #2019-1520, 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved to postpone the preliminary subdivision decision. Commissioner Faulkner seconded the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said they need to vote on the amended Findings of Fact and Conclusions of Law for the rezoning only.

Ms. Paez suggested it might be appropriate to revise them more significantly based on the concerns raised by the Commissioners. She suggested reviewing them.

Mr. Berke asked since the critical criteria had not been met, they review each of the rezone approval criteria and state why the criteria was not met.

Chair Hiatt referred to page 9 and asked Commissioners Faulkner, Garcia and Gutierrez to make distinctions in terms of the findings.

Mr. Gutierrez asked if that had to be done tonight.

Mr. Logston said it needs to be done because they are saying it does not meet the criteria of a rezone. The Commissioners have articulated general reasons why it doesn't, but they need to be specific which criteria it doesn't meet and why.

The Commission took a five-minute break.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner asked for a reconsideration of the vote on the rezoning recommendation to the Governing Body. The motion was seconded by Commissioner Gutierrez.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said back to the first issue - the motion for rezoning.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner moved to postpone the decision on the rezoning to provide the developer and the community time to get answers for the concerns expressed by herself, Commissioner Garcia, and Commissioner Gutierrez. Commissioner Gutierrez seconded the motion.

Commissioner Clow added a friendly amendment that all the issues are clearly listed.

Mr. Berke asked to clarify if postponement is to a date certain or to the next meeting.

Chair Hiatt asked how long staff would need to work on the issues with Mr. Reeder.

Commission Faulkner captured the issues: the park, traffic and the HOA.

Chair Hiatt asked what is specific about traffic.

Commissioner Gutierrez replied his specific issue on traffic is 1) the left-hand turn onto Geo Lane, specifically the staging lanes and 2) a traffic study that doubles the number of dwellings. The traffic study was done on 42 lots. He wants to know if that considers the possibility of guest homes.

Commissioner Garcia said his major concern was the left turn into Geo.

Commissioner Faulkner said she would like to know if the lot would be accepted as a donation or would be another open space.

Mr. Berke stated if they were going to undertake a new traffic study and change the modeling, it might take 60 days.

Mr. Reeder said the last time they engaged Terry Brown it was at least 45 days before he could get to the study. This doesn't sound like a full-blown new study but more an analysis and could possibly be done sooner. Another option is Maury Walker, who is also a certified traffic planner.

Chair Hiatt asked Mr. Reeder if 60 days was reasonable.

Mr. Reeder said 60 days is okay. He said being honest he felt if they went to City Council tonight the evidence is on his side. They have met all of the criteria and he would hope to receive more of an impartial treatment there. He thought they would get that but is willing to stick with the Planning Commission another 60 days see if he can satisfy their concerns. The short answer is yes.

Mr. Logston said regarding the park dedication, he was not certain that is something the Commission could put on the developer. It is a larger City strategy and management issue that he did not think Mr. Reeder can solve. They have received a verbal commitment from Parks they will take the dedication, and a justification of why it will be inexpensive for them to maintain. They shouldn't expect Mr. Reeder to answer to that.

Chair Hiatt asked that Mr. Logston include that in the additional staff report with more flourish.

Ms. Paez added that usually, once there is a specific condition from the Parks Department of their requirements, at that point it becomes part of the financial guarantee. It is not a matter of the park not being accepted down the line. It is a matter of meeting the requirements. They supply a financial guarantee to show they have done that, and it is the City's.

Mr. Logston said he is not aware of any subdivision in the City where every single home has a casita. He was not sure they have ever asked an applicant to do this with a traffic study. He reminded them the level of service on the intersections was B and that did not change.

Commissioner Clow said it is not realistic to ask the applicant to do a traffic study when they agreed to do restricted covenants and only one unit per lot. It doesn't make sense to put that financial burden on the developer to do a study in anticipation that homeowners will violate restrictive covenants.

Commissioner Gutierrez explained the traffic study has been done and there is a base. The HOA would take the burden of the guest houses, but Ms. Paez stated there was no way the City has to enforce that.

Ms. Paez agreed.

Commissioner Gutierrez said that leaves the possibility of guest houses. He didn't find the burden reaching because a study has already been done. Everything tonight was focused on traffic.

Commissioner Clow asked if there was an HOA with restricted covenants on the other subdivision where two dwellings were on many of the lots.

Commissioner Gutierrez didn't recall.

Mr. Logston clarified although the City does not enforce HOA covenants, from the standpoint of a building permit, they ask applicants to produce their covenants. There will be covenants of some type, if nothing else for drainage, and the permit for an accessory dwelling unit would be denied. They check if one is put in improperly if a building permit is pulled.

Chair Hiatt asked if the permit department reviews every HOA applying for a permit.

Mr. Berke said not long ago there was a covenant restriction on a lot split that had to be tabled. They have seen conditions imposed by the applicant put on a plat and almost always, when there are notes on the plat, they enforce those. Some of the conditions are more restrictive on covenants than with the City. But they don't go through every set of covenants of every building permit.

Mr. Paez said there would be an initial review by her when finalized. If the covenant said no auxiliary dwellings it would say none and would be on the plat.

Commissioner Gutierrez asked if the Commission could make that a condition of approval.

Commissioner Clow said they could make that a condition of approval because the applicant agreed as part of the approval. That is what the Commission has accepted.

Ms. Paez agreed.

Mr. Reeder said he was okay with that condition of approval.

Commissioner Gutierrez said after everything, he would be okay scrapping the revised traffic study.

Mr. Berke suggested the motion include adding a condition of approval that the applicant has agreed to put a note on the plat that restricts each lot within the subdivision there could be no accessory dwelling unit. That doesn't touch on sheds or garages.

Chair Hiatt reminded everyone the motion is to *postpone*.

Mr. Gutierrez said the traffic study was going to put them out 60 days plus money out of pocket.

Chair Hiatt restated the motion is to postpone to a date certain no less than 60 days out. The sooner the better.

Ms. Paez indicated they only need to postpone to a date certain for noticing requirements. They are providing adequate notice by making this announcement and do not need to pick a specific date.

Commissioner Clow said the only issue is the extension of the left-hand turn lane.

Commissioner Gutierrez said that is the only one he has brought forward. He does have others to bring up between preliminary and final, which include the park.

Ms. Paez reiterated, this motion is to postpone a decision on making a recommendation to the Governing Body on the rezoning, and requests the applicant return with more information on the left-turn lane.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

G. STAFF COMMUNICATIONS

Mr. Berke said he emailed the Commission a spreadsheet with information on housing. The total units under construction now are 1,071 active building permits, with 791 under construction permit review for a total of about 1800 units. If anyone has questions, let him know.

The next meeting is on February 20, 2020. There are two cases to be heard.

Commissioners Clow and Lawrence indicated they would not be at the March meeting.

Mr. Berke noted on February 20, the Lensic and an old development plan will be heard. The March 5 agenda will be a loaded agenda and two meetings might be needed in March. There will probably be seven case captions but not necessarily seven different cases.

Ms. Paez added the guest attorney will be Andrea Salazar.

Mr. Berke said They will hear a case on March 5 on Agua Fria and Rufina St. zoning request along Airport Road. There will be quite a few cases for Airport Road because that is where much of the development is taking place.

Chair Hiatt asked Mr. Berke to poll the Commission regarding attendance for the February and March meetings.

Ms. Faulkner thought she would have a conflict of interest on one of the developments on Airport Road. She wants to recuse herself if on the next agenda and suggested possibly doing the case last if she does have to recuse.

H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez thanked Mr. Berke for the numbers for the multifamily housing units. He has seen some lot split signs. He asked if everything was going smoothly.

Mr. Berke said relatively smooth. They did a new application and put a sign together that works well. They also created a letter that includes a PDF of the proposed

project as part of the mailer. The response from the public has been positive and no one has come in with concerns.

He is currently reviewing development review cases.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 9:25 p.m.

Submitted by:

Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair



EXHIBIT B2

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 3

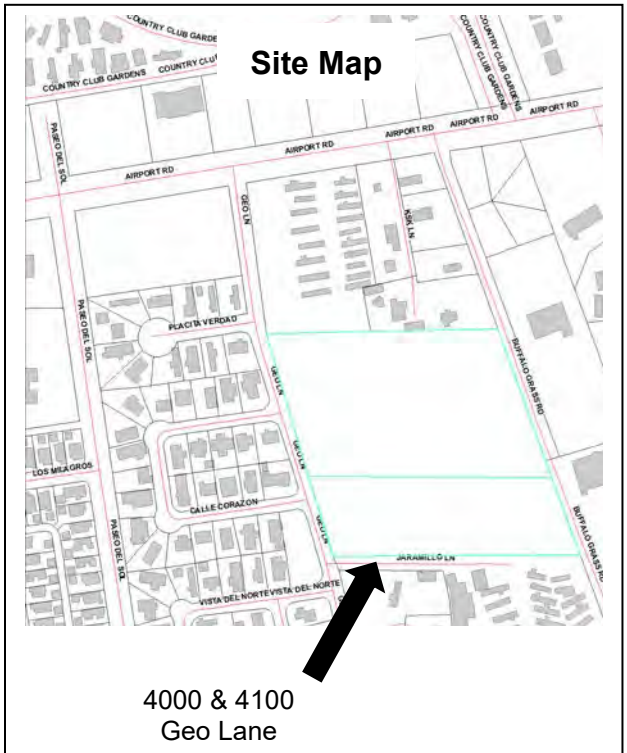
Planning Commission Staff Reports and Packets

June 4, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B3

Land Use Department
Planning Commission Staff Report

Case No:	2019-20 & 2019-1520
Hearing Date:	June 4, 2020
Applicant:	John Reeder
Request:	Rezoning & Preliminary Subdivision
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018 & December 9, 2019
ENN Mtg:	January 31, 2019 & November 6, 2019
Proposal:	Rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre), and Preliminary Subdivision approval for 42 residential lots on 8.59 acres.



Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

RELATED CASE:

Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment*. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).* ***RECOMMENDED FOR APPROVAL TO THE GOVERNING BODY JUNE 6, 2019***

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of the rezoning request and should approve the preliminary subdivision plat subject to the approval of the rezoning application.

Four motions will be required in this case:

- *Recommend the Governing Body approve or deny the rezoning request for Case #2019-20 from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre);*
- *Approve or deny the preliminary subdivision for Case #2019-1520 subject to rezoning approval by the Governing Body, with the conditions of approval and technical corrections as outlined in this report;*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2019-20 (Exhibit A(2)); and*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2019-1520 (Exhibit A(3)).*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2019-1520:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Preliminary Subdivision approval is dependent on The Governing Body approving a General Plan amendment from Institutional to Low Density Residential and a rezoning from R-1 to R-5 by the Governing Body.	Land Use/Current Planning	Prior to Final Subdivision Approval
2	Articles of Incorporation and By-Laws for the Homeowners Association will need to be submitted and reviewed by the City Attorney per 14-9.5(A)(2).	Land Use/Current Planning	Prior to Final Subdivision Approval
3	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department.	Engineering Division/Traffic	Prior to Final Subdivision Approval
4	The Developer shall provide a signing and striping plan.	Engineering Division/Traffic	Prior to Final Subdivision Approval
5	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used	Engineering Division/Traffic	Prior to Final Subdivision Approval

	shall be reviewed and approved by the City's Public Works Department and shall be New Mexico Night Sky Protect Act compliant.		
5	The Developer shall increase the length of the eastbound left-turn bay on Airport Road by 25’	Engineering Division/Traffic	Prior to Final Subdivision Recordation
6	Certified drainage report must be stamped by a registered NM Professional Engineer. Use 0.98 for the C value for Roof, Concrete and Asphalt in the drainage calculation.	Technical Review Division/Terrain Management	Prior to Final Subdivision Approval
7	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD.	Public Utilities/Water Division	Prior to Obtaining Water Service

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The “technical corrections” that must be made to the plat prior to recordation are listed in Exhibit A(1).

III. EXECUTIVE SUMMARY:

On June 6, 2019, the Planning Commission recommended approval of a General Plan amendment from Institutional to Low Density Residential for this property but tabled the Applicant’s R-6 (Residential- Six dwelling units per acre) rezoning request. On February 6, 2020, the Applicant sought recommendation for approval of R-5 rezoning (Residential- Five dwelling units per acre), and approval of a preliminary subdivision plat for 42 residential lots. The Commission still had concerns about left turn movements onto Geo Lane and asked the applicant to come back with additional traffic data to augment the Traffic Impact Study (TIA).

If given a favorable recommendation on the R-5 rezoning application, the Applicant will go to the Governing Body for final approval of the General Plan amendment and the rezoning. A preliminary subdivision approval would be conditional, pending approval by the Governing Body. If the Governing Body approves the General Plan amendment and rezoning requests, the final subdivision plat will come back to the Commission for approval.

While this project has met opposition from residents at each prior hearing, the Applicant has made significant efforts to address all the concerns that are within his ability to address with this development. The Applicant has complied with Planning Commission requests to collect additional data to supplement the Traffic Impact Analysis (TIA) previously performed. With approval by the City Traffic Engineer, the Applicant will perform further off-site improvements to the left turn median on Airport Road.

Much of the discussion about this project has centered on "quality of life" issues. Many of these are larger community issues, such as crime enforcement, lack of area amenities, and character of the urban realm. These are issues that engaged citizens and appointed and elected officials must be address together, through a longer-range process that includes discussion of public and private community investment. This proposed infill project should not be evaluated on its ability to resolve all of the persistent challenges facing this district. Rather, the Commission should base their decision on both the rezoning and the preliminary subdivision solely on the requirements and standards detailed in Chapter 14. A recommendation for denial on either must address each of the criteria contained within. These criteria are detailed in Sections VI and VII.

The Applicant asks that the Commission provides him with a decision, even if it is to recommend denial of the rezoning, so that he can move forward to the Governing Body for review. A recommendation for denial of the rezoning request by the Commission would hand over to the Governing Body approval authority for both requests.

IV. BACKGROUND

The Planning Commission first considered an application for this property on June 6, 2019. At that time, the application consisted of a General Plan amendment from "Institutional" future land use designation to "Low Density Residential" (three to seven units per acre) and a rezoning from R-1 (Residential- One dwelling unit per acre to R-6 (Residential- Six dwelling units per acre). The Applicant's intent at that time was to develop approximately 48 residential lots on +/- 8.59 acres. The Planning Commission recommended approval of the General Plan amendment, but tabled the rezoning request, asking the Applicant to come back with something less dense and to better address the concerns of the surrounding residents, which included traffic, density, lot shape, type of housing to be built, and the lack of parks and open space.

The Applicant came back to Planning Commission on February 6, 2020, with a request for approval for R-5 rezoning (Residential- Five dwelling units per acre) and a request for preliminary subdivision approval for a 42-lot subdivision. While the proposed density was not significantly less than the original proposal, the Applicant had made a number of modifications to the subdivision proposal in an attempt to address resident concerns:

- Density: The Applicant decreased the number of lots from 48 to 42.
- Preventing street parking on Geo Lane and Buffalo Grass: The Applicant increased the right of way width of most streets within the subdivision to accommodate street parking.
- Preventing cut-through traffic: The Applicant aligned the roads within the proposed subdivision in such a way as to eliminate a straight through path from Geo Lane to Buffalo Grass Road.
- Lot shape: The Applicant increased the width of lots in order to encourage a variety of home footprints.
- Guest houses: The Applicant expressed a willingness to prohibit guest houses and included this prohibition in draft covenants.
- Stick-built homes: The Applicant engaged the Housing Trust and Homewise in discussions to see if they would be interested in building the subdivision or providing financing. These discussions are ongoing.

- Manufactured home quality: The Applicant included provisions in the covenants specifying that the homes be no more than five years old, and that the homes be attached to a permanent masonry foundation finished in stucco or some other material that compliments the finish of the home.
- Parks and open space: Although a subdivision this small is not required to build a park, the Applicant offered to dedicate and build a small public park and gained Parks Department commitment to maintain it. The applicant has since withdrawn this offer.
- Proximity to KSK dorms: The Applicant provided a non-buildable lot directly adjacent to the dorms and offered to deed it over to the KSK for their use, and increased rear setbacks on lots adjacent to KSK to buffer the dorms. In subsequent negotiations with KSK, the Applicant has instead offered to build a wall and perform a lot line adjustment to give KSK a ten-foot strip of land along their common property line.
- Pedestrian safety: The Applicant has offered to build sidewalks connecting his development to Airport Road. Currently, there is not a continuous sidewalk on Geo Lane. As an off-site infrastructure improvement, City staff will not require this, but if the Applicant confirms willingness to construct off-site sidewalks at the public hearing, this could be included final subdivision stage.

At the February 6 hearing, some residents expressed gratitude for these revisions to the subdivision design. However, many of the same concerns about density and traffic persisted among both residents and the Commission. There was significant discussion about the methodology used by the Applicant's Traffic Engineer, and the resulting data regarding traffic flow, queuing on Airport Road for left turns onto Geo Lane, and the number of new vehicles the new subdivision would bring.

After significant deliberation, the Commission postponed making a decision, and asked the Applicant to follow up on three specific Commission requests:

1. The Commission requested that the Applicant collect more traffic accident data for Airport Road at the intersections of Geo Lane and Paseo del Sol;
2. The Commission asked the Applicant to follow up with the City Traffic Engineer to see whether he would be willing to allow adjustment of the left turn lane on Airport to accommodate one more car to queue for left turns onto Geo Lane; and
3. Investigate/verify the validity of ITE trip generation rates as they would apply to this project.

While the Applicant has decided to withdraw the park dedication from the subdivision, he has collected more traffic data and the results are analyzed below. This staff report focuses on the key issues of roads, traffic, and parking, as well as following up on specific items unresolved as of the last hearing. Detailed analysis of the subdivision is found in the Staff Report for the February 6, 2020 Hearing, included in Exhibit A(4).

V. NEW DATA AND OUTSTANDING ISSUES

Roads and Traffic:

Geo Lane is a 50-foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40' public ROW, with approximately 18' of pavement and sidewalks. The Applicant will construct curb, gutter, and sidewalk along their property on the east side of Geo Lane

and the west side of Buffalo Grass Road, dedicating any necessary ROW for the improvements. The Applicant has also expressed a willingness to extend both of these sidewalks north to connect with existing Airport Road sidewalks. This amounts to approximately 900' of off-site sidewalk improvements that would improve pedestrian safety for existing and future residents.

The Applicant has obtained approval from the City Traffic Engineer to reconfigure the curbing on the left turn bay island on Airport Road, as requested by the Commission. This off-site improvement will increase the queuing for west bound left turns onto Geo Lane by approximately 25 feet, which will allow for approximately one more vehicle to queue for left turns during busy times. This will correspondingly reduce the left turn queuing for traffic traveling east by one vehicle as well. The queuing analysis in the TIA indicated that this would contain the 95th percentile queue at this intersection. Observational data obtained for the supplemental traffic data showed that the east bound turn lane rarely had more than one vehicle in it. This change should improve left turn safety onto Geo Lane, and is hoped to discourage U-turns at the signaled intersection or Paseo del Sol.

As requested at the February 6 hearing, the Applicant collected crash data for the intersections of Airport Road at Paseo del Sol and Geo Lane. While traffic modeling indicated that the proposed new Geo Lane subdivision was expected to increase the number of crashes by less than one crash per year (0.71) collectively for both intersections, the crash data indicated that there were approximately 18 more crashes at these intersections than modeling would predict. The Applicant did not go into individual crash reports to verify that all these accidents truly did occur in traffic motions at these intersections, nor to confirm if the intersections were used as general reference points. A rear-end collision due to stopped traffic at Paseo del Sol, 40 feet back from the intersection, for example, might be filed as an accident at Paseo, but was not necessarily caused by left turn or U-turn motions. Therefore, the crash data collected is inconclusive.

The developer did not present a trip generation analysis that could be used as comparable data for residential traffic in the area of Airport Road. The Public Works Department provided the developer with traffic counts that could be used to represent traffic generation in this area. As of the date of this memo, Public Works has not received the analysis of this data. Therefore, the Traffic Division Director does not have recommendations to present regarding the accuracy of traffic counts. The Geo Lane Supplemental Traffic Impact Analysis, included as Exhibit D(3).

The original TIA performed for the original R-6 proposal measured traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. For all of these intersections, the Level of Service (LOS) grades did not change with the additional traffic anticipated to be generated by the new subdivision. Specifically, the intersections of Geo Lane and Buffalo Grass Road currently operate at level of service "B" at both morning and evening peaks, and this level of service does not change with traffic from the new subdivision. All three entrances to the proposed subdivision on Geo Lane and Buffalo Grass Road are expected to operate at level of service "A". While there may be a perception that these are very busy roads, they currently operate at the highest LOS, and the effect of the new subdivision does not change the LOS for these roads.

Cars and Parking:
There was significant discussion of whether vehicles of residents of the new development would spill out onto Geo Lane or Buffalo Grass Road. Each lot within the subdivision will provide the required two off street parking spaces. Furthermore, three out of four primary streets within the subdivision will be 50-foot public ROWs, which are wide enough to accommodate parking on one side of the street. It should be noted that even if there is overflow parking, Geo Lane and Buffalo Grass Road are both public streets. Geo Lane has a 50-foot ROW which can accommodate parking on one side.

Park:
After consideration of the discussion about the park at the last hearing, the Applicant has decided to withdraw his offer to dedicate a park and instead will pay park impact fees. The quarter acre that had been intended for the park has been absorbed into lots in the subdivision. A letter from the Applicant addressing this topic is included as Exhibit D(4).

KSK Temple & Dorms:
At the February 6 Hearing, KSK members expressed appreciation for the increased setbacks and offer of the open space areas adjacent to the dorms, but also requested a wall adjacent to the dorms to provide a better buffer. In subsequent discussions with KSK, representatives expressed concern over maintaining the open space parcel. The Applicant is now planning to perform a lot line adjustment with the subdivision, deeding over ten feet of land to KSK and will build a six-foot wall along this new property line. This donation, along with the standard rear yard setback of 15 feet, will ensure at least 25 feet between the KSK dorms and any new houses. A letter from the Applicant addressing this topic is included as Exhibit D(4).

Homeowners Association (HOA) Covenants Regarding Manufactured Homes:
The Applicant agreed at the February 6 Hearing to expressly prohibit guest houses in the subdivision's HOA covenants. Staff will not condition this, but supports the Applicant's willingness to honor the neighbors' wishes. The Planning Commission does have the authority to include this as a condition of approval. The Applicant will include a guest house prohibition in the covenants for consideration at final subdivision. There are also provisions regarding the age, type, and foundation requirements for any manufactured homes placed within the subdivision.

VI. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(a)]: one or more of the following conditions exist:	**Criterion Met:** (Yes/No)
(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;** **(iii) a different use category is more advantageous to the**	**YES**

community, as articulated in the General Plan or other adopted city plans;	
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-5 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The Commission has already recommended changing the future land use designation from Institutional to Low Density Residential, recognizing the abundance of land designated Institutional in this area, and consistency with the Southwest Area Master Plan (SWAMP) and with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No) **YES**
The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No) **YES**
The proposed rezone is consistent with the Commission's previous recommendation to change the future land use designation from Institutional to Low Density Residential. The Southwest Area Master Plan (SWAMP) serves as the general plan for this area, and the SWAMP is essentially neutral about residential housing at this density in this area. Low density residential is an appropriate land use with the general Mixed Use intent of this area. In the general plan amendment case (2019-19), the Commission found housing at this location "would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area."	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No) **YES**
The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)), and is consistent with the General Plan in terms of use and density.	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No) **YES**

A traffic impact analysis was previously performed to assess the impact of the additional traffic anticipated to be generated by the proposed development, based on R-6 density, higher than the R-5 now proposed. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off-site sidewalk improvements. Water and sewer service lines are readily available in both Geo Lane and Buffalo Grass Road. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development. Existing infrastructure can accommodate the development, and the Applicant is making improvements to the west bound turn bay on Airport Road.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 42 lots, and includes the dedication of land to the KSK Buddhist Center. The average lot size is over 5,800 square feet, well over the minimum lot size of 4,000 square feet. The proposed subdivision includes several roads wide enough to allow for on-street parking, so resident and visitor parking should be confined to the subdivision. The developer is willing to build 900 feet of off-site sidewalk improvements. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed use and density. The Applicant will make road improvements to their property as required by Chapter 14, reconfigure the left turn lane onto geo Lane on Airport Road, as well as make extensive off-site sidewalk improvements in the neighborhood.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No) **YES**

The Applicant will make road improvements to the property, as well as extensive off-site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.

VII. PRELIMINARY SUBDIVISION PLAT

SFCC Section14-3.7 governs the authority, procedures and restrictions for the division of land. SFCC Subsection 14-3.7(B)(3)(d) states that "The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider."

The criteria for approval of a Preliminary Subdivision are detailed below:

Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.	**Criterion Met:** (Yes/No) **YES**
Archaeological clearance was not required for this proposal. There is minimal vegetation on the site, and there are no significant natural features, water courses, or historical sites.	
Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).	**Criterion Met:** (Yes/No) **YES**
There are no water courses or FEMA designated flood plains on or near this property. There is minimal slope to the property, with less than 20 feet elevation loss between the north and south boundaries of the property. The retention basin is located at the southeast corner of the property, where it will take full advantage of natural drainage patterns.	
Criterion 3: All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).	**Criterion Met:** (Yes/No) **YES**
The Development Review Team (DRT) has reviewed the Applicant's proposed subdivision design. The DRT includes the following City Divisions: Traffic, Technical Review, Water, Sewer, Fire and Land Use. Review comments and conditions from the DRT provide necessary changes to the proposal to meet City Code standards for public health, safety or welfare. The engineering design for terrain management, roads and utilities complies with all requirements of Chapter 14. Sewer will gravity flow for all lots within the subdivision. The water line will be capable of providing the fire flow	

standards of the International Fire Code.	
Criterion 4: A *plat* shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any variances with this proposal.	
Criterion 5: A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any exceptions with this proposal.	

VIII. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for the original application, consisting of general plan amendment and R-6 rezoning requests, on January 31, 2019. Approximately ten members of the public attended. An ENN for the amended application, consisting of an R-5 rezoning request along with preliminary subdivision approval, was held on November 6, 2019. Four residents signed in. Additionally, another informal meeting for neighbors was held on November 12, 2019 as an additional opportunity for neighbor input, which was attended by two residents and one member of the press. Concerns voiced at all meetings were largely the same, and the Applicant's efforts to address these concerns are detailed in the Background Section of this report.

IX. EXPIRATION

According to SFCC Subsection14-3.19(B)(2) "Approval of a preliminary subdivision plat … shall expire three years after final action approving it unless the final plat … is approved." Should the Commission approve the preliminary subdivision plat and adopt the recommended Findings of Fact at this hearing, the expiration date would be June 4, 2023.

The rezoning request is a recommendation, rather than a final decision. Therefore, there is no expiration date provision in our code.

X. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2019-20
3. Draft Findings of Fact/Conclusions of Law Case #2019-1520
4. Staff Report February 6, 2020
5. Planning Commission Meeting Minutes February 6, 2020

EXHIBIT B: Development Review Team Memoranda

1. Traffic Review
2. Fire Review
3. Technical Review
4. Wastewater Division Review
5. Water Engineering Division Review
6. Landscape Review

EXHIBIT C: Maps and Photos

EXHIBIT D: Applicant Materials

1. Applicant Letter
2. Traffic Impact Analysis Summary
3. Supplemental Traffic Memo
4. Draft Covenants
5. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Land Use Director	Eli Isaacson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit D

Applicant Materials

1. Applicant Letter
2. Traffic Impact Analysis Summary
3. Supplemental Traffic Memo
4. Draft Covenants
5. Proposed Subdivision

EXHIBIT B3

To: City of Santa Fe Land Use Planning, Planning Commission Chairman and Members, and Others Whom it may concern:

From: Geo Park, LLC Members

Re: Open Space

Regarding our previous proposal to donate approximately one-quarter acre open space for a public park as a part of our proposal for GEO PARK SUBDIVISION, we respectfully request the withdrawal of offered donation due to neighboorhood and Commission Member concerns about the future maintenance and upkeep of the proposed park. In reviewing the minutes from the February 6th, 2020 Planning Commission meeting, which required 30 pages to transcribe, the proposed park was discussed at length on at least 5 of those pages, including the public testimony portion and then the question and answer as well. There was much skepticism regarding the City Parks Department ability to manage any added maintenance to its workload and the suggestion of a "low maintenance" park without grass and landscaping was also not favorably received. Therefore, we have revised our proposed subdivision layout and have added the area of the proposed park to the nearby Lots, making those Lots a little larger than before.

Regarding the other open space area adjacent to the KSK Buddist Center we have also revised that proposed donation. In discussions with representatives of the center a preference for greater privacy was expressed rather than the donation of an open space area that would likely require maintenance and create an expense. Instead, we now propose to donate a 10 foot wide strip along the current shared property boundary, build an 8 foot high block wall on the adjusted property line, and also create a 10 foot setback from the wall for any home built on the Lots adjoining the adjusted property line. This combination will result in the 20 foot separation from the center's dormitory, as was previously proposed, and also offer more privacy for the whole center. The remainder of the open space area will be added to nearby Lots, as with the others, making those Lots a bit larger.

EXHIBIT B3

Terry O. Brown P.E.

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T



Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:

The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

EXHIBIT B3

Terry O. Brown P.E.
Civil / Transportation Engineering

Monday, May 11, 2020

John J. Romero, P.E.
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87504

Re: Geo Lane Subdivision – Supplemental Letter

Dear Mr. Romero:

This supplemental letter is a companion to the Traffic Impact Study address certain issues raised at a recent public hearing for the project. Those issues are listed as follows:

1) Crash rates for Airport Rd. / Geo Lane and Airport Rd. / Paseo del Sol
2) Queuing for westbound left turn movement off of Airport Rd. into Geo Lane southbound
3) Residential trip generation rates – validity in applying to this project

In order to address the three areas of concern, the following actions are taken:

1) A crash analysis was performed for the Airport Rd. / Geo Lane and Airport Rd. / Paseo del Sol corridor (including the two intersections) using the HCS7 (Highway Capacity Software, Version 7) HSS (Highway Safety Software) module base on the Highway Safety Manual (See attached). The HSS evaluation is attached for review. In summary the HSS analysis indicates that the implementation of the proposed new Geo Lane Subdivision is expected to increase the number of crashes along Airport Rd. from Geo Lane to Paseo del Sol (inclusive) by less than one crash per year. Therefore, the impact to the crash rate along Airport Rd. is insignificant. The implementation of Geo Lane Park Subdivision does not present a significant adverse impact to the adjacent transportation system.
2) The queuing analysis in the Traffic Impact Study demonstrates that the existing westbound left turn lane on Airport Rd. at Geo Lane is sufficient to contain the 95th Percentile Queue at the intersection. The current westbound left turn lane on Airport Rd. at Geo Lane is approximately 65 feet long. Therefore, it can hold about three passenger cars before there is a spillover into the adjacent thru lane. The complimentary eastbound left turn lane on Airport Rd. at the east entrance to the Esplanade Shopping Center is approximately 80 feet long. Neither the westbound left turn lane nor the eastbound left turn lane were observed to spill over during the traffic count period for this Study. However, it was noted that the westbound left turn lane at Geo Lane would queue two to three vehicles occasionally while the

Terry O. Brown • tobe@swcp.com • P.O. Box 92051 • Albuquerque, NM 87199 • 505 - 883 - 8807

3) complimentary eastbound left turn lane rarely queued more than one vehicle. Therefore, it is concluded that the westbound left turn lane on Airport Rd. at Geo Lane could be extended by 25 feet to allow for one more vehicle to queue westbound to turn lane into Geo Lane, thus reducing the complimentary eastbound left turn lane length by 25 feet.
4) The trip generation rate for the proposed Geo Lane Park Subdivision was calculated using ITE Trip Generation equations published in the ITE Trip Generation Manual, 10th Edition. The trip generation rates for Single-Family Detached Housing Units for Daily, AM Peak Hour of Adjacent Street Traffic, and PM Peak Hour of Adjacent Street Traffic were established based on well of 150 nationwide studies of residential developments comprised of single-family detached homes. While trip generation rate calculation is not an exact science, the equations for Single-Family Detached Housing in the ITE Trip Generation Manual has a high degree of correlation with real trip generation rates (i.e., the R^2 Value is at least 0.89). The ITE Trip Generation Manual (10th Edition) states the following regarding ITE Land Use 210 (Single-Family Detached Housing):
   - *"...Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision..."*
   - *"...The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends..."*
   - *"...This land use included data from a wide variety of units with different sizes, price ranges, locations, and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation..."*
   - *"...Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses..."*
   - *"...The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic..."*

John J. Romero, P.E.
Monday, May 11, 2020

Re: Geo Lane Subdivision – Supplemental Letter

There are three independent variables available for projecting trip generations, the number of residents, the number of vehicles, and the total number of dwelling units. For this analysis, the number of dwelling units variable was used. The projected traffic generated by this land use is presented in the following Table. The Trip Generation Calculations are presented in the Traffic Impact Study.

SUMMARY OF TRIP GENERATION RATES LAND USE 210 – SINGLE-FAMILY DETACHED HOUSING) (GENERAL URBAN / SUBURBAN)	
Peak Hour of Adjacent Street Traffic	**Geo Lane Park Subd.**
A.M. Peak Hour Entering	10
A.M. Peak Hour Exiting	29
A.M. Peak Hour Total	39
P.M. Peak Hour Entering	32
P.M. Peak Hour Exiting	19
P.M. Peak Hour Total	51

Source: Institute of Transportation Engineers
Trip Generation, 10th Edition, 2017

The two entrances to the existing Estancia Primera subdivision were counted to obtain an actual rate. The existing Estancia Primera subdivision consists of approximately 177 single-family dwelling units. The actual traffic generated by Estancia Primera is significantly less than the traffic produced by ITE. This could be due to the demographics of Estancia Primera. For conservative analysis, the ITE rates will be used for this analysis.

I believe this letter should address the three concerns raised at previous public hearings.

Please call me if you have questions.

Best Regards,

Terry O. Brown, P.E.

attachments as noted

cc: John Reider,

Crash Analysis

A traffic and safety analysis using HCS7 Highway Safety Software (HSS) was performed to assess the safety performance of one signalized intersection (Paseo Del Sol & Airport Rd.) and one unsignalized intersection (Geo Lane & Airport Rd.) in the study area for existing (No Build) and developed (Build) conditions. The intersections were located sequentially along the Airport Rd. corridor which is classified as regional principal arterial. The Paseo Del Sol & Airport Rd. intersection has adequate lighting and a combination of permissive and protected/permissive left-turn phasing, and medium to low pedestrian activity level. The Geo Lane intersection has only one light on the north side of the intersection, so no credit was given for lighting in the analysis. The map below illustrates the intersections and segments analyzed in each corridor.



The total number of observed crashes from 2016 through 2018 (inclusive) at each intersection and segments between intersections was provided by the New Mexico Department of Transportation, Traffic Safety Division (Traffic Records). The HSS *predicted crash frequency* is calculated using site-based crash frequency estimates at other similar sites and the predictive model found in Part C of the HSM. The HSS model calculates *expected crash frequency* using the Empirical Bayes (EB) methodology which adjusts the *predicted crash frequency* using the observed crash frequency at the site. So, when the observed crashes are higher than the predicted crashes, the expected crash frequency is also higher. A summary of the crash

frequencies for the "No Build" and "Build" Conditions is presented in the Crash Analysis Summary Table below. More detailed HSS results for the No Build and Build conditions are presented in the tables in Appendix A-129 through A-166.

As shown in the Crash Analysis Summary Table, the impact on the crash rate due to the new development is minimal given that the crash rate at each analyzed intersection is increased by significantly less than one crash per year. A more notable concern is the total average number of observed crashes per year (23), compared to the predicted crashes (5.18) and expected crashes (14.193) for existing (or NO BUILD) conditions. The historic crash rate is an indicator of issues related to existing design and existing conditions and is not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there may be intersection design issues and / or regional driver characteristic issues that may need to be considered. The HSM modelling requires a regional adjustment factor which has not been applied in this case. The State of New Mexico (i.e., the NM DOT) has not determined regional adjustment factors. Neither has the City of Santa Fe.

The findings of this crash analysis conclude that the expected increase in crashes as a result of implementation of the proposed Geo Lane Park Subdivision is an increase of less than 1 crash per year collectively for the two intersections of Airport Rd. / Paseo Del Sol and Airport Blvd. / Geo Lane. Therefore, there is no significant impact on the adjacent transportation system.

CRASH ANALYSIS
Summary Table

TERRY O. BROWN, P.E.

Highway Safety Software Facility Report

Project Information
Analyst: J. Becker, P.E.
Date: 3/17/2020
Jurisdiction: City of Santa Fe
Analysis Year: 2020
Project Description: Geo Lane Park Subdivision

SECT. No.	FACILITY TYPE	MODEL TYPE	NAME	AADT MAJOR STREET		AADT MINOR STREET		LENGTH	AVERAGE OBSERVED CRASHES per year	PREDICTED CRASHES			EXPECTED CRASHES		
				NO BUILD	BUILD	NO BUILD	BUILD	(MI)		NO BUILD	BUILD	INCREASE	NO BUILD	BUILD	INCREASE
1	URBAN	4SG	Paseo Del Sol/ Airp	22,097	24,597	8,800	9,000		15	3.434	3.829	0.395	9.578	10.107	0.529
2	URBAN	3ST	Geo Ln/Airport	22,097	24,597	1,700	2,000		8	1.746	2.061	0.315	4.615	4.997	0.382
								TOTAL	23	5.18	5.89	0.71	14.193	15.104	0.911

EXHIBIT B3

GEO PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO

EXHIBIT B3



BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
C1	31.83'	N53°27'46"W	25.00'	72°57'16"	29.73'
C2	27.26'	S70°50'55"W	54.00'	28°55'24"	26.97'
C3	11.90'	S72°36'52"W	21.00'	32°27'24"	11.74'
L1	28.10'	N89°56'54"W			
C4	43.04'	N71°51'26"W	54.00'	45°39'54"	41.91'
C5	37.44'	N29°09'45"W	54.00'	39°43'31"	36.69'
L2	18.70'	N20°16'24"W			
C6	12.34'	N03°26'12"W	21.00'	33°40'25"	12.16'
C7	21.39'	N02°03'05"E	54.00'	22°42'00"	21.25'
C8	39.25'	S24°44'44"W	25.00'	89°57'44"	35.34'
C9	39.26'	N65°16'51"W	25.00'	89°59'07"	35.35'
L3	26.97'	N20°16'24"W			
L4	27.04'	N20°17'10"W			
C10	39.27'	N24°43'36"E	25.00'	90°00'00"	35.36'
C11	39.29'	S65°15'16"E	25.00'	90°02'16"	35.37'
C12	13.75'	N08°34'46"W	45.00'	17°30'26"	13.70'
L5	41.59'	N20°16'08"W			
L6	34.00'	N55°19'09"W			
C13	27.12'	N17°26'29"E	45.00'	34°32'04"	26.71'
C14	40.04'	N60°12'09"E	45.00'	50°59'17"	38.73'
C15	22.41'	N53°34'46"E	48.00'	26°45'08"	22.21'
C16	24.36'	N65°07'49"E	28.00'	49°51'15"	23.60'
L7	27.00'	S89°56'33"E			
C17	73.61'	S69°06'35"E	48.00'	87°52'11"	66.61'
C18	36.61'	S03°19'31"E	48.00'	43°41'56"	35.73'
C19	46.71'	N36°32'15"E	25.00'	107°02'46"	40.20'
C20	27.39'	S34°52'15"W	48.00'	32°41'37"	27.02'
C21	67.66'	N88°24'05"W	48.00'	80°45'44"	62.20'
L8	37.53'	N89°56'33"W			
C22	24.36'	N65°00'56"W	28.00'	49°51'15"	23.60'
C23	6.64'	N44°03'17"W	48.00'	7°55'55"	6.64'
C24	30.49'	S55°00'12"E	25.00'	69°52'21"	28.63'
L9	33.35'	S20°04'01"E			
C25	48.05'	S34°59'43"W	25.00'	110°07'28"	40.99'
L10	41.39'	N89°56'22"W			
C26	31.83'	N53°27'45"W	25.00'	72°57'14"	29.72'
C27	46.69'	N36°31'22"E	25.00'	107°01'00"	40.20'
L11	66.96'	S89°58'23"E			
L12	72.19'	N89°56'06"W			
L13	55.98'	N89°56'16"W			
L14	16.81'	N89°56'03"W			
L15	52.77'	N89°56'16"W			
L16	20.02'	N89°56'06"W			
L17	49.56'	N89°56'16"W			
L18	23.23'	N89°56'09"W			
L19	46.36'	N89°56'15"W			
L20	26.44'	N89°56'10"W			
L21	43.08'	S89°56'22"E			
C28	30.40'	S55°06'14"E	25.01'	69°39'40"	28.57'
L22	30.64'	N89°56'12"W			
C29	47.93'	S34°39'18"W	25.00'	109°51'00"	40.92'
L23	13.99'	N88°47'41"E			
L24	10.79'	S01°20'34"E			
L25	43.75'	N88°05'22"E			
L26	57.73'	N89°05'15"E			
L27	57.98'	N88°39'26"E			
L28	65.06'	N88°39'26"E			
L29	99.82'	N88°39'26"E			
L30	11.66'	S29°37'19"W			

LEGEND:

- FOUND MONUMENT AS NOTED
- CALCULATED POINT, NOT SET
- CONTROL MONUMENT SFC 1007
- UTILITY POLE
- ANCHOR GUY
- CHAINLINK FENCE
- E — AERIAL ELECTRIC LINE
- ADJOINER BOUNDARY
- AERIAL TELEPHONE LINE
- TELEPHONE JUNCTION BOX
- POLE BOLLARD
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- WELL
- WELL HOUSE
- SPIGOT
- WIRE FENCE FALLING DOWN
- ABANDONED TELEPHONE JUNCTION BOX

INDEXING INFORMATION FOR COUNTY CLERK

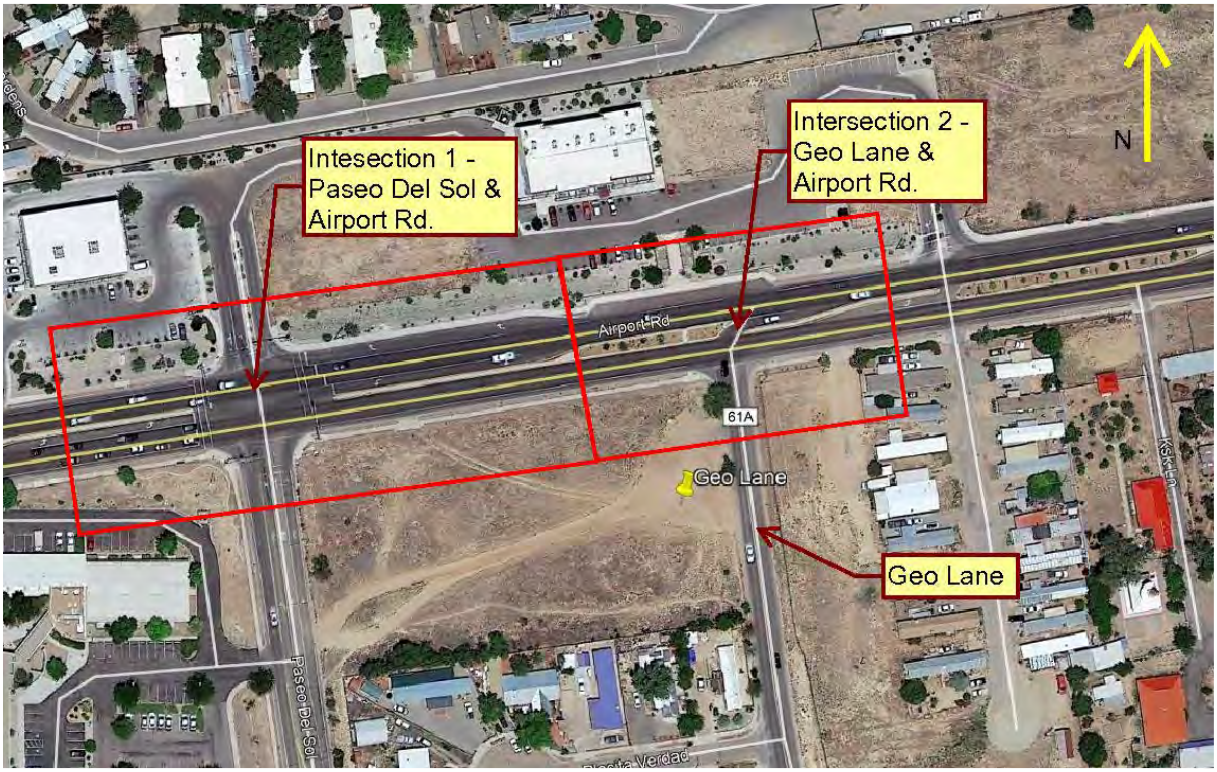
UPC:	1-048-095-388-368 & 1-048-095-397-338
OWNER:	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED:	INSTRUMENT #1873943
SUBDIVISION:	N/A
SECTIONS:	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) 982-9429 FAX (505) 986-3413

DATE (S): 8/4/19 | DRAWN BY: DKR | PROJECT No.: C-2922A

Crash Analysis

A traffic and safety analysis using HCS7 Highway Safety Software (HSS) was performed to assess the safety performance of one signalized intersection (Paseo Del Sol & Airport Rd.) and one unsignalized intersection (Geo Lane & Airport Rd.) in the study area for existing (No Build) and developed (Build) conditions. The intersections were located sequentially along the Airport Rd. corridor which is classified as regional principal arterial. The Paseo Del Sol & Airport Rd. intersection has adequate lighting and a combination of permissive and protected/permissive left-turn phasing, and medium to low pedestrian activity level. The Geo Lane intersection has only one light on the north side of the intersection, so no credit was given for lighting in the analysis. The map below illustrates the intersections and segments analyzed in each corridor.



The total number of observed crashes from 2016 through 2018 (inclusive) at each intersection and segments between intersections was provided by the New Mexico Department of Transportation, Traffic Safety Division (Traffic Records). The HSS *predicted crash frequency* is calculated using site-based crash frequency estimates at other similar sites and the predictive model found in Part C of the HSM. The HSS model calculates *expected crash frequency* using the Empirical Bayes (EB) methodology which adjusts the *predicted crash frequency* using the observed crash frequency at the site. So, when the observed crashes are higher than the predicted crashes, the expected crash frequency is also higher. A summary of the crash

frequencies for the "No Build" and "Build" Conditions is presented in the Crash Analysis Summary Table below. More detailed HSS results for the No Build and Build conditions are presented in the reports at the end of this document.

As shown in the Crash Analysis Summary Table, the impact on the crash rate due to the new development is minimal given that the crash rate at each analyzed intersection is increased by significantly less than one crash per year (about 0.69 crashes per year). A more notable concern is the total average number of observed crashes per year (10.0) for the intersections of Airport Rd. / Paseo Del Sol and Airport Rd. / Geo Lane, compared to the predicted crashes (5.199) and expected crashes (7.442) for existing (or NO BUILD) conditions. The historic crash rate is an indicator of issues **possibly** related to existing design and existing conditions and is not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there **may** be intersection design issues and / or regional driver characteristic issues that may need to be considered. The HSM modelling requires a regional adjustment factor which has not been applied in this case. The State of New Mexico (i.e., the NM DOT) has not determined regional adjustment factors. Neither has the City of Santa Fe.

It should be noted that the Highway Safety Manual is a relatively new and developing document (there is currently only a 1st Edition). The stated purpose of the Highway Safety Manual (Page xxiii of Volume 1) reads as follows:

> *The Highway Safety Manual (HSM) is a resource that provides safety knowledge and tools in a useful form to facilitate improved decision making. The HSM assembles currently available information and methodologies on measuring, estimating and evaluating roadways in terms of crash frequency (number of crashes per year) and crash severity (level of injuries due to crashes). The HSM presents tools and methodologies for consideration of "safely" across the range of highway activity: planning, programming, project development, construction, operations, and maintenance. The purpose is to convey present knowledge regarding highway safety information for use by a broad array of transportation professionals.*

The stated purpose above seems to lead the transportation professional to believe that the Highway Safety Manual can be a tool to forecast reliable crash frequency rates. However, there is subsequent language in the HSM that qualifies the data derived from the Manual. Following are some of the excerpts of the Highway Safety Manual that qualify the output:

> *C.8. LIMITATIONS OF THE HSM PREDICTIVE METHOD*
> *The predictive method is based on research using available data describing geometric and traffic characteristics of road systems in the United States. The predictive models incorporate the effects of many, but not all, geometric designs and traffic control features of potential interest. The absence of a factor from the predictive models does not necessarily mean that the factor has no effect on crash frequency; it may merely indicate*

that the effect is not fully known or has not been quantified at this time. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page C-19)

12.8 CALIBRATION OF THE SPFS TO LOCAL CONDITIONS

… Crash frequencies, even for nominally similar roadway segments or intersections, can vary widely from one jurisdiction to another. Geographic regions differ markedly in climate, animal population, driver populations, crash reporting threshold, and crash reporting practices. These variations may result in some jurisdictions experiencing a different number of reported traffic crashes on urban and suburban arterial highways than others. Calibration factors are included in the methodology to allow highway agencies to adjust the SPF's to match actual local conditions. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page 12-47; also see Volume 1, Page 3-23, 3.5.4 - Calibration)

… Calibration factors provide one method of incorporating local data to improve estimated crash frequencies for individual agencies or locations. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page 12-47)

Expected average crash frequency – the estimate of long-term expected average crash frequency of a site, facility, or network under a given set of geometric conditions and traffic volumes (AADT) in a given period of years. In the Empiracal Bayes (EB) methodology, this frequency is calculated from observed crash frequency at the site and predicted crash frequency at the site based on crash frequency estimates at other similar sites.

Regression-to-the-Mean Bias

Crash frequencies naturally fluctuate up and down over time at any given site. As a result, a short-term average crash frequency may vary significantly from the long-term average crash frequency. The randomness of crash occurrence indicates that short-term crash frequencies alone are not a reliable estimator of long-term crash frequency. If a three-year period of crashes were to be used as a sample to estimate crash frequency, it would be difficult to know if this three-year period represents a high, average, or low crash frequency at the site compared to previous years.

When a period with a comparatively high crash frequency is observed, it is statistically probable that a lower crash frequency will be observed in the following period. This tendency is known as regression-to-the-mean (RTM), and also applies to the statistical probability that a comparatively low crash frequency period will be followed by a higher crash frequency period. (from Highway Safety Manual, 1st Edition, 2010, Volume 1, Page 4-8)

The preceding language seems to qualify that the crash rates obtained from the HSM should be considered as long-term average crash rates and that those crash rates can vary from one region

to the next based on various factors including climate and driver population. To adjust for such factors, calibration factors should be developed for each unique region to obtain more reliable results. Neither he City of Santa Fe nor the State of New Mexico have developed the calibration factors necessary to adjust the results obtained from the HSM to result in more reliable results.

Additionally, the HSM states that a short-term crash analysis (i.e., three-year study period) would be insufficient to provide reliable forecasts of crash data. It also states that a short period analysis showing a higher or lower rate than predicted would result in a Regression-to-the-Mean where the Study to be extended to cover a longer period of time. However, there seems to be no language in the HSM that states how long the study period should be.

A previous crash study (2014 Crash Analysis Report – Airport Road: Country Club Rd. to Cerrillos Rd.) seems to confirm the Regression-to-the Means concept in that the 2014 Report showed significantly less crashes than would be predicted. However, the data acquired for the 2014 Study was not well-defined in the study so was not utilized in this report. The study period for the 2014 report was also three years (2012 through 2014).

In conclusion, a reliable crash frequency analysis cannot be performed using the Highway Safety Manual procedures unless a longer period analysis is performed that takes into account a local calibration factor. Since a local calibration factor does not exist, this task is impossible at this time. However, it can be determined from the HSM analysis that the increase in the number of crashes as a result of the development of the Geo Lane Subdivision will be in the range of about ½ crashes per year (or about 1 crash every two years). Therefore, there is no significant impact on the adjacent transportation system.

Attached to this report are Collision Diagrams for the intersections of Airport Rd. / Paseo del Sol and Airport Rd. / Geo Lane. There are a couple of conclusions that can be derived from the two Collision Diagrams. First, there are a high frequency of rear-end collisions eastbound and westbound on Airport Rd. at the signalized intersection of Paseo Del Sol. There were 9 westbound rear-end collisions (one involved alcohol) and four eastbound read-end collisions. These are primarily due to driver inattentiveness. Secondly, there were 4 crashes that involved alcohol / drugs (one at Paseo Del Sol and 3 at Geo Lane). If the DWI crashes and the rear-end collision crashes were eliminated from the study, the number of crashes would be reduced substantially. (NOTE: Newer model vehicles often have crash alert systems which would tend to help reduce the number of rear-end collisions at signalized intersections. Thus, over time as more drivers drive the newer vehicles, these types of crashes should be reduced.)

CRASH ANALYSIS
Summary Table

TERRY O. BROWN, P.E.

Highway Safety Software Facility Report

Project Information
Analyst: J. Becker, P.E.
Date: 3/25/2020
Jurisdiction: City of Santa Fe
Analysis Year: 2022
Project Description: Geo Lane Park Subdivision

SECT. No.	FACILITY TYPE	MODEL TYPE	NAME	AADT MAJOR STREET		AADT MINOR STREET		AVERAGE OBSERVED CRASHES per year	PREDICTED CRASHES			EXPECTED CRASHES		
				NO BUILD	BUILD	NO BUILD	BUILD		NO BUILD	BUILD	INCREASE	NO BUILD	BUILD	INCREASE
1	URBAN	4SG	Paseo Del Sol/ Airport	22,097	24,597	8,800	9,000	7.7	3.453	3.829	0.376	5.522	5.806	0.284
2	URBAN	3ST	Geo Ln/Airport	22,097	24,597	1,700	2,000	2.3	1.746	2.061	0.315	1.92	2.07	0.15
								10.0	5.199	5.890	0.691	7.442	7.876	0.434

EXHIBIT B3

EXHIBIT B3

ITEM # 20-0260

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

Case #2019-20
4000 and 4100 Geo Lane Rezoning

Owner's/Applicant's Name - Geo Park, LLC
Agent's Name - John Reeder

THIS MATTER came before the Planning Commission (Commission) for public hearing on June 4, 2020 (Hearing) upon the application (Application) of John Reeder as agent for Geo Park, LLC (Applicant).

The Application pertains to two properties located at 4000 and 4100 Geo Lane totaling approximately 8.59 acres (Property). The Applicant requests approval of a rezoning from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre). At a hearing held concurrently with this hearing in related Case #2019-1520, the Applicant requested approval of a preliminary subdivision plat for a 42-lot residential subdivision (Project).

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

FINDINGS OF FACT

Background

1. On June 6, 2019, the Commission considered two applications for the Property, including a request to amend the General Plan by changing the future land use designation from Institutional to Low Density Residential (Case #2019-19) and a request to rezone the Property from R-1 (Residential-one dwelling unit per acre) to R-6 (Residential-six dwelling units per acre) (Case #2019-20).
2. On June 6, 2019, the Commission voted to recommend that the Governing Body grant the request to change the future land use designation for the Property from Institutional to Low Density Residential (Case #2019-19). The Governing Body has not yet considered the request to change the future land use designation.
3. On June 6, 2019, the Commission tabled consideration of the rezoning request to permit the Applicant to address concerns expressed by both Commissioners and members of the public about density and Project design.
4. The Applicant has since amended the rezoning request from R-6 (Residential-six dwelling units per acre) to R-5 (Residential-five dwelling units per acre) and has made other revisions to the Project to address the concerns that were raised.
5. On February 6, 2020, the Applicant returned to the Commission with an amended rezoning application, requesting to rezone the Property from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre) (Case #2019-20). The Applicant also requested preliminary subdivision approval for 42 residential lots (Case #2020-1520).

6. At the hearing, the Commission discussed density, traffic generation, and traffic safety on Airport Road at length. In particular, westbound, left-turn queuing for Geo Lane was discussed at length.
7. At the hearing, the Commission again postponed a decision on the rezoning request and requested that the Applicant 1) provide more data on crash statistics on Airport Road, 2) seek approval from the City Traffic Engineer to modify the left turn bay for westbound left turns onto Geo Lane, and 3) clarify the validity of residential trip generation rates as they applied to the Project.

General

8. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
9. Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.l(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
10. Pre-application conferences were held on December 27, 2018 and December 9, 2019 in accordance with SFCC Section 14-3.l(E).
11. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meetings was properly given.
12. Pursuant to SFCC Section 14-3.1(F), two ENN meetings were held on the Application, on January 31, 2019, and November 6, 2019. The most recent ENN meeting was held at the Southside Library, 6599 Jaguar Drive, Santa Fe, New Mexico 87507. The ENN meeting was attended by the Applicant, one member of City staff, and four members of the public. Residents expressed concerns about traffic, pedestrian safety, manufactured homes, and general quality of life.
13. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
14. Staff recommended that the Commission should recommend that the Governing Body approve of the rezoning.

Rezoning

15. Pursuant to SFCC Sections 14-2.3(C)(7)(c) and 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
16. Santa Fe City Code (SFCC) Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
17. Pursuant to SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by Chapter 14 and any other necessary information requested by the land use director.

18. SFCC Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
19. Pursuant to SFCC Section14-3.5(C)(1)(a)(ii), the Commission finds that the rezoning is justified because the proposed density is consistent with surrounding residential neighborhood, additional housing would be more advantageous to the city than additional institutional land uses, and the rezoning is consistent with the Southwest Area Master Plan (SWAMP).
20. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Commission finds that all the rezoning requirements of Chapter 14 have been met.
21. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Commission finds that the proposed rezoning is consistent with the applicable policies of the general plan and the SWAMP. R-5 zoning is consistent with the recommended future land use map designation of Residential Low Density (3-7 dwelling units per acre).
22. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Commission finds that the property is of sufficient size for rezoning, is located in an area that was annexed to provide for future growth, and that rezoning the property to accommodate residential infill is consistent with city policies regarding the provision of urban land sufficient to meet the growth needs of the city.
23. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed infrastructure will be able to accommodate the impacts of the proposed development. Furthermore, the Applicant is making improvements to the westbound left-turn bay to improve left turn safety onto Geo Lane.
24. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Commission finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density.
25. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Commission finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
26. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Commission finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public.
27. Pursuant to SFCC Section 14-3.5(D), the Commission finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.

Rezoning

2. The Applicant has the right under the SFCC to propose the rezoning of the Property.

3. 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.
4. The Commission should recommend approval of proposed rezoning because all applicable code requirements and criteria for recommendation of approval of the proposed rezoning have been met.
5. The Applicant cannot obtain approval of a final subdivision plat or develop the Property at the proposed density unless and until the Governing Body has approved both the request to amend the General Plan by changing the future land use designation and the request for rezoning.

WHEREFORE, IT IS ORDERED ON THE 4th DAY OF JUNE 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the Commission recommends that the Governing Body approve the Applicant's request for a rezoning.

John B. Hiatt
Chairperson

6/5/20
Date

FILED:

Yolanda Y. Vigil
City Clerk

6/8/20
Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

June 4, 2020
Date

SUMMARY INDEX
PLANNING COMMISSION MINUTES
JUNE 4, 2020

ITEM	ACTION TAKEN	PAGE(S)
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes May 07, 2020	Approved	2
E. Old Business:		
1) Case # 2019-20. 4000 and 4100 Geo Ln.		
Rezoning	Approved	2-21
Findings/Conclusions	Approved	20
2) Case #2019-2015 4000 and 4100 Geo Ln.		
Preliminary Subdivision	Approved with conditions	2-21
Findings/Conclusions	Approved	20
F. New Business		
1) Case #2020-1936.		
Sangre Azul Case	Approved with conditions	21-35
Findings/Conclusions	Approved	35
G. Staff Communications	Comments	35-36
H. Matters from the Commission	Comments	36-40
I. Adjournment	Adjourned at 10:06 pm	40

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, June 4, 2020 - 6:00pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
(One Vacancy)

Others Present:
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Commissioner Faulkner asked for a moment of silence to recognize the life of George Floyd and acknowledge what is happening in the world. She asked that they reflect on the words in the Pledge of Allegiance and for people of the country and the Leadership to challenge each other and rise to the occasion, offer shelter to each other and a call to action when social injustice is present.

C. APPROVAL OF AGENDA

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 7, 2020

MOTION: Commissioner Faulkner moved, seconded by Commissioner Hogan to approve the Minutes of May 7, 2020 as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS:

1. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov , 955-6136). (POSTPONED FROM FEBRUARY 6, 2020)

2. **Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136). (POSTPONED FROM FEBRUARY 6, 2020)

Chair Hiatt said his intention is to focus only on the three traffic issues left over from the previous meeting that includes two traffic studies. The public comment will be limited to those three issues.

Staff Report

Mr. Lee Logston shared his screen and highlighted a few things from his staff report on the rezoning case and preliminary subdivision plat. The General Plan amendment originally received a positive recommendation by the Commission in June 2019. The applicant was asked to work on the rezoning request and the case was heard again in February 2020. The applicant revised the request for zoning to R-5, reduced the number of lots by 6 for a total of 42 and added a preliminary subdivision component.

The traffic issues were discussed considerably in February and the applicant was asked to do three things: collect more accident data to determine the dangerous intersections that would be impacted by traffic; follow up with the City Traffic Engineer John Romero on whether there could be more queuing for left turns onto Geo Lane; and validate the accuracy of the ITE trip generation rates.

Things that were changed in the application are that the applicant withdrew his park dedication and KSK Temple did not want the open space Mr. Reeder offered to dedicate. Instead KSK asked for a wall and a buffer of land and setback. The applicant accommodated that.

Staff recommends the Planning Commission recommend approval of both the rezoning and the preliminary subdivision plat, subject to rezoning. Four motions would be required.

Applicant's Presentation

John D. Reeder, 824 Gonzales Road, was sworn. He stated they revised the plan to try to accommodate various requests. They lowered density and accommodated the neighbors. As mentioned, they withdrew their offer to dedicate the park. Most of the discussion at the last meeting indicated it was not well received. The neighbors did not want a low maintenance park and the City Parks staff were not receptive to additional maintenance for a grass-type park. Instead all of the lots were made bigger and better.

In addition, the KSK Buddhist Center did not want open space. They were more concerned about privacy and the applicant has offered to build a wall. That is now shown on the proposed plat and there will be a 10-foot-wide strip where the property adjoins. In addition, there is a Code required setback of 10-15 feet.

Mr. Logston confirmed that the requirement is 15 feet.

Mr. Reeder added that will be a total of 25 feet from KSK's building and KSK is an agreement.

Chair Hiatt confirmed that Mr. Romero would be present to answer questions. He also thought helpful if Mr. Reeder had his traffic engineer available.

Mr. Reeder indicated he was prepared to respond to traffic inquiries. He said in February he was asked by Chairman Hiatt if two months was enough time. It has been four months and that wasn't quite enough, and the engineer did not get all the data to Mr. Romero until after the deadline. Mr. Romero now has the complete information.

The Commission packet references 23 crashes in one year which was not correct. The 23 crashes occurred at the intersection of Paseo del Sol and Airport Road over a *three-year* period. He apologized for the tardiness of the data. He said the reference has been corrected. The engineer's report indicates the left turn lane is not a problem and can be extended by 25 feet. That adds an additional car length to the queue making it a total of four cars. Although it shortens the complementary lane by one car length, it made sense to extend the queuing lane (westbound of Airport) onto Geo. The crash reports were very extensive with a number of crashes out of the 40+ that were not applicable. The intersection of Airport and Paseo del Sol had a total of 23 crashes; Geo Lane and Airport Road had seven, most were minor. Most crashes were due to driver inattention or following too close, four crashes due to not yielding, three single vehicle accidents, and one alcohol/drug involved accident. Three of the seven at Geo Lane and Airport Road were alcohol/drug related, two were following too close/driver inattention, and one was a pedestrian and failure to yield.

Chair Hiatt explained the process for the public hearing and that speakers would have three minutes to give their testimony. Comments were limited to the three issues and could include the changes to the park and KSK. Ms. Paez kept the time.

Public Hearing

Kim Shanahan, 51 Herrada Road, was sworn. He said John Reeder is a local developer who has bent over backwards and had expected a pat on the back when he brought the project to the Commission over a year ago. He was bringing home ownership with five lots per acre with twenty percent that was affordable. Mr. Shanahan reminded the Commission regarding the traffic issue, the Commission had also approved one of, if not the highest, density multi-family apartment projects in the City. It is about R-40 per acre and has 15% in affordable in rentals.

Mr. Shanahan said there was shock by everyone at the last Commission meeting when the Commission asked Mr. Reeder to spend more money on a traffic study that had essentially already had been completed. There have been no real changes other than adding one more car length on the left turn lane. It begs the question; can they just move this forward to the City Council. A vote is necessary tonight and if it is down, he thought Mr. Reeder should just take his chances with City Council. Mr. Shanahan said he hopes

the Commission will support a local developer trying to do what is best for his properties on the south side.

Debra Snyderman, 3810 KSK Lane, was sworn. She was in opposition to GEO Lane Park based on density of population and a concentration of poverty. Mayor Weber told her last summer that poverty around Airport Road is concentrated in trailer parks. The affordable housing development/trailer park on Buffalo Grass and Airport Road established 2 years ago, is a small-scale example of what Mr. Reeder is trying to create. She asked the Commission to come and see what has happened in that development. The community of five lots now has eight trailers on it. The two trailers behind her property are uninhabited and in a state of disrepair. The residents couldn't afford to connect to utilities. Geo Lane Park is a large-scale plan for another impoverished, densely populated neighborhood, within a larger community consisting of trailer parks, but many more modest, but well-kept homes.

She said Mr. Reeder had stated at the last meeting this would cost about $300,000 to establish the project. A modest, well-kept home can be purchased in Tierra Contenta for $300,000 that is in a well-designed neighborhood, has decent walking trails and the beautiful Southside Library. It has street options to get to and from your home without having to make U-turns. In this time of the Covid crisis and with no clear end in sight, and no school since mid-March or plan for them to reopen in the fall, why would Santa Fe approve another densely populated impoverished neighborhood. Everyone sees the latest development at Buffalo Grass and Airport Road that each lot has two manufactured/trailer homes on it and knows there is no way to stop that. Many health professionals believe there will be a second wave of Covid 19 in the fall. Crowded homes in crowded neighborhoods are a recipe for disaster for the virus. That may or may not concern the Commission, but she thought it would concern Governor Lujan-Grisham. Secondly she objects to the dangerous traffic and has concerns that adding 42 lots in the Geo Lane Park has the potential for 84-86 manufactured homes. She reminded the Commission that the property can only be entered/exited, one or the other, by a U-turn on Airport Road.

Patricia Padilla, 6274 Airport Road, Shalom Mobile Home Park was sworn. She said she owns the mobile home park. Her big concern is the traffic is unreal on Airport Road and the crime is usually from West Meadows. She heard the back area was going to be a church but was turned down. She thought the project is not right for the people that live in the area already and Mr. Reeder should take everything into consideration. There will be a lot more accidents on Airport Road and more crime in the southwest area. She hoped they would look hard at how people would be living, if this project is constructed.

Mr. Berke indicated Joshua Haggard wanted to speak and Ms. Snyderman had requested to speak again.

Joshua Haggard, Buffalo Grass Road, was sworn. He stood behind Ms. Snyderman's comments, which are also his concerns. He was glad that someone had asked the questions he wanted to ask.

Chair Hiatt said he was not inclined to open the discussion again to Ms. Snyderman. He asked if any of the Commissioners objected. There were no objections.

There were no other speakers and public comment was closed.

Commission Discussion

Chair Hiatt started with the left turn lane. He asked Commissioner Gutierrez, whom he thought seemed most concerned about the issue, if he was satisfied with the left turn lane now.

Commissioner Gutierrez replied it appeared staff, Mr. John Romero, and Mr. Reeder were in agreement to extend the left turn lane 25 feet and add one more car to the queue. He addressed Mr. Reeder about the approval obtained to reconfigure the curbing to the left-turn by 25 feet. He asked what *"The queuing analysis in this TIA indicated that it would contain the 95th percentile at this intersection"* means.

Mr. Reeder explained that meant that 95% of the time the queue of four cars would be adequate and a fifth car would not spill into traffic. That could happen during the heaviest traffic peak hours but that is a very good rating.

Chair Hiatt asked if Commissioner Gutierrez was satisfied with an extension of one car length.

Mr. Gutierrez said yes, it was an improvement.

Chair Hiatt read from the second report on page 2, *"The historic crash rate is an indicator of issues possibly related to existing design and existing conditions, not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there may be intersection design issues and/or regional driver characteristic issues that may need to be considered."*

Chair Hiatt said taking that, in addition to Mr. Reeder's testimony was that he took each of the crashes and divided them up. The number, 23, struck him at the beginning but reading this more and hearing from Mr. Reeder he was less concerned about that.

He added it also talked about the Highway Safety Manual and whether that should even be used as an analysis tool. He wanted to disregard that personally but it would be up to the Commission if they want to do that. He found it interesting reading through the report again, that the additional traffic from this development indicates Geo Lane

possibilities for additional accidents could be in the vicinity of .4 or .6 per year. He thought that sounded minimal.

Commissioner Garcia said the Commission focus has mostly been the three issues: intersection, traffic study and trip generation. The density in the area is R-12, toward the southwest and R-6 and then the community to the east is R-12. He thought with all the amenities for the property the density is high. He confirmed the Commission would vote to recommend to the Governing Body zoning go from R-1 to R-5.

He asked if possible even if the dwelling units were part of the HOA and there were covenants, for people to double up on the properties basically making it R10. He asked if anyone else was concerned this is 42 lots on the property that could potentially be doubled.

Mr. Logston asked to address the idea that R5 is crowded; it is a common zone in the City. Many of the neighborhoods, Casa Solana, Casa Allegre, Pueblo Allegre are R5 and Las Acequias is R7. He thought it incorrect to characterize R5 as crowded. If perhaps compared to R1, but how many R1s are there in the City. He pointed out in his staff report both in the last meeting and this one, he made it clear that Mr. Reeder agreed to put in the covenants that there could only be one home on each lot. There can be no casitas, or accessory dwelling units and that is well established.

He said the chatter on the Q&A is that there will be twice as many homes. That is not true in this case and Mr. Reeder committed to this. Another comment was that they were splitting hairs about the difference between a trailer and a manufactured home. The Federal Government regulates manufactured homes and Mr. Reeder is not allowed to prohibit them. For some people that is their only opportunity to own a home and as Mr. Shanahan noted, Mr. Reeder is providing an opportunity for people to buy lots. They assume everything will be a manufactured home. They don't know that. Mr. Reeder has been in touch with the Housing Trust and other entities to find other options, so the notion that there will be two manufactured homes on each lot is false.

Mr. Burke said returning to the original question, R5 is not that dense. Short of putting a covenant to regulate guest houses or doubling the density, Land Use looks at that differently. A guest house is different than a primary dwelling unit. The primary dwelling unit counts toward the density, guest houses don't. The developer offered to include that covenant and it is legally enforceable and part of the HOA. If guest houses started happening, the City cannot impose that covenant, however, property owners in an HOA can enforce private covenants.

He said there was chatter in the Q&A and Helen Chavez feels she wanted to speak but missed the window before. That would be up to the Chair and Commissioners if they want to open public comment back up.

Mr. Reeder commented on the guest house and referred Commissioners to page 98 in the packet of draft covenants. They state specifically that accessory dwelling units or guest houses will not be allowed on any of the lots. That language will be included on the plat and when the final plat is recorded, the covenants will be there for everyone to see. Any application for a permit will show that accessory dwelling units are prohibited. Mr. Reeder said everything possible was done to ensure that remains the case. They promised they would do that, and they have addressed it in this manner.

Chair Hiatt asked Mr. Berke about a question on the Q & A.

Mr. Berke explained Deborah Snyderman was saying she had a resident at her house who did not have access to speak, Helen Chavez.

Ms. Paez clarified further that Ms. Snyderman had a couple of people at her house who did not have access to the virtual meeting but would like to speak.

Chair Hiatt asked if the Commissioners objected hearing from the two. There were no objections.

Chair Hiatt opened the public hearing limiting it to the two requests.

Helen Ann Chavez, 214 Calle Lima, was sworn. She stated there was a horrific single car accident on May 26th where people died. Also, the school is out and the kids from West Meadows are using Geo Lane to ride their bicycles up and down, and after 2 a.m. cars are drag racing on Geo Lane.

She said she would like to ask Mr. Reeder some questions. She was told by Chair Hiatt to address the questions to him and he would ask Mr. Reeder.

Ms. Chavez said Geo Lane is pitch dark from one end to the other and has no lights. With the Covid, this is congesting more people together; children together, and the Governor wants them to distance and wear masks. And when construction starts Geo Lane and Buffalo Grass will have large trucks and tractors. She said she couldn't understand from Mr. Reeder; he started with homes and the second letter was a package deal. Now she guessed it is mobile home lots. She added she is really worried about Covid because they will get a second wave. She knows because she is in the medical field. She said we do not need another mobile home park, they have too many back to back. West Meadows is huge, and it is not fair that West Meadows gets all the impact.

Daryl McCown, 6077 Quatro Vientos Road, was sworn. He indicated his biggest concern is the traffic, which is very complicated. When he leaves in the morning for work he has to go west when he needs to go east. There are accidents even at 6 a.m. at Paseo del Sol even when school is not in session. When turning into the turn lane four cars will fit, but the last car sticks out into the middle lane of Airport Road. He is concerned

about the lack of lighting and the kids playing on Airport Road. Bringing in all of those mobile homes will impact the traffic flow by at least two people per residence. That could be 80 or 90 more cars per day. He is concerned about the development and the affordability. The lots are too expensive to be called affordable. And he never makes a U-turn there, he has tried, and it is not safe, and he never goes west to make a U-turn. There are just too many accidents.

Chair Hiatt closed the public hearing at this time.

Commissioner Faulkner said the Commission has discussed and leans heavily on the effectiveness of HOAs to prevent concerns becoming realities. The covenants are only as good as the HOA and that the HOA will somehow protect this from becoming R10 is not comforting. More probable is that the HOA could decide at some point it is okay to have auxiliary dwellings. She understands that is the only recourse for the developer to address people's concerns, but the developer has no control over what the HOA's do once the developer is done.

Secondly, Mr. Shanahan mentioned the Commission had approved a dense apartment complex on South Meadows. Had she been allowed to vote on that, she would have been consistent. She is consistent that density on Airport Road has to be slowed, not continued or increased. A primary concern is that there are not enough amenities for the existing population, including access to healthy food. In addition, the City, State, County and Federal Government are all facing budgetary issues. They don't have enough resources now and will be facing a decrease in resources. She said they should pump the brakes. She assured them she would have voted against the apartment complex, just like she votes against more density on Airport Road.

Vice Chair Hogan said there is another option besides covenants, there is a deed restriction and the owner of the property can do that. A deed restriction runs with the property and does not have to rely on a covenant.

He addressed Mr. Logston and said an expectation is that housing on the opposite side of Jaramillo Lane is indicative of what people would see with this project. He was curious if the mobile homes, etc. on Jaramillo was an approved development. He asked for staff to clarify what they see to the south.

Mr. Logston said he understood the property to the south is non-conforming as to density and has been for a long time. He said he would be clear that the Commissioners and residents are what will prevent this from being another Buffalo Grass Circle. The covenant also states that homes can be no older than five years from the date the lot is purchased. An old manufactured home would not be permitted.

Mr. Berke explained the area was annexed from the County and some development to the south may have been approved by the County Planning Board. The

City and County agreed in the annexation agreement to take any existing developments, including existing nonconforming developments. Today it would have to meet City Code and manufactured homes would have to be 1976 or newer, and mobile homes would not be allowed without a special use permit.

Commissioner Hogan asked to confirm that there would be no reason someone should expect that what they see on Jaramillo Circle will be in the Geo Park development.

Mr. Logston said he understood that fear, but that simply cannot happen. He pointed out that West Meadows is R5 and R6 and saying Geo Lane will be too crowded; is next door too crowded.

Mr. Berke noted when the City annexed the County land they awarded density to areas as it was built the best they could. A lot of zoning was the County's and if built at R12, that was the density awarded. The applicant is not requesting R12 zoning, and they could not build R12 density.

Commissioner Hogan asked John Romero to weigh in on Airport Road as well as the intersection at Geo Lane.

Traffic Engineer John Romero said he met yesterday with the project traffic engineer and discussed the traffic study provided. The crash reports show seven crashes according to the study and only four in that period pertained to that intersection. Two crashes were rear ends caused by a queuing traffic from the Cielo signal. One was a DWI in the vicinity of the area that did not involve the intersection.

He discussed with the traffic engineer that he wanted to compare the predictive crashes at that intersection based on national empirical data provided by the Highway Safety Manual, with the actual crashes. The study showed predictive crashes at the intersection should be 2.3 crashes a year. There were four crashes there over a three-year period, or 1.3 per year. Geo Lane has a lower crash rate.

Mr. Romero said although they didn't ask about Paseo del Sol, it is related. There is a large perception that U-turns as they relate to adding crashes, are a problem at Airport Road. The studies done have not shown that to be true. He has provided the Commission with crash analysis before and after controlled access for Airport Road. The analysis shows a significant increase in safety and a significant reduction in crashes. The analysis shows the majority of crashes at Paseo del Sol were rear end crashes.

He asked the traffic engineer to compare the predictive crashes versus actual for both intersections. The rear end crashes are typically less severe, and he saw no indication of a crash problem at these two intersections caused by U-turns. The rear end crashes are mostly people in a hurry. They completed a timing plan analysis for all of Airport Road corridor and are currently entering the data into their controlled signals.

They hope to have that running in the next couple of weeks. The model shows it will have a positive impact on traffic flow. He thought it will reduce rear end crashes.

Mr. Romero said regarding the 95% queue. Mr. Reeder did a good job defining it and it is the industry standard of how they estimate it. It is the calculation method and not that 5% of the planned traffic will queue past the turn lane. The existing lane can maintain the existing 95% queue. They are adding one more car to the queue and that intersection should not have any issues of cars queuing into Airport Road. He substantiated that in his discussion with the traffic engineer.

When they do counts at the intersection they use camera style equipment and he watched the videos used to do the counts. Never at any point was the intersection close to queuing up into Airport Road. One main reason is because a signal downstream meters the traffic and provides sufficient gaps to make left turns.

Commissioner Hogan said in regard to the additional traffic generated by the project the added queue lane seemed to be an appropriate response. He thought it also would benefit others using Geo Lane, not just people coming out of the development.

Mr. Romero agreed. In addition to giving more room in the event there is a large influx of traffic, it also provides an additional area for people to get off the road. They don't have to slow down completely in the through lane so it will definitely have a positive effect.

Commissioner Hogan added and could reduce some of the rear end crashes.

He noted that the housing opportunity is also a significant issue in this case. They need housing and housing that is affordable. He thought this project filled an important void.

Commissioner Hogan asked staff to comment on the niche the project is filling.

Alexandra Ladd, with City Housing said this project could be classified as naturally occurring, affordable housing, meaning it is a response to a market demand. It is creating product to meet the demand at moderately priced housing. They continually try to find ways to make that more possible. Given the high cost of land, labor and materials and an arduous land use approval process, expense for water, etc., the developers have no incentive not to maximize the value with the building. They take a lot of risks and want to be sure they get something out of it. She said seeing a project that is not maximizing value but is trying to respond to a specific need in market, is always good.

Commissioner Clow said she has stated before the need for affordable housing. Twenty percent of this project is affordable housing and the whole project is more affordable than a lot of other housing in the City. They meet the criteria in terms of zoning and traffic safety. And the developer has painfully addressed issues raised by neighbors

and the concerns of the Planning Commission. There have been a lot of concessions and all of the criteria has been met. She thought it would be difficult to vote against the project based on the need of the City and that the criteria have been met. The applicant has agreed ancillary buildings/guesthouses would not be allowed, which is significant and that it could be put on the plat. As Vice Chair Hogan mentioned, it could also be a deed restriction. Commissioner Clow said she is in favor of the project and thought it should move forward.

Commissioner Faulkner said she would reflect on the decisions made by the Commission in other districts related to housing. In one case a family wanted to divide a one-acre lot into 4 and it was considered too much, and that district had nowhere near the same density as this district. Density along Airport Road is a lot and it is a food desert. And now the park that was proposed has been taken from the community. She was not thrilled that the neighbors of the proposed development requested removing the park from the development. Especially a development with children in it and that is targeting families. She said everyone thinks it is fine to build, build, build but they need to think holistically, not reactionary.

Commissioner Faulkner said she is most bothered that when the Commission is looking at cases they take them out of the context of the area that the development will happen. They just added a 250-apartment complex 1/4 of a mile away and the Commission green lighted multiple developments along Airport Road. But they have never received an answer on the amount of traffic that will be generated by a total of all the proposed projects. And the total amount of draw all of those will have on resources at the end of their build-out.

She said she would not be comfortable with a development on Airport Road until she gets that answer from staff. There are not enough resources to manage the population they have and in the next 2-5 years they will be facing a resource shortage. This community is a lot of affordable and a lot of middle class and will be one of the primary communities to draw on resources. She said to rubberstamp anything that comes across their decision-making process because it met conditions; the conditions are wrong. The Commission has already allowed certain parts of the City to become overpopulated given the amenities available. That there is already this kind of zoning, and a higher zoning around the proposed development, is a detriment to the developer. She didn't see this as a positive. It is one more reason not to support it, it is already too dense.

Commissioner Gutierrez asked Mr. Reeder if he would be willing to put a deed restriction on the plat regarding accessory dwelling units not being allowed.

Mr. Reeder said he was not familiar with the legal details, but his intent is not to allow accessory dwelling units and if the deed restriction helps, he is definitely willing. he will include it as a covenant in architectural standards on the plat so anyone pulling a permit will see it there. He offered to do anything else needed because that is his intent.

Commissioner Gutierrez asked if his intention was to place homes, or if he would sell lots, or do a combination.

Mr. Reeder said it would be a combination of both. "Trailer park" continues to come up but they are not proposing a trailer park. They are proposing detached, single family homes, some of which may be manufactured but will be anchored to a permanent masonry foundation and finished to match the unit's finish. Skirting will not be allowed and that is also in the covenant. The intent is to create a nice subdivision and more upscale than what is surrounding now. They want to provide opportunity for home ownership with pride of homeownership in an area people want to live in and can be proud to live in.

Commissioner Gutierrez asked Ms. Paez if a deed restriction is placed, would that give the City more legal authority to avoid a second home being put on the lot.

Ms. Paez said a deed restriction is on equal footing with private covenants, but it cannot be amended the same. The City cannot enforce deed restrictions because they are a private restriction, the restriction would have to be enforced by the neighbors.

She thought a cross reference could be added to the covenants on the plat and that would alert the City to the restriction. But there is a legal right under the Zoning Code to have an accessory dwelling unit. The City has discretion to honor private agreements when issuing permits, but they usually don't. The more evidence of a valid restriction like that, the more likely employees will take it to heart and not issue a permit. But, typically, they do leave those to other private parties to enforce.

Mr. Berke added that an applicant applying for a building permit has to sign at the bottom they are complying with all City regulations, and provided all information needed to obtain a permit. The property owner could appeal the permit if a deed restriction or covenant on the property isn't followed. The City could possibly deny a permit if a deed restriction prohibits a second unit on the property.

Commissioner Gutierrez asked Ms. Ladd how it works for Mr. Reeder to sell lots or homes.

Ms. Ladd explained the inclusionary zoning program has a lot price and 20% has to be sold in an affordable price range. They are the same three price ranges and the lot is estimated to be sold at about one third the price of the finished house.

Commissioner Gutierrez asked if there is a method to determine what the 20% would be if 21 of the lots are a complete buildout and 21 lots are without.

Ms. Ladd said the obligation transfers with the title and the agreement is recorded. When the new owner takes over the property they are bound to the same conditions as the original owner unless all of the conditions have been frontloaded and satisfied.

Commissioner Gutierrez indicated the packets include improvements and sidewalks up to Airport Road. He asked if Mr. Reeder was willing to do that on both Geo Lane and Buffalo Grass.

Mr. Reeder said that had been promised since the beginning and they are still willing to do that.

Commissioner Gutierrez wanted to discuss the zoning change they were tasked with because it mentioned repeatedly in the packet that this is to recommend a low density residential. He asked Mr. Logston what low density residential means.

Mr. Logston explained it encompasses a range from three to seven units an acre.

Commissioner Gutierrez asked when this changed from institutional to low density residential if there was a commitment to what zone the residential should be.

Mr. Logston said he has the minutes available, but to his recollection the Commission did not suggest a specific number range. The original R6 was too dense.

Commissioner Garcia yielded but said he will have more questions later.

Chair Hiatt asked Mr. Berke if there are other Q&As.

Mr. Berke said there are but are not really questions. They are comments.

Chair Hiatt said he wasn't sure whether to dismiss those. He asked Mr. Burke about who presented them.

Mr. Berke said all are people who had already spoken that were trying to provide additional comment. He added they do not erase the comments.

Chair Hiatt asked if the Commission objected to just including the comments into the record as additional comments received beyond the time period.

Commissioner Faulkner said for philosophical purposes, this could be an opportunity to hear them, with the new technology. On the other hand, if they were in Chambers that would not be allowed.

Commissioner Gutierrez said he didn't object but wanted to know if he could get answers to the questions without a problem.

Chair Hiatt replied if it was to that level and his curiosity was piqued and the questions were left in the record. Commissioner Gutierrez could have a staff member or Mr. Reeder answer.

Commissioner Garcia said he did not object to the Chair's ruling.

Chair Hiatt said he would let his ruling stand. The Commission will not hear the comments. The public had three minutes to comment and this is the way the Commission conducts the meeting when in person and appears to be the process they should operate under now.

Ms. Paez agreed the Commission should appear as close to possible to the normal public hearing process. She indicated the Q&A function is most helpful to overcome procedural hurdles for technical difficulties, etc.

Chair Hiatt returned to questions and answers from the Commissioners.

Commissioner Gutierrez confirmed after the motion there would be discussion.

MOTION: In Case # 2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Garcia moved, seconded by Commissioner Faulkner to recommend approval to the Governing Body for R3 rezoning and that accessory dwelling units be prohibited.

Commissioner Garcia said he appreciated Mr. Reeder and his colleagues and the work they have done. He explained he had asked for R3 zoning because of the density of this project in addition to Country Club Gardens across the street, South Meadows and the two communities in the front and back.

Chair Hiatt asked Mr. Reeder if this project would be financially viable if R3 density was approved by the Commission and City Council.

Mr. Reeder replied it would not be at that density. The houses or lots would be priced out of the market for the area and R3 would not work.

Ms. Paez said staff's recommendation is to recommend R5 zoning with no accessory dwellings.

Chair Hiatt said he understood that was staff's recommendation.

Commissioner Garcia said the Commission had discussed and concluded people could buy a lot and petition the City to add a dwelling. He thought

that would be very possible to do and once the HOA and the covenants go away, people would do that. He called the question.

Chair Hiatt said he wanted to comment. He said the Commission is betting on the future, both in terms of how many people are going to live on Airport Road and increase traffic and any other issues there may be. They shouldn't be betting on whether an HOA can make it or not. Every HOA is dependent on the people in it who participate and whether it is aggressive or not.

Chair Hiatt said he also thought to petition the City was not the way it works. Someone may try to get a permit, but every staff member said they are not likely to receive one. The restriction will be noted on the plat and Mr. Berke had commented that they are affirming on the documentation that they are bringing in all relevant information.

He agreed the Commission should vote.

Commissioner Faulkner argued that evidence shows that HOAs don't hold and they could also decide to do something outside the original covenant. She indicated that has happened all over the south side.

She said she heard from Ms. Paez that staff doesn't by process prohibit permits based on covenants. This is very predictable and there is evidence to show this is a likely outcome; at least 60% likely. She thought it wouldn't be hard to convince anyone to put multiple dwellings on their property if big enough and it helped pay their mortgage.

Commissioner Faulkner said her neighborhood has covenants that say you cannot do that, however many of them are currently considering it. She said as they get close to retirement age it would fast-track their mortgages by renting their detached garages. From her experience that happens, there is evidence it can happen, and it is likely it will happen. Especially when resources are limited, and populations have limited access to resources. They will find a way to make it work for their family. That is one of her concerns.

Ms. Paez noted that in addition to an HOA, individual neighbors have a right to enforce the private deed restrictions and would be an advantage to only having it in a covenant. The City and the Planning Commission have discretion to consider private covenants etc. into agreement when making decisions when approving something the City is not obligated to approve. The City will put itself in the position of being challenged by the owner if they

enforce a private restriction that isn't valid. If they have a lot of evidence that it is a valid restriction for a lot, they are more likely to abide by that.

Commissioner Gutierrez said after listening to Ms. Paez it strengthened his belief that there does need to be a deed restriction in addition to the HOA. He asked Mr. Reeder the breakdown of reasons why R3 wasn't viable.

Mr. Reeder said originally they set out to do not just the affordable units required with the goal to make every unit relatively affordable. That is why initially they requested R6 zoning. They reduced the request to R5 because it will still work although, barely. The less dense they get the less realistic the project becomes, and units have to be priced much higher. Anything under R5 would be out of the affordable category. There is R12 to the north and south and R6 to the west, and the prospect of luring home buyers to pay higher prices for that area is just not realistic.

Commissioner Gutierrez addressed Ms. Ladd and said they talked about density bonuses. He asked if this project qualifies with R3 - R7 zoning.

Mr. Reeder said they would qualify but the applicant waived that request and has not asked to receive it.

Ms. Ladd said the project is entitled to incentives because it has complied with the program. But the density bonus incentive needs to be optional; it is not always given. It can only be provided if all other Land Use Code restrictions can be met.

Commissioner Gutierrez asked at the R3-R7 zonings, what bonus the applicant would receive.

Ms. Ladd said 15% would be added to the base zoning to get the allowable zoning.

Director Isaacson asked to follow up on the questions raised on the accessory dwelling/guest houses. His experience as the former building permits manager might be helpful. New tools are at their disposal with the InterGov Permitting system in place. They can identify properties and put alerts/notifications etc. on certain properties alerting staff to covenants or deed restrictions in place.

They can safeguard issuing a permit in error for an additional guest house in this area. The system allows them to no longer have to rely on staff's memory or doing a paper chase through agreements and deed restrictions. Parcels with restrictions can be identified so that anyone reviewing the

permit application knows exactly what restrictions are placed. If the Commission wanted and the applicant agreed, they could ensure the guest houses would not be allowed.

Commissioner Faulkner asked Mr. Reeder the price point difference between an R3 and R5 per lot.

Mr. Reeder replied it is 30-35% difference. A $300,000 house becomes a $400,000 house, or more.

Chair Hiatt proceeded to the vote reminding the Commissioners a vote in the affirmative is to recommend to Council the R3 rezoning.

VOTE: The motion failed by majority roll call vote with Commissioners Clow, Hogan, Lawrence, Sategna and Gutierrez voting against and Commissioners Faulkner and Garcia voting in favor.

Commissioner Gutierrez noted they didn't discuss if conditions such as deed restrictions were needed and how the applicant would handle the sidewalk from the end of the development to Airport Road. He asked if that should be done before the vote.

Chair Hiatt explained this is simply a vote on rezoning.

Commissioner Gutierrez voted no for that reason.

MOTION: Case #2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Hogan to recommend to the Governing Body to approve the rezoning request from R1 to R5.

Commissioner Faulkner asked if they could settle on R4.

Chairman Hiatt explained the vote is for R5 and she could try to amend to R4. He recommended they vote on R5 and take up R4 if it fails.

Commissioner Faulkner offered R4 zoning as a friendly amendment.

Commissioner Clow said she did not accept the amendment as friendly.

Ms. Paez suggested voting on the motion on the table that has a second.

Commissioner Sategna said he understood their emotions were high regarding the concerns on the level of density in the area and the amount of resources. However, he had serious concerns about trying to force an

applicant who has crunched the numbers to drop from R5, or to negotiate towards the end to make a recommendation to the Governing Body, without considering the viability of the profit for the applicant.

Secondly he expressed concern for trying to use tactics and enforce covenants on plats or imply deed restrictions, especially when emotions are running high. He was worried about setting a precedent of trying to modify or make a decision. He didn't believe that while some Commissioners might disagree with what is on the table for a vote, that was the best way. To make changes right at the end. When discussing the rezoning and honoring the original zoning is the time to discuss if they should change it to residential.

Commissioner Sategna said as this stands, this is zoned for residential and the request is just for an increase in residential to provide housing.

VOTE: The motion was approved by majority roll call vote with Commissioners Clow, Hogan, Gutierrez, Lawrence and Sategna voting in favor and Commissioners Faulkner and Garcia voting in against.

Commissioner Faulkner explained her vote had nothing to do with the applicant's development and was more a principal about the area and the challenges of the area. She thanked everyone for the debate because that is necessary for the Commission to do their job.

Commissioner Garcia said his vote was as Commissioner Faulkner stated, nothing against the applicant and the developer. The issue is just the area. He said he appreciated their hard work.

Commissioner Gutierrez said like Commissioners Garcia and Faulkner he doesn't represent District 3 and they have voted no. They probably know something more than the rest. He hoped by the time this goes to Council the issues will be resolved. He responded to Commissioner Sategna and said his emotions are neutral. He is just trying to do what is best.

MOTION: In Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved, seconded by Commissioner Gutierrez to approve the preliminary subdivision subject to rezoning approval by the Governing Body with the conditions of approval and technical corrections as outlined in the report; and based on the agreement of the applicant that he will allow a deed restriction and for the project's covenants to contain restrictions that prohibit ancillary guest units. And, in addition, the applicant agrees as part of the covenant's provisions to the age, type and foundation requirements for manufactured homes.

Chair Hiatt asked if the motion could also include the agreements by the applicant for the sidewalks out to Airport Road.

Commissioner Clow agreed to the amendment and thought that was already part of the conditions of approval.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Commissioner Faulkner explained her vote. Since they couldn't find zoning that met the concerns of Commissioner Garcia and herself, adding these additions to the approval is a step in the direction to protect the community.

Commissioner Garcia said his vote was in favor as long as accessory dwelling units are not allowed and the property is developed in the proper manner and good for the community.

MOTION: In Case # 2019-20, 4000 and 4100 Geo Lane Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law rezoning in Exhibit A2.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case # 2019-1520. 4000 and 4100 Geo Lane Finds of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law on the preliminary subdivision with the additions of the deed restrictions and the covenants that no ancillary guest units be allowed, and that the applicant agrees to those restrictions, and that the applicant agrees with the relationship to the age, type, and foundation of the manufactured homes and relationship to the sidewalk extension.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt thanked the Commissioners, especially those from District 3. He understands their points of view and shares their concerns over density, traffic, the food desert and the variety of other issues they righteously raised. Part of the problem is the

Commission doesn't have the wherewithal by Statute or Ordinance or resources to try and change those things at the Planning Commission level. However, he does agree those are issues the City Council needs to address, and he hopes they do.

Secondly, he thought everyone was aware that the City is projecting a 100 million dollar loss in the budget due to the economic collapse after the pandemic. For that reason, he didn't feel the Commission could look at the City for much in the future. But, that shouldn't necessarily change how they approach cases. He thought they need to rely on the Ordinance until City Council considers these issues and tells them to stop approving and provides the Commission with more direction.

He said he appreciated the Commissioners who raised the issues. He said he also appreciated Mr. Reeder and he thanked him for his effort over this year and the effort which will come after this and for his perseverance with the Commission. He wished Mr. Reeder the best on the project.

Mr. Reeder thanked Chairman Hiatt and the Commission for their perseverance with him to get the project over the hump. They look forward to creating a project that everyone can be proud of.

Chair Hiatt replied the Commission looks forward to that as well.

F. NEW BUSINESS

1. **Case #2020-1936. Sangre Azul, Preliminary Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, Agent, for Roddy & Sherry Leeder, Owner, request preliminary subdivision plat approval for 23 residential lots on approximately 4.04 acres of vacant land. The Agent is also requesting approval to build gravel roads meeting private lane standards pursuant to Subsection 14-9.2(C)(7). The property is zoned R-5 (Residential- five dwelling units per acre) and is located at 2670 and 2690 Kates Way. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325)

Commissioner Clow recused herself due to a conflict of interest. Mr. Berke offered to email her when it was okay for her to return to the meeting.

Staff Report

Ms. Wynant said the agent is requesting a subdivision plat approval of 23 residential lots on 4.04 acres. The agent also request approval to build gravel roads, i.e., private lane standard roads, per code. The property is zoned R5, residential dwelling units of five per acre.

policy focus things coming up on the agenda. Also, they are looking at having at least two meetings a month through July and possibly through August.

Commissioner Gutierrez said if Covid has an effect and things start slowing down, and there is a slowdown in Land Use workload, the Director could report to them on policy status. Then the Commission could focus on a policymaking plan and making decisions. In the meantime, they will just go with what they have.

Commissioner Sategna asked staff what Commissioners could do to support them.

Director Isaacson answered that advocating for the Land Use Department is important. He never passes up an opportunity to tell people how their workload has not decreased since Covid. The construction industry has been working steadily and is an important part of their economy. And the work of the Planning Commission turns into work they do with building permits that eventually happen in the field with the contractors. This is part and parcel to an important part of Santa Fe and vitality to the community. The more that can be stressed, the better off they will be with budgets, staff, and hours, etc.

Commissioner Faulkner asked if they could submit a letter to City Council.

Director Isaacson said yes, everyone could talk to their respective Councilors and let them know the type of work being done at the meetings and that the pipeline is full. They are approving apartment buildings and subdivisions, and large-scale projects. Those bring a lot of revenue to the City via taxes or permit fees, etc. etc. Anything they could do to advocate for the work they do is good.

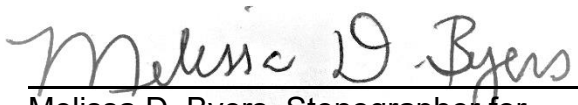
Chair Hiatt said he designated Commissioner Faulkner to draft that.

He said he would end on a positive note as the president of Tierra Contenta Board of Directors and the vice president of the Housing Trust. They were concerned whether people who got houses and mortgages through them were going to be able to sustain those. He said they were surprised to find that a significant number of people who received their mortgages through them are actually refinancing. The education they did to prepare homeowners before giving those mortgages paid off. These people did not have that kind of education when they started and were trained to look for opportunities. They realized that mortgage rates are at the lowest point since World War II and are refinancing and paying off their mortgages. He said he didn't expect that, and is really pleased.

I. ADJOURNMENT

There being no further business before the Planning Commission, Chair Hiatt adjourned the meeting at 10:06 p.m.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair

From: Debra Snyderman <santafedebra@gmail.com>
Sent: Thursday, July 23, 2020 1:40 PM
To: Debra Snyderman
Cc: Mayors Office
Subject: Geo Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Members of City Council:

This meeting is my last chance to try and impact the proposed development of Geo Park off of Airport Road between Buffalo Grass Road and Geo Lane. I live on KSK Lane which is off of Airport Road between these 2 streets. This is where the Tibetan Buddhist Temple is located. I have lived here since buying my little adobe house on a 1/3 of an acre in 1988. So much of my life has happened here. I love my home but no longer love this neighborhood. My biggest issue is noise.

My opposition to Geo Park is based on the following concerns:

1. Density of population / concentration of poverty

In discussions with Mayor Webber last summer 2019 regarding concerns for my neighborhood, he told me the poverty around Airport Road is concentrated in Trailer Parks. In 2018, a Trailer "Park" (but worse because people own the land) was "developed" on Airport and Buffalo Grass Road, part of it directly behind my house. (For 30 years there was nothing but an interesting little sculpture garden there.) The A and BG Roads community consists of 5 lots and it now has 8 trailers on it. You can count on a minimum of 2 vehicles per trailer. At one of the hearings on Geo Park, some of the city commissioners apologized for the "Mistake" that became the "development" at A and BG Roads. This is a small scale example of what I believe Mr. Reeder is going to create with 42 lots.

After 3 Zoning Commission hearings in the course of a year, Geo Park was approved with R5 zoning on June 4, 2020. The 2 southside commissioners strongly opposed the R5 zoning (they requested R3.) Mr. Reeder said that he will limit each lot to 1 "manufactured home" and that the city could deny permits for the additional structure. Tell me who will request a permit for the 2nd "manufactured home" on their land and who will do something about it when that 2nd structure appears? Mr. Reeder also talked about an HOA but we learned from some of the city commissioners that HOA's can fall apart at any time and it takes money to pay for an attorney to enforce any regulations. 42 lots have the potential to become 84 "manufactured homes." Unfortunately, the commissioners who do not live on the southside do not understand our reality but they have the power to make decisions that will have consequences that they do not feel responsible for. Their decision will significantly impact the remaining safety and quality of life here.

It was stated in the Santa Fe Reporter, July 17-23, 2019 in a story by Katherine Lewin titled "Free Meals for Kids":

" The Airport Road area of Santa Fe has one of the highest rates of people living in poverty and poor health and the highest number of children on free and reduced lunch in the entire country. According to the Community Health Needs Assessment, 22.9% of people in the Airport Road area earn less than the poverty level - that's over 4,000 people."

A year later and in the midst of the Covid 19 crisis, this zip code of 87507 is the fastest growing area of positive Covid 19 cases in the city of Santa Fe. At this time, with no clear end in sight, no school since mid-March, and no clear idea when schools can reopen, why on earth would the city of Santa Fe approve another densely populated impoverished community? (Online education is of little value in homes without parent support and parent support is shaped strongly by economic factors.)

2. Dangerous traffic concerns:

The area between Buffalo Grass Road and Geo Lane requires the making of U turns to either enter or exit homes. There is a median in the middle of Airport Road to control traffic that does not allow direct access depending whether you are heading east or west. You can only turn east when exiting Buffalo Grass Road, KSK Lane, and Geo Lane. The designated road for U turning when heading east is a turning lane across from the entrance to Country Club Gardens which is a high danger zone for serious traffic accidents. When heading west, Geo Lane has a turning lane but that lane can fit a maximum of 5 vehicles so additional vehicles will also have to U turn during heavy traffic times. The designated road for U turns when heading west is Paseo del Sol where vehicles making right turns on red lights have right of way.

The traffic study seemed to also ignore the fact that there are 5 public schools in close proximity to Geo Park, all on the southside of Airport Road. Those schools are Sweeney Elementary, Ortiz Middle School, Cesar Chavez Elementary, Capital High, and Nina Otero Community School. Granted there is no school in session since mid-March which greatly reduces this traffic issue. But maybe someday schools will reopen. At that time, there will be a large number of children, some with parents, walking along and crossing Airport Road as well as many high school students driving to school. Traffic during morning rush hour is frequently backed up by car accidents and emergency vehicles. Crossing Airport Road is dangerous and when you add right turns for cars at red lights, there is an additional level of danger. Drivers often quickly check for vehicles coming down Airport Road before turning right at red lights but sometimes neglect to notice children and adults attempting to cross the street from the opposite side of Airport Road, not always walking in the poorly marked crosswalks. I have seen and heard about many "close calls."

I urge you to please take these concerns seriously and respect the heartfelt requests on behalf of this area to preserve what is left of quality of life on the southside of Santa Fe. I realize this is not the usual response to developers, particularly on the southside. Perhaps this time, you might choose to do the right thing.

Thank you for your attention,

Sincerely,

Debra Snyderman,
retired teacher and clinical social worker from the Santa Fe Public Schools and active volunteer in many community organizations and events in Santa Fe before and hopefully after the Covid 19 crisis

-----Original Message-----
From: Dierdre Dennis-McCullough <devildancer13@icloud.com>
Sent: Thursday, July 16, 2020 4:41 PM
To: WHEELER, REGINA A. <rawheeler@santafenm.gov>
Subject: Geo Lane Trailer Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We wish to join those that DO NOT want to see another Trailer Park, or Low Income Housing Units, developed in Terra Contenta, Southside, Santa Fe, NM.
Both Trailer Parks, and Low Income Units now in place, are a constant source of trouble for our Community.
Thank You for forwarding our remarks.
The McCullough / Vuelta Dorado / Santa Fe, NM

From: Rosemary Thompson <rt@sfwwp.com>
Sent: Thursday, July 16, 2020 3:05:56 PM
To: WHEELER, REGINA A. <rawheeler@santafenm.gov>
Subject: GEO Lane Subdivision..NO

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regina,

I'm trying to convey, although I can't get through to the public comment....
I understand that there is a City Council mtg on July 29th, on You Tube re: GEO Lane Mobile Home Subdivision, 64 lots.
off Airport Road. No notice posted on City of Santa Fe website????

I believe I speak for 99.9% of residents on the Southside...ENOUGH IS ENOUGH of mobile home parks on the SOUTHSIDE! Try anywhere else in Santa Fe!! Good luck with that!!

NO MORE!!!

Please copy...every decision maker on this insane & unfair development on the SOUTHSIDE!!!

Thank you,
Rosemary Thompson
Santa Fe Wild West Real Estate
505-690-1150

Sent from my iPhone

City of Santa Fe, New Mexico

memo

DATE: July 8, 2020 for the July 29, 2020 Governing Body Meeting

TO: Members of the Governing Body

VIA: Jarel LaPan Hill
Jarel Lapan Hill, City Manager
Eli Isaacson, Land Use Department Director ESI
Noah Berke, Planner Manager N L B

FROM: Lee Logston, Land Use Planner Senior, Current Planning Division

Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The project site consists of two parcels located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

The Governing Body should **APPROVE** Case No. 2019-19 and 2019-20 as recommended by the Planning Commission.

Two motions will be required, one for each case.

Sample motions for case #2019-19:

- ***Move to approve*** *the request for a General Plan Future Land Use Amendment to change the designation of 4000 and 4100 Geo Lane from Institutional to Low Density Residential (3-7 dwelling units per acre), and to adopt the findings of the Planning Commission as outlined in section II.A of the staff report;*

  or

- ***Move to deny*** *the request for a General Plan Future Land Use Amendment to change the designation of 4000 and 4100 Geo Lane from Institutional to Low Density Residential (3-7 dwelling units per acre), and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.*

Sample motions for case #2019-20:

- ***Move to approve*** *the request to rezone 4000 and 4100 Geo Lane from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre), and to adopt the findings of the Planning Commission as outlined in section II.B of the staff report;*

  or

- ***Move to deny*** *the request to rezone 4000 and 4100 Geo Lane from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre), and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.*

II. EXECUTIVE SUMMARY

The Applicant requests (1) approval of a General Plan Amendment to change the Future Land Use designation from Institutional to Low Density Residential (3-7 dwelling units per acre), and (2) a rezoning from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre). The subject site is comprised of two properties totaling approximately 8.59 acres at 4000 and 4100 Geo Lane. Both requests relate to Applicant's plan to create a forty-two-lot single family home subdivision. The property is surrounded on three sides by a mix of residential land uses up to R-12 (Residential- twelve units per acre) density and is bordered to the east by sparsely developed Mixed Use zoned land.

While this area is governed by the Southwest Area Master Plan (SWAMP), the SWAMP gives no detailed guidance for development this property, merely labeling it as Institutional and noting that institutional land uses exist in the area and will continue to exist in the future. The SWAMP gives more detailed guidance for development of the large mixed-use area to the east, and is generally supportive of low-density housing in the area.

The Planning Commission conducted a public hearing on June 6, 2019 for the General Plan Amendment and for what was then an R-6 rezoning request. The Commission found that Applicant had satisfied all the criteria set forth in SFCC 14-3.2 (Amendments to the General Plan) and that housing was appropriate at that location, and adopted findings of fact and conclusions of law recommending that the Governing Body should approve the General Plan Amendment request. The Commission tabled the rezoning request, asking the applicant to consider lower density and to attempt to address concerns raised by Commissioners and members of the public at the hearing.

The applicant returned to the Planning Commission on February 6, 2020 with a reduced density R-5 rezoning request and a 42-lot preliminary subdivision. After much deliberation about vehicular access to Geo Lane, the Commission once again tabled the rezoning request (and therefore the subdivision proposal), asking the applicant to return with more data about traffic safety at the intersections of Paseo del Sol and Geo Lane, and to work with the City Traffic Engineer to see if the left turn bay on Airport Road to Geo lane could be lengthened for additional left turn queuing.

The applicant returned to the Planning Commission on June 4, 2020 with the requested additional accident and traffic data, as well as approval from the City Traffic Engineer to reconfigure the left turn bay, increasing its length by 25 feet to allow queuing for one more vehicle. The Commission found that Applicant had satisfied all the criteria set forth in SFCC 14-3.5(C) (Rezoning Approval Criteria) and adopted findings of fact and conclusions of law recommending that the Governing Body should approve the rezoning request. The Commission

also gave approval to a 42-lot preliminary subdivision, conditioned on the Governing Body approving the General Plan Amendment and rezoning. While the Applicant will return to the Planning Commission with a final subdivision if the Governing Body approves the General Plan Amendment and rezoning, the Governing Body is not considering or making a decision on the subdivision itself.

Applicants have complied with the procedural requirements for a General Plan Amendment and rezoning, including Santa Fe City Code (SFCC) Subsection 14-3.1(H), Notice Requirements; Subsection 14-3.1(E), Pre-application Conference (conducted February 14, 2019); and Subsection 14-3.1(F), Early Neighborhood Notification (ENN) (conducted April 9, 2019).

A. General Plan Amendment

In considering the General Plan Amendment, the Governing Body must base its decision on the approval criteria and balancing test set forth in SFCC Subsection 14-3.2(E)(1), as follows:

(1) 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;
   (b) consistency with other parts of the general plan;
   (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
      (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or
      (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;
   (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;
   (e) compliance with extraterritorial zoning ordinances and extraterritorial plans;
   (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
   (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

If the Governing Body agrees with the Planning Commission's analysis of the General Plan Amendment criteria set forth in Subsection 14-3.2(E)(1), Staff recommends that the Governing Body adopt the Findings of Fact of the Planning Commission as follows:

(1) Pursuant to SFCC Section 14-3.2(E)(1)(a), the Governing Body finds that the proposal is consistent with existing land use conditions and that there is access to available infrastructure.
(2) Pursuant to SFCC Section 14-3.2(E)(1)(b), the Governing Body finds that the proposal is consistent with other parts of the general plan.
(3) Pursuant to SFCC Section 14-3.2(E)(1)(c), the Governing Body finds that the proposed use is not inconsistent with the prevailing use and character in the area, that the Project

is well over the 2 acre minimum required for a general plan amendment, and that it will not benefit one or a few landowners at the expense of the surrounding landowners or the general public, as long as the resulting density is appropriate for the surrounding area.

(4) The Governing Body finds that the criteria in SFCC Section 14-3.2{E)(1)(d) is not applicable to this case.

(5) The Governing Body finds that the criteria in SFCC Section 14-3.2{E)(1)(e) is not applicable to this case.

(6) Pursuant to SFCC Section 14-3.2{E)(1)(f), the Governing Body finds that housing at that location would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area.

(7) Pursuant to SFCC Section 14-3.2(E)(1)(g), the Governing Body has considered conformity with other city policies, including land use policies, ordinances, regulations, and plans.

(8) The Governing Body finds that the additional criteria in SFCC Section 14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.

(9) The Governing Body finds that the additional criteria in SFCC Section 14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

B. Rezoning

In considering the rezoning, the Governing Body must base its decision on the approval criteria and balancing test set forth in SFCC Subsection 14-3.5(C), as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:
   (a) one or more of the following conditions exist:
      (i) there was a mistake in the original zoning;
      (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
      (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
   (b) all the rezoning requirements of Chapter 14 have been met;
   (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
   (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
   (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations, will be able to accommodate the impacts of the proposed development.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:
   (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or
(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

If the Governing Body agrees with the Planning Commission's analysis of the Subsection 14-3.5(C) criteria, Staff recommends that the Governing Body adopt the Findings of Fact of the Planning Commission as follows:

(1) Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii), the Governing Body finds that the rezoning is justified because the proposed density is consistent with surrounding residential neighborhood, additional housing would be more advantageous to the city than additional institutional land uses, and the rezoning is consistent with the Southwest Area Master Plan (SWAMP).
(2) Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the rezoning is consistent with the applicable policies of the general plan and the SWAMP. R-5 zoning is consistent with the recommended future land use map designation of Residential Low Density (3-7 dwelling units per acre).
(3) Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that the property is of sufficient size for rezoning, is located in an area that was annexed to provide for future growth, and that rezoning the property to accommodate residential infill is consistent with city policies regarding the provision of urban land sufficient to meet the growth needs of the city.
(4) Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure will be able to accommodate the impacts of the proposed development. Furthermore, the Applicant is making improvements to the westbound left-turn bay to improve left turn safety onto Geo Lane.
(5) Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density.
(6) Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
(7) Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public.
(8) Pursuant to SFCC Section 14-3.5(D), the Governing Body finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.

EXHIBITS

Exhibit A – Draft Resolution and Bill

1. Resolution for General Plan Amendment
2. Bill for Rezoning

Exhibit B – Planning Commission Staff Reports and Packets

1. June 6, 2019 Staff Report, Relevant Packet Material, Findings and Minutes
2. February 6, 2020 Staff Report, Relevant Packet Material and Minutes
3. June 4, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit A

1. **Resolution for General Plan Amendment**
2. **Bill for Rezoning**

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-___

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM INSTITUTIONAL TO LOW DENSITY RESIDENTIAL (3-7 DWELLING UNITS PER ACRE) FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY 8.59 ACRES LOCATED AT 4000 AND 4100 GEO LANE, (4000 AND 4100 GEO LANE GENERAL PLAN AMENDMENT, CASE NO. 2019-19).

WHEREAS, the agent for the owners of two parcels of land comprising approximately 8.59 acres located at 4000 and 4100 Geo Lane within Section 12, T.16N., R.8E., N.M.P.M., in Santa Fe County, New Mexico (the "Property"), has submitted an application to amend the General Plan Future Land Use Map classification of the Property from Institutional to Low Density Residential; and

WHEREAS, the Planning Commission at its June 6, 2019 meeting voted to recommend to the Governing Body a change from Institutional to Low Density Residential (3-7 dwelling units per acre); and

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended,

extended, or supplemented; and

WHEREAS, the Governing Body held a public hearing on the proposed amendment; reviewed the staff report, the recommendation of the Planning Commission, and the evidence obtained at the public hearing; and determined that the proposed amendment to the General Plan, as recommended by the Planning Commission, meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

WHEREAS, reclassification of the Property would be consistent with the General Plan Themes and Policies for Land Use and Growth Management (General Plan, Chapters 3 and 4) in that the reclassification would provide affordable, infill housing at the General Plan stated target density of five to seven dwelling units per acre; and

WHEREAS, the reclassification of the Property would allow for uses that are consistent with the prevailing uses and character of the area; and

WHEREAS, the Property has suitable access to and availability of necessary infrastructure; and

WHEREAS, the Governing Body desires to provide for more coordinated, adj usted, and harmonious development in the area of Airport Road that would not have adverse impacts on the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the General Plan Fut ure Land Use Map designation for the Property described is amended to change the designation from Institutional to Low Density Residential (3-7 dwelling units per acre), as shown in Exhibit A, attached hereto.

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

ALAN WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/4000 and 4100 Geo Lane GP Amendment

Exhibit A

Tract 1 Legal Description

A certain tract of land, Tract 1, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears South 20°07'39" East, a distance of 218.21', thence North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'37" West, a distance of 632.23' to a calculated point being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 402.20' to a rebar with cap No. 5217 being the Northwest corner of said tract;
Thence North 88°45'55" East, a distance of 602.85' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 426.06' to a calculated point, the Point of Beginning.

Containing 5.579 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

M K Noonan 07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



Exhibit A

Tract 2 Legal Description

A certain tract of land, Tract 2, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'50" West, a distance of 644.98' to a rebar with cap No. 5217 being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 214.15' to a calculated point being the Northwest corner of said tract;
Thence South 89°47'37" East, a distance of 632.23' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 218.21' to a 1/2" iron pipe, the Point of Beginning.

Containing 3.000 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-16

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE AND CHANGING THE CLASSIFICATION FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE) WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING APPROXIMATELY 8.59 ACRES WITHIN SECTION 12, T.16N., R.8E., N.M.P.M., SANTA FE COUNTY, NEW MEXICO, LOCATED AT 4000 AND 4100 GEO LANE, (CASE NO. 2019-20, 4000 AND 4100 GEO LANE REZONING).

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the City of Santa Fe, which has been restricted and classified as R-1 (Residential – 1 dwelling unit per acre) is hereby restricted to and reclassified to R-5 (Residential – 5 dwelling units per acre):

Tract 1, the parcel of land comprising approximately 5.58 acres generally located at 4000 Geo Lane, lying within Section 12, T.16N., R.8E., N.M.P.M., Santa Fe County, New

Mexico, more fully described in the Legal Description in EXHIBIT A, attached hereto and incorporated by reference;

and

Tract 2, the parcel of land comprising approximately 3.01 acres generally located at 4100 Geo Lane, lying within Section 12, T.16N., R.8E., N.M.P.M., Santa Fe County, New Mexico, more fully described in the Legal Description in EXHIBIT A, attached hereto and incorporated by reference.

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is hereby amended to conform to the change in zoning classification for the Property

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

EXHIBIT A

Tract 1 Legal Description

A certain tract of land, Tract 1, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears South 20°07'39" East, a distance of 218.21', thence North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'37" West, a distance of 632.23' to a calculated point being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 402.20' to a rebar with cap No. 5217 being the Northwest corner of said tract;
Thence North 88°45'55" East, a distance of 602.85' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 426.06' to a calculated point, the Point of Beginning.

Containing 5.579 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

M K Noonan 07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



EXHIBIT A

Tract 2 Legal Description

A certain tract of land, Tract 2, lying and being situated at within Projected Section 12, Township 16 North, Range 8 East, N.M.P.M., City of Santa Fe, Santa Fe County, New Mexico and being further described as follows;

Beginning at the Southeast corner of said tract, from which an Aluminum monument set in concrete and stamped "Santa Fe Control No. 1007", bears North 49°43'43" West, a distance of 45.39';

Thence from said point of beginning, North 89°47'50" West, a distance of 644.98' to a rebar with cap No. 5217 being the Southwest corner of said tract;
Thence North 16°55'32" West, a distance of 214.15' to a calculated point being the Northwest corner of said tract;
Thence South 89°47'37" East, a distance of 632.23' to a calculated point being the Northeast corner of said tract;
Thence South 20°07'39" East, a distance of 218.21' to a 1/2" iron pipe, the Point of Beginning.

Containing 3.000 acres, more or less, all as shown on plat entitled "Land Division Prepared for Praise Tabernacle," prepared by Bernie A. Alarid, N.M.P.L.S. No. 5338, recorded in Book 666, Page 21 on October 10, 2007 at the Santa Fe County Clerk's Office.

07/31/19

Mitchel K. Noonan N.M.P.L.S. No. 6998



City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 1

Planning Commission Staff Reports and Packets

June 6, 2019 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B1

Land Use Department
Planning Commission Staff Report

Case No:	2019-19 & 2019-20
Hearing Date:	June 6, 2019
Applicant:	John Reeder
Request:	General Plan Amendment and Rezoning
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018
ENN Mtg:	January 31, 2019
Proposal:	General Plan Amendment from Institutional to Low Density Residential and Rezone from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre)for 48 residential lots on 8.59 acres.



Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of both requests.

Two motions will be required in this case:

- *Recommend that the Governing Body approve or deny the General Plan Amendment request from Institutional to Low Density Residential, subject to findings as recommended by staff. Conditions of*

approval are not applicable to General Plan amendments (Case #2019-19).

- *Recommend the Governing Body approve or deny the rezoning request from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre), with the conditions of approval as outlined in this report (Case #2019-20)*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

#	Condition of Approval	Dept. or Division	To be completed by:
1	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD. (Case #2019-20)	Public Utilities/Water Division	Prior to Obtaining Water Service
2	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal
3	The Developer shall build sidewalk along the subdivision's frontage with Geo Lane and Buffalo Grass Road. The developer shall dedicate any needed right-of-way for these improvements. The Developer shall also extend both of these sidewalks north to connect with Airport Road sidewalk, right-of-way permitting. (Case #2019-20)	Engineering Division/Traffic Land Use Department/Technical Review Division	Prior to Subsequent Submittal
4	The Developer shall provide a signing and striping plan. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal
5	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used shall be reviewed and approved by the City's Public Works Department. (Case #2019-20)	Engineering Division/Traffic	Prior to Subsequent Submittal

6	Final details on the proposed storm drain system to be provided, specifically: 1. The conveyance pathway via the proposed curb and gutter and/or through a subsurface storm drain system; and 2. The final design calculations the proposed retention pond. (Case #2019-20)	Land Use Department/ Technical Review Division	Prior to Subsequent Submittal
7	The Developer shall fulfill all obligations of the Santa Fe Homes Program (SFHP) as documented in a SFHP agreement finalized and recorded as part of final development documents.	Office of Affordable Housing	Prior to Final Subdivision

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the plat prior to recordation are found in Appendix A.

III. EXECUTIVE SUMMARY:

The Applicant is requesting a General Plan Amendment from Institutional to Low Density Residential, and a rezoning from R-1 to R-6, with the intent of subdividing the properties totaling +/- 8.59 acres into a 48 lot subdivision. The properties are currently vacant.

Two components make up the Applicant's request:

1. General Plan Amendment to change the Future Land Use Designation from Institutional to Low Density Residential; and
2. Rezoning to change the City Zoning Map from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre).

The Planning Commission's recommendation will proceed to the City Council for final decision on both the General Plan amendment and rezoning. If the General Plan amendment and rezoning are approved, a preliminary subdivision plat application will come before the Commission for future consideration.

Per SFCC §14-3.2(A), the purpose and intent of General Plan amendments is to guide the city's land use decisions. The regulations, restrictions and policies of the city affecting development must be in accordance with the General Plan as provided in Section 3-21-5 NMSA 1978. Approval of General Plan amendments and rezonings are appropriate where it can be shown that the changes are in the public interest. Specific criteria include evaluation of land use compatibility and infrastructure adequacy.

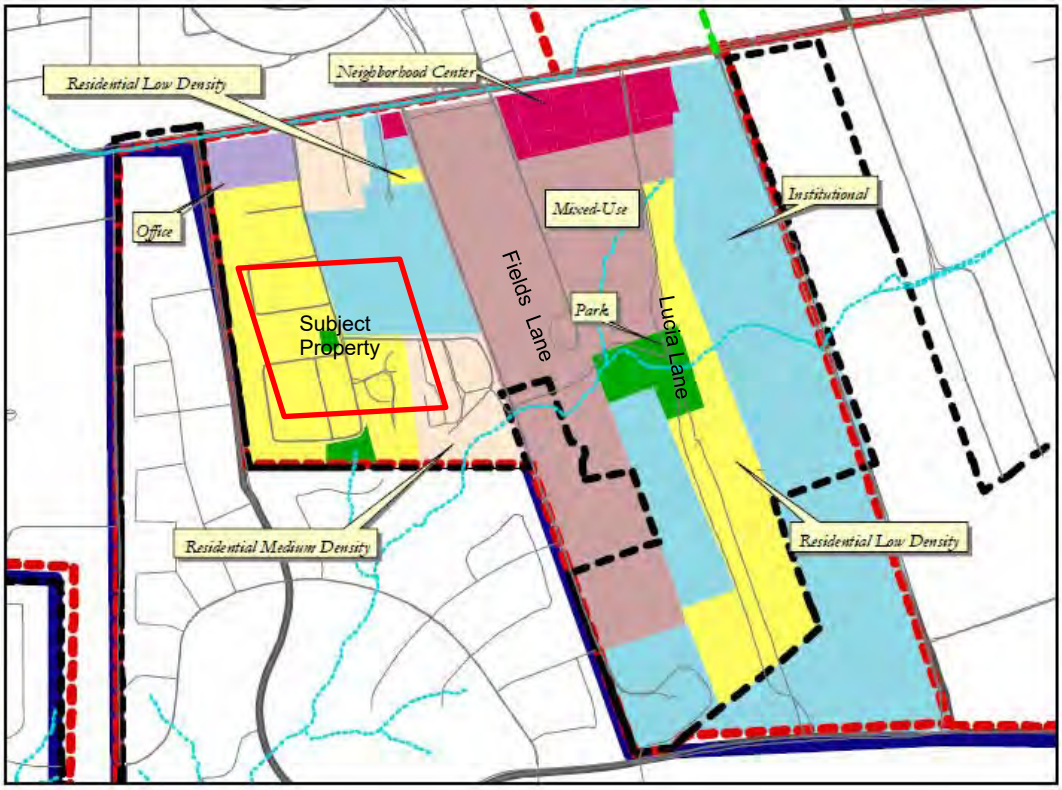
IV. BACKGROUND AND MASTER PLAN ANALYSIS

The subject site consists of two vacant parcels of approximately 5.59 and 3.0 acres, totaling approximately 8.59 acres. This property does not require archaeological clearance as it is under 10 acres. While the site is near Airport Road, it is not actually within the Airport Road Overlay District. The project is within the Southwest Santa Fe Community Master Plan (SWAMP) planning area. Specifically, they are within the Southcentral Neighborhood Plan Area (SCNPA) of the SWAMP. The SCNPA is *"located generally north and east of Tierra Contenta, and is bounded by Airport Road and South Meadows Drive":*

> "In area, it is the smallest of the seven planning units. The plan area can generally be described as an "eclectic" assembly of uses, patterns, and densities. The area form is more the absence of any defining urban pattern, but with several distinguishing land use characteristics. Many of the property owners generally regard their area as a collection of mixed-uses ranging from agriculture, to art and crafts, to institutional, industrial and residential. There are also several instances of live/work type uses occurring in the area. The high proportion of institutional uses and live/work scenarios dominate the neighborhood area." (SWAMP, page 14).

The SWAMP references Neighborhood Activity Centers (schools, churches) and Neighborhood Cores (parks). One specific recommendation of the SWAMP is that a developed public park with pedestrian connections along the natural drainage feature between Lucia and Fields Lanes should be incorporated as the area develops. The SWAMP goes into detail about mixed use development surrounding this Neighborhood Core/Park/Center, but it doesn't say much about the Geo Lane properties, which are merely shown as Institutional.

Figure 1 Future Land Uses Created by SWAMP



This designation was likely given to the vacant properties due to the fact that they are adjacent to the KSK Buddhist Temple. A large portion of the land within this Neighborhood Planning Area is designated Institutional. At the time the SWAMP was adopted, approximately 33% was designated Institutional, with approximately 20% developed residential. The land use designations adopted in the SWAMP largely reflected current land uses at the time:

> "The changes being proposed more closely align future land use to the existing underlying land uses and applicable zoning, as well as promoting the collective neighborhood vision for their area. The intent is to encourage a wider variety of uses and styles within the neighborhood through incorporation of the mixed-use designation" (SWAMP, page 18).

The SWAMP is effectively neutral on the proposed future land use change. The proposed land use change will not prevent the area from achieving Institutional goals, as there is such a large amount of land designated Institutional. More significant and specific land use recommendations for this planning area are centered more around the large mixed-use area between Buffalo Grass Road and Lucia Lane. Generally, housing is assumed to be a component of mixed-use, and satisfies other general housing goals of the SWAMP.

V. EXISTING CONDITIONS:

Direction	Property Address	Zoning
North	KSK Lane, KSK Buddhist Center, Shalom Mobile Home Park	R-1 & R-12 (Residential- one dwelling unit per acre & Residential- twelve dwelling units per acre)
East	Buffalo Grass Road assorted properties	MU (Mixed-Use District)
South	Jaramillo Lane	R-3 & R-12 (Residential- three dwelling units per acre & Residential- twelve dwelling units per acre)
West	West Meadow Subdivision	R-6 (Residential- six dwelling units per acre)

VI. PROJECT DESCRIPTION AND ANALYSIS:

Traffic and Access

The traffic impact study showed that the proposed subdivision will have a minimal traffic impact on the surrounding roadway network. The analysis looked at traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. In all cases the Level of Service (LOS) grades did not change with the additional traffic to be generated by the subdivision.

Geo Lane is a 50 foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40' public ROW, and approximately 18' of pavement. The Applicant will construct curb, gutter, and sidewalk along their property fronting Geo Lane and Buffalo Grass Road, dedicating any necessary ROW for the improvements. The Applicant will also extend both of these sidewalks north to connect with Airport Road sidewalk, right-of-way permitting. This amounts to

approximately 900' of off-site sidewalk improvements that will improve pedestrian safety for existing and future residents.

Currently, Buffalo Grass Road terminates before the southeast corner of the project. The ROW for an extension to Buffalo Grass is already dedicated on the Jackhammer Associates property at 3938 Buffalo Grass Road. The Applicant will construct approximately 265 feet of road, curb, gutter, and sidewalk on this property to connect to the proposed development, paving it to the width of existing Buffalo Grass Road pavement.

The proposed subdivision would have two entrances onto Geo Lane and one onto Buffalo Grass Road. The preliminary design was configured to direct traffic onto Geo Lane making use of the left turn lane that exists on Airport Road for westbound traffic. The roads within the development are proposed to have 50', 46', and 42' ROWs. The entrances from both Geo Lane and Buffalo Grass Road have been deliberately not aligned in order to discourage any through traffic "short cuts" through the subdivision. Average lot size is now shown at approximately 0.11 acres or 5,000 square feet.

Subdivision Analysis
The site has excellent emergency access from Airport Road via Geo Lane and Buffalo Grass Road. Both Geo Lane and Buffalo Grass Road have water, sewer, and gas lines. There are two fire hydrants nearby, on Geo Lane and Buffalo Grass Road at the northwest and northeast corners of the properties, respectively. The site is fairly flat, draining to the south and east with a slope of approximately 18 feet in 800 feet. The Site will be assessed for prairie dogs and any colonies will be relocated prior to issuance of construction permits. The subdivision will come back to Planning Commission for preliminary and final approval.

Santa Fe Homes Program
Per SFCC §14-8.11(D)(1), the rezoning request triggers the Santa Fe Homes Program (SFHP) requirement for affordable lots. Based on the Applicant's subdivision, ten lots (20% of the total proposed) will be affordable and will be identified on the subdivision plat. The SFHP Agreement will be finalized at the time of subdivision approval and payment collected when final subdivision documents are recorded. In the event that the property is sold before lot sales commence, the obligation transfers with the title.

VII. GENERAL PLAN AMENDMENT

The subject property's current future land use designation is Public/Institutional as shown on the Future Land Use Map (See Exhibit B1). The Applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning.

The General Plan can be amended, subject to meeting the approval criteria in SFCC §14-3.2(E):

Criterion 1 [14-3.2(E)(1)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**

The City does not maintain specific projections for growth rates. The proposal is consistent with existing residential and rural live/work land uses and surrounding density. Infrastructure such as sewer, water, and dry facilities are easily accessed from existing streets. Development of relatively affordable lots for housing is consistent with goals in the General Plan and the SWAMP.	
Criterion 2 [14-3.2(E)(1)(b)]: Consistency with other parts of the General Plan;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
There are a variety of built densities and General Plan density designations on either side of Airport Road. This density falls within the second lowest designation we have (Low Density Residential), and slightly below the recommendation for infill density (R-7). The proposal is also generally consistent with the Future Land Use Map as informed by the SWAMP. While the property is designated Institutional, this was most likely because it was adjacent to the KSK Buddhist Temple, as the SWAMP generally followed existing land use patterns. In this neighborhood, there is a very large amount of Institutional designated land, and residential is frequently a component of mixed-use. 3-G-3: “There shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities to address residential growth throughout the Urban Area, including the Railyard property.” The Applicant plans to develop the property at a density that will be affordable. 4-4-I-6: “The target density for new infill residential development, in order to address affordable housing goals, is a minimum of five units per acre (net) with seven units per acre (net) preferred.” The proposed zoning is for six dwelling units per acre. 5-1-G-1: “Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.” The proposed density is the same as the adjacent subdivision and is similar to the density in the surrounding neighborhoods. 6-1-G-5: “Ensure that new development is more ‘connected’ to its surroundings with an increased number of access points and pedestrian and bicycle connections to a neighborhood network.” The proposed subdivision will connect discontinuous sidewalks and improve pedestrian connections for the entire neighborhood. Chapter 3 of the General Plan calls for infill development of existing vacant parcels with a mix of uses within neighborhoods, cites promotion of a "compact urban form" through "sensitive and compatible infill development", and calls for a mix of uses throughout all areas of the City. The project will promote a compact urban form and contribute to infill housing. Chapter 7 of the General Plan calls for "growth that is sustainable in terms of resources and services." The project will connect to existing City infrastructure, thereby maximizing the use of existing land use conditions.	

Criterion 3 [14-3.2(E)(1)(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** **(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or** **(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(i) The proposed use is consistent with the prevailing uses and character of the area. (ii) The proposed development is 8.659 acres, well over the 2 acre minimum. (iii) While new development always has some impact on existing neighborhoods, the general public would benefit from additional housing opportunities.	
Criterion 4 [14-3.2(E)(1)(d)]: an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) [Criterion 1(c) above] if it promotes the general welfare or has other adequate public advantage or justification;	**Criterion Met:** (Yes/No/conditional/N/A) **N/A**
Not Applicable.	
Criterion 5 [14-3.2(E)(1)(e)]: compliance with extraterritorial zoning ordinances and extraterritorial plans;	**Criterion Met:** (Yes/No/conditional/N/A) **N/A**
Not Applicable.	
Criterion 6 [14-3.2(E)(1)(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	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
This project would provide "infill" development at a density that is within character with the surrounding area. Utility infrastructure is already there, the road network needs minimal modification, and the Applicant is making significant off site sidewalk improvements.	
Criterion 7 [14-3.2(E)(1)(g)]: consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant's responses to the required criterion (Exhibit E1) cite compliance with city economic development, affordable housing, and redevelopment policies and plans. Staff agrees that this amendment conforms to city land use policies and ordinances regarding affordable housing, sustainability, and infrastructure.	
Criterion 8 [14-3.2(E)(2)]: In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the General Plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the General Plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the	**Criterion Met:** **(Yes/No/conditional/N/A)** **N/A**

proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that: **(a) the growth and economic projections contained within the General Plan are erroneous or have changed;** **(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or** **(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.**	
The Applicant is not required to document compliance with Criterion 2, since the application does not amend land use policies.	

VIII. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(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;** **(iii) a different use category is more advantageous to the community, as articulated in the General Plan or other adopted city plans;**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-6 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The proposed density is consistent with the SWAMP and is consistent with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**

The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. As detailed already in this report, the SWAMP designates a lot of land in this area as Institutional. A large amount of land is also designated mixed use. Staff feels that the SWAMP is essentially neutral about residential housing at this density in this area.	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The City has not previously made a concerted effort to track the rate and location of growth over time. The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)).	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
A traffic impact analysis was performed to assess the impact of the additional traffic anticipated to be generated by the proposed development. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off site sidewalk improvements. Water and sewer are readily available in both Geo Lane and Buffalo Grass Road. The SWAMP calls for a park in the area, but farther to the east of the subject property. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 48 lots, four lots less than the proposed R-6 zoning would	

actually allow. Furthermore, the proposal would create lots with a minimum size of nearly 5,000 square feet, including five lots at around 6,000 square feet or greater and two lots at over 7,700 square feet. As minimum lot size is 4,000 square feet, most all of the proposed lots would be at least 25% larger than the minimum. The proposed subdivision includes several roads wide enough to allow for on-street parking so that there is not spillover to Geo Lane or Buffalo Grass Road. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed density. The Applicant will make road improvements to their property, as well as extensive off site sidewalk improvements.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No/conditional/N/A) **YES**
The Applicant will make road improvements to their property, as well as extensive off site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.	

IX. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for Development Plan on January 31, 2019. Approximately ten members of the public attended; only seven signed in. Sign in sheets and ENN notes are included as Exhibit D.

X. ATTACHMENTS:

EXHIBIT A:
1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law

EXHIBIT B: Development Review Team Memoranda
1. Traffic Engineering Division Memorandum, John Romero, P.E
2. Fire Department Memorandum, Reynaldo Gonzales
3. Technical Review Memorandum, Nick Schiavo, P.E.
4. Wastewater Division Memorandum, Stan Holland, P.E.
5. Water Engineering Division Memorandum, Dee Beingessner

EXHIBIT C: Maps and Photos
1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street Views

EXHIBIT D: Early Neighborhood Notification
1. ENN Sign-In Sheets
2. ENN Packet
3. Meeting Notes
4. Comments Received

EXHIBIT E: Applicant Materials
1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Land Use Division Director	Carol Johnson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit C

Maps and Photos

1. **Future Land Use Map**
2. **Current Zoning Map**
3. **Aerial Photo**
4. **Street Views**

Exhibit C1: Future Land Use Map

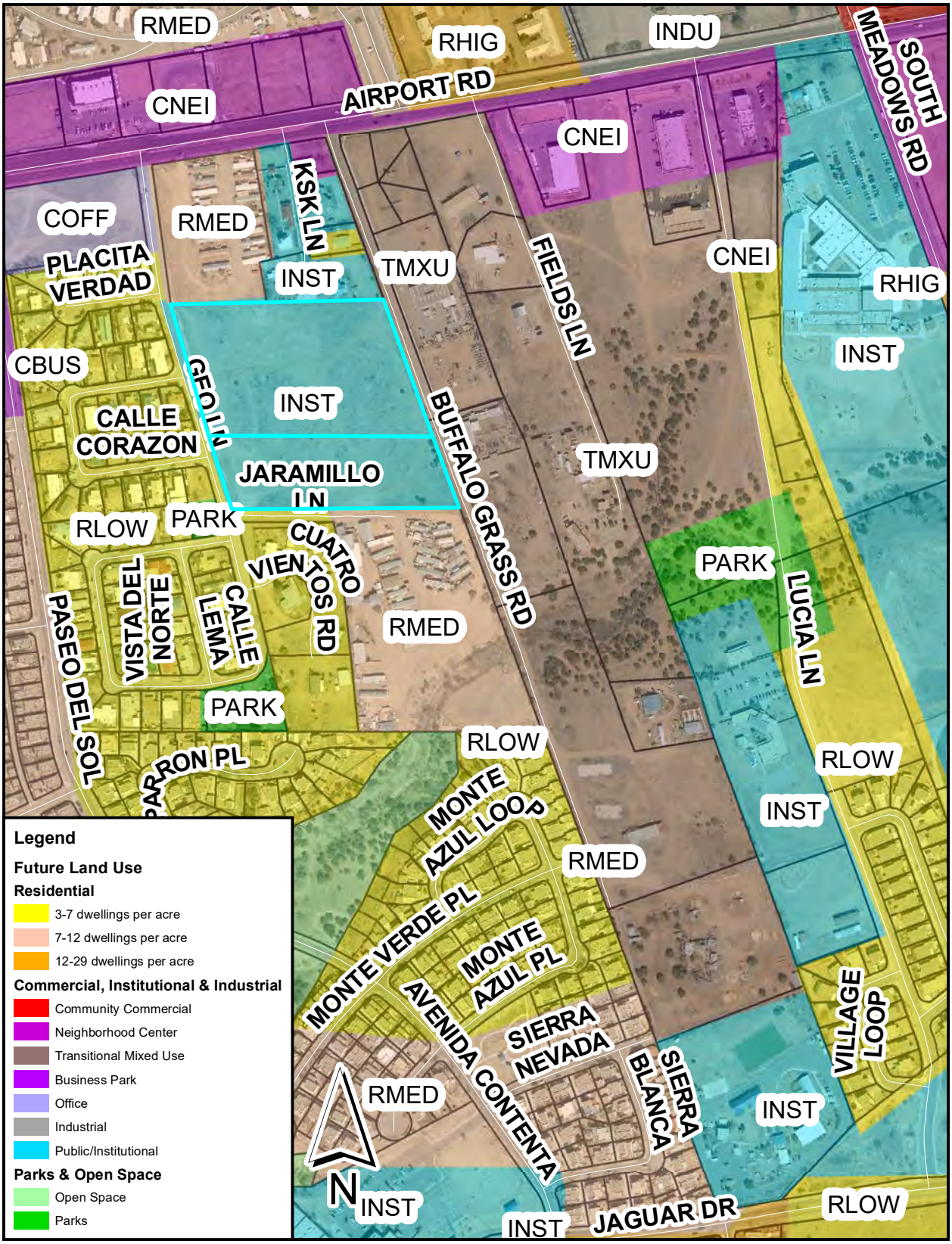


Exhibit C2: Current Zoning Map

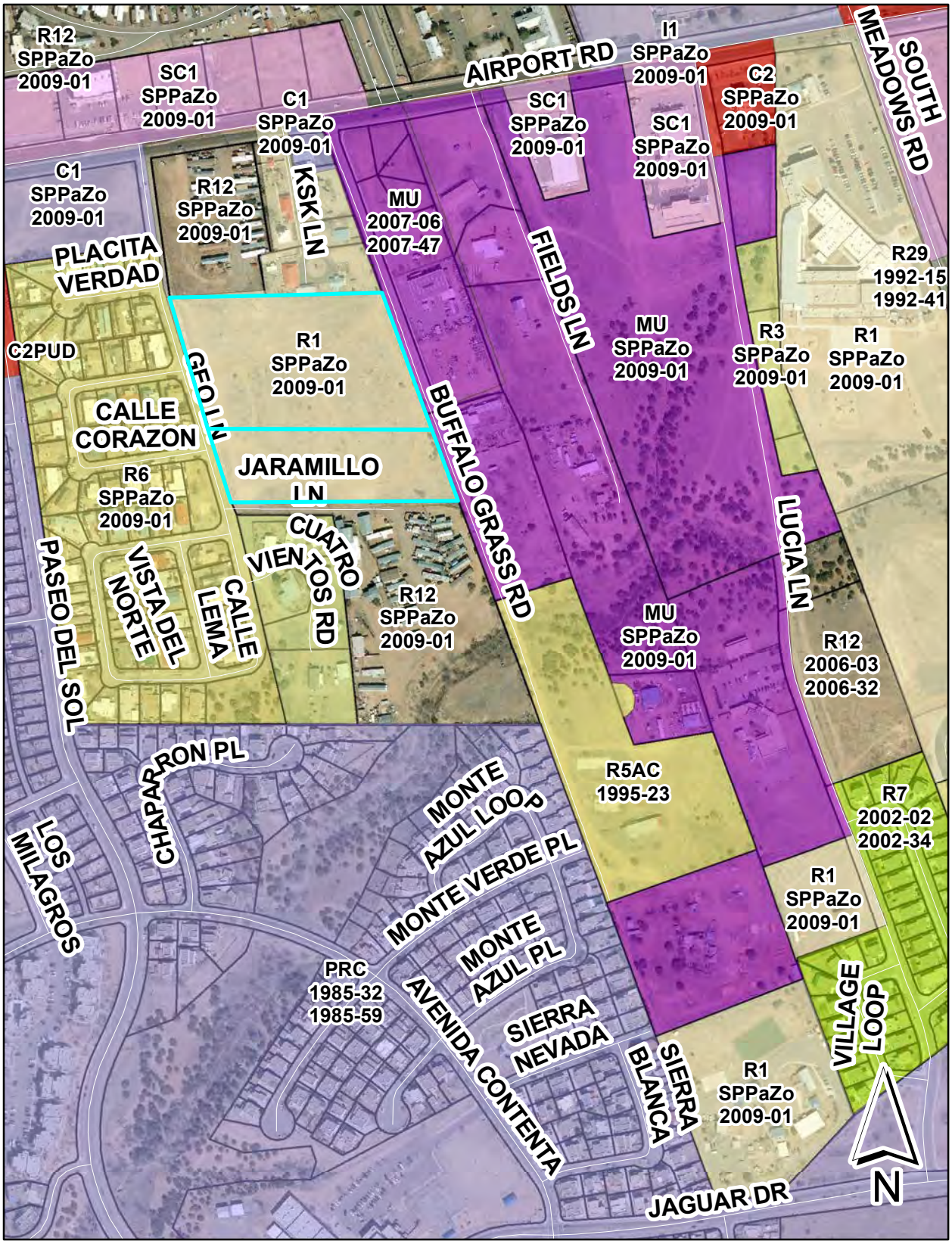


Exhibit C3: Aerial View



Exhibit C4: Street Views

Looking up Geo Lane toward Airport Road, from northwest corner of property.



Looking north on Buffalo Grass Road from southeast corner of property. Road to be built.



Looking across property from northeast corner.



City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification

1. ENN Sign-in Sheets
2. ENN Packet
3. Meeting Notes
4. Comments Received

LIST TO EVIDENCE

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

Project Name: **Meeting Date:**

Meeting Place: **Meeting Time:**

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Debra Snyderman	3810 KSK Lane	
☐	2	AL JARAMILLO PE	6301 JARAMILLO LN	jaramillo501@aol.com
☐	3	Martha Rodriguez	607 Cristo Rey	marthasantafe@aol.com
☐	4	Melissa Trautmann	210 Calle Lenca	None
☐	5	Connie Amenzar	210 Calle Lenca	None
☒	6	Helen M. Chavez	214 Calle Lenca	none
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

EXHIBIT B1

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

LEE LOGSTON
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

1-31-2019
Date

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

EXHIBIT B1

GEO LANE PARK
P.O Box 1523
Santa Fe, NM 87504
505-690-8098

EARLY NEIGHBORHOOD NOTIFICATION MEETING

January 15th, 2019

Dear Neighbor,

Geo Lane Park Partners - John Reeder, Luis Olivas, and Hassan Salam - are requesting the re-zoning of the 8.589 acres at 4000 & 4100 Geo Lane from R-1 to R-6, and are also requesting a General Plan Amendment from Institutional to Low Density Residential, both for the purpose of a proposed affordable housing development of single family residences.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: **6:00 PM**
When: **Thursday, January 31st.**
Where: **Santa Fe Public Library - Southside Branch**
6599 Jaguar Drive
Santa Fe, NM 87507

Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact John Reeder: 505-690-8098 or johndreeder@gmail.com

Sincerely,

John Reeder

***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the Land Use Department (955-6820) 5 days prior to the hearing or meeting date.**

ENN GUIDELINES

Applicant Information

Project Name: Geo Lane Park

Name: Reeder (Last) John (First) D (M.I.)

Address: 821 A Gonzales Rd (Street Address) (Suite/Unit #)

Santa Fe, NM (City) 87501 (State) (ZIP Code)

Phone: (505) 690-8098 E-mail Address: johndreeder@gmail.com

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The proposed Geo Lane Park will be a residential subdivision, primarily single story, detached family residences. The effect on the character and appearance of the surrounding neighborhoods will be to improve the overall residential quality and character. The density will be no greater than the adjoining development to the West and substantially less than the densities of the adjoining developments to the North and South.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

Currently, the 8.589 acres for the proposed development is vacant land, sparsely dotted with a few small trees and numerous shrubs and cactus. The relatively flat land is criss-crossed by some dirt tracks. There are no significant features such as rock formations, rivers, arroyos, etc., and no public easements or facilities.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

There are no known Pre-Historic, Historic, Archeological, or Cultural sites or Structures located on the property. There are no acequias on the property and it is many miles from the historic downtown Santa Fe area.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The proposed development is intended to follow the requirements of the City's General Plan for re-zoning requests and to continue to follow the City's requirements as to Code compliance as the development progresses. The proposed zoning and density meets the City's General Plan Land Uses and Densities guidelines and is appropriate for the surrounding area and will be in proper relationship to the adjoining neighbors.

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

The proposed development will add to vehicle and pedestrian traffic on Geo Lane and Buffalo Grass Rd. from the development North to Airport Rd., and then East and West along Airport Rd. A traffic study by the City will determine what measures, if any, will be required to mitigate this impact.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The proposed development will provide temporary jobs for the construction phase of the project, leading to an additional population base of 48 families. This population increase will help support existing and new businesses in the Airport Rd. corridor , as well as the greater Santa Fe City area. The City and the County will both see an increase in property tax revenue from the development.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The proposed development will result a significant addition of permanent affordable housing units to the City's housing supply. Such units are currently in short supply and the project will provide many lower income families of different ages and mixes with a badly needed local option for a relatively affordable home within the City.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

The proposed addition of 48 new single homes will result in additional consumption of water by the families who live in the homes. However, the City of Santa Fe has offset requirements in place for new homes via conservation measures and fees so as to minimize any such impact and to help provide for increases in the water supply. As mentioned in (h) above, no new water distribution lines will be necessary because of the infill nature of the proposed development.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

The proposed project is a small scale residential development and will not require the master planning of mixed land uses. Sidewalks with ramps will be incorporated throughout the subdivision on both sides of all roads for the safe use by pedestrians.

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

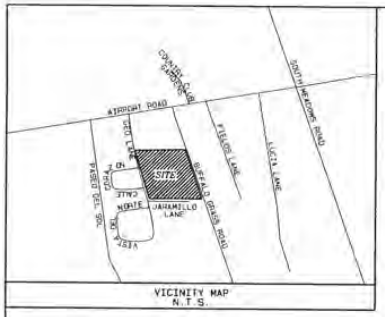
As mentioned in (h) and (i) above, the proposed project will be an infill development and as such will conformwith the City's General Plan goals for such development. Because the proposed project has existing residential developments on 3 sides the proposed zoning and density is highly appropriate and shall compliment it's urban form.

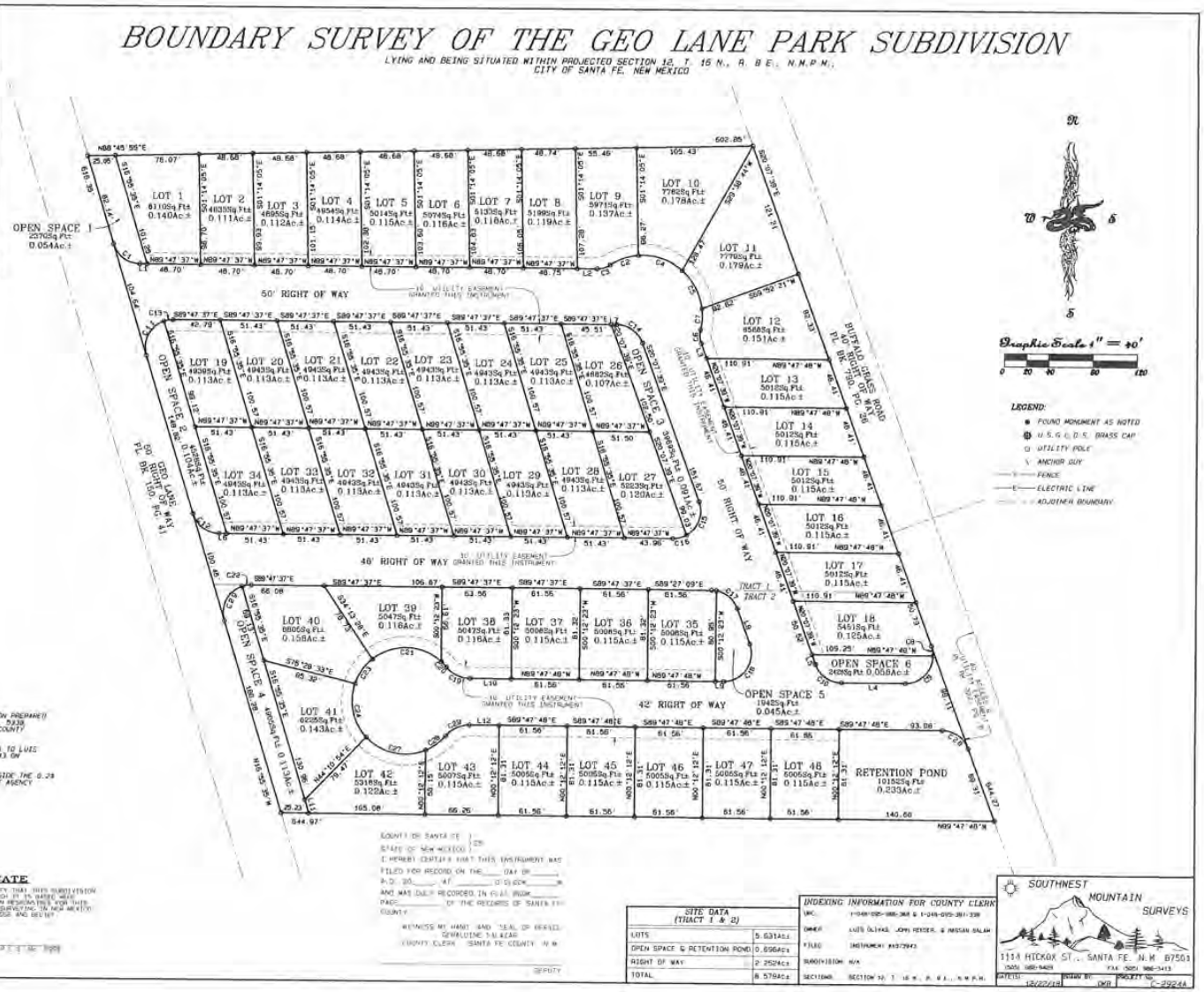
(l) ADDITIONAL COMMENTS (optional)

EXHIBIT B1

BOUNDARY SURVEY OF THE GEO LANE PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO





BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
L1	6.78'	N89°47'37"W			
C1	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C2	27.25'	S70°58'21"W	54.00'	28°54.47"	26.96'
C3	12.34'	S73°22'12"W	21.00'	33°40'22"	12.16'
L2	18.07'	N89°47'37"W			
C4	43.02'	N71°43'44"W	54.00'	45°38'48"	41.89'
C5	39.47'	N27°57'52"W	54.00'	41°53'01"	38.60'
L3	14.45'	N20°07'39"W			
C6	12.34'	N03°17'28"W	21.00'	33°40'22"	12.16'
C7	19.38'	N03°15'43"E	54.00'	20°34'04"	19.28'
C8	8.87'	S09°57'44"E	25.00'	20°19'51"	8.82'
C9	39.27'	S45°12'12"W	25.00'	90°00'00"	35.35'
L4	57.59'	N89°47'48"W			
C10	30.40'	N54°57'44"W	25.00'	69°40'09"	28.56'
L5	9.26'	N20°07'39"W			
C11	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L6	6.78'	N89°47'37"W			
C12	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C13	8.36'	N86°37'22"E	25.00'	19°10'02"	8.32'
L7	5.00'	S89°47'37"E			
C14	30.40'	S54°57'38"E	25.00'	69°39'58"	28.56'
C15	35.25'	S20°16'09"W	25.00'	80°47'35"	32.40'
C16	12.89'	S75°26'10"W	25.00'	29°32'27"	12.75'
C17	26.11'	S56°09'54"E	25.00'	59°50'29"	24.94'
L8	33.40'	S26°07'39"E			
C18	48.14'	S35°02'15"W	25.00'	110°19'51"	41.04'
L9	7.34'	N89°47'48"W			
L10	37.52'	N89°47'48"W			
C19	24.36'	N64°52'11"W	28.00'	49°51'15"	23.60'
C20	8.66'	N43°55'01"W	48.00'	7°56'54"	8.65'
C21	67.63'	N89°15'27"W	48.00'	80°43'58"	62.16'
C22	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
C23	27.37'	S35°59'20"W	48.00'	32°40'11"	27.00'
C24	51.99'	S32°19'18"E	48.00'	62°03'21"	49.48'
C25	30.40'	S54°57'44"E	25.00'	69°40'09"	28.56'
C26	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L11	12.61'	N19°55'35"W			
C27	58.25'	S78°07'03"E	48.00'	69°32'09"	54.74'
C28	22.42'	N33°43'55"E	48.00'	26°45'56"	22.22'
C29	24.36'	N65°36'34"E	28.00'	49°51'15"	23.60'
L12	26.99'	S89°47'48"E			

NOTES:

1. BASIS OF BEARING IS TAKEN DIRECTLY FROM PLAT ENTITLED "LAND DIVISION PREPARED FOR PRAISE TABERNACLE" PREPARED BY BERNIE A. ALARID, N.M.P.L.S. NO. 5338, RECORDED IN BOOK 666, PAGE 21 ON OCTOBER 10, 2007 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. REFER TO WARRANTY DEED, FREEDOM CHURCH PRAISE TABERNACLE CHURCH FKA TO LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM, RECORDED AS INSTRUMENT #1813043 ON NOVEMBER 30, 2018 AT THE SANTA FE COUNTY CLERK'S OFFICE.
3. LANDS SHOWN HEREON LIE WITHIN ZONE X1 - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP 35049C0393D, DATED JUNE 17, 2008.

SURVEYOR'S CERTIFICATE

I, ANTONIO R. NORMAN, N.M.P.E.L.S. No. 17008 DO HEREBY CERTIFY THAT THIS SUBDIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANTONIO R. NORMAN N.M.P.E.L.S. No. 17008

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE ____ DAY OF ____, A.D. 20__ AT ____ O'CLOCK ____ M. AND WAS DULY RECORDED IN FILE, BOOK ____ PAGE ____ OF THE RECORDS OF SANTA FE COUNTY.
WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, N.M.
DEPUTY

SITE DATA (TRACT 1 & 2)	
LOTS	5.631Ac.±
OPEN SPACE & RETENTION POND	0.696Ac.±
RIGHT OF WAY	2.252Ac.±
TOTAL	8.579Ac.±

INDEXING INFORMATION FOR COUNTY CLERK	
SEC.	T-16N-R8E-SEC 36 & T-15N-R8E-SEC 1
OWNER	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED	INSTRUMENT #1813043
SUBDIVISION	N/A
SECTION	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOK ST., SANTA FE, N.M. 87501
(505) 660-6429 FAX (505) 466-1413
DATE(S): 12/27/18 DRAWN BY: DWB JOB/FILE NO.: C-2924A

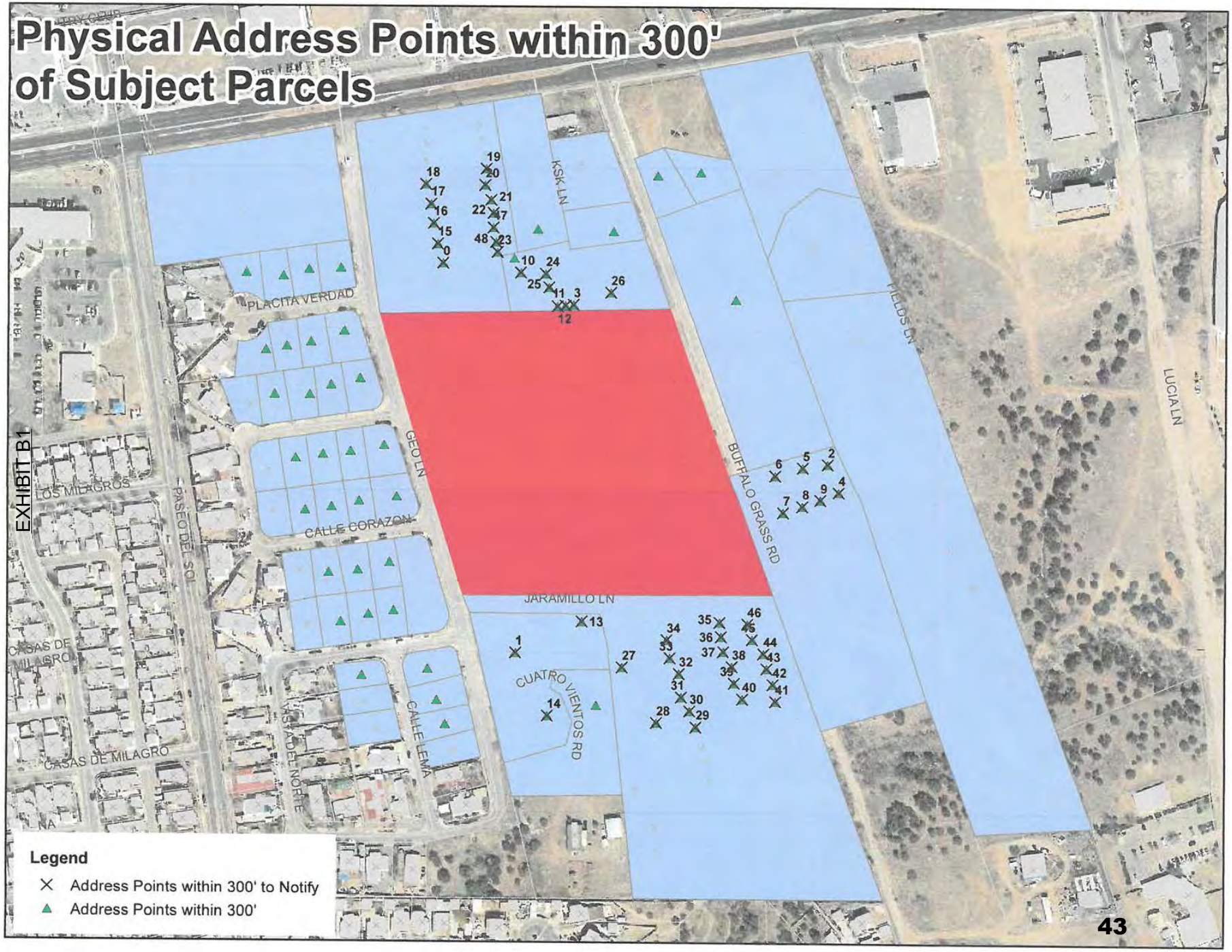

Physical Address Points within 300' of Subject Parcels
EXHIBIT B1
PLACITA VERDAD
KSK LN
GEO LN
PASEO DEL SOL
LOS MILAGROS
CALLE CORAZON
CASAS DE MILAGRO
CASAS DE MILAGRO
CASA DEL NORTE
CALLE LEMA
JARAMILLO LN
CUATRO VIENTOS RD
BUFFALO GRASS RD
FIELDS LN
LUCIA LN
Legend
Address Points within 300' to Notify
Address Points within 300'

EXHIBIT B1

CHAVEZ, HELEN N
214 CALLE LEMA
SANTA FE, NM 87507

PADILLA, PATRICIA A
PO BOX 4055
SANTA FE, NM 87502

KAGYU, SHENPEN KUNCHAB
3777 KSK LANE
SANTA FE, NM 87507

GARCIA, BARBARA G
117 CALLE CORAZON
SANTA FE, NM 87507-3094

GONZALES, STEVE AKA JOSEPH S & BERNADETTE GONZALES
SANTA FE, NM 87507

BRUTSCHE, HANS E & ETAL
PO BOX 6284
SCOTTSDALE, AZ 85261-6284

ARAGON, MARCELO
118 PLACITA VERDAD
SANTA FE, NM 87507

RODRIGUEZ, CALIXTO I & LOURDES RIOS
118 CALLE CORAZON
SANTA FE, NM 87507

ROMERO, CLARA B
152 CALLE CORAZON
SANTA FE, NM 87505

VARGAS, MARTIN T & JOANN J
113 CALLE CORAZON
SANTA FE, NM 87507

WUORINEN, JAMES A
109 PLACITA VERDAD
SANTA FE, NM 87507

LOPEZ, VIRGINIA R
110 PLACITA VERDAD
SANTA FE, NM 87505

MENDEZ, MANUEL D
PO BOX 2435
SANTA FE, NM 87504-2435

ROMERO, CECILIA
153 CALLE CORAZON
SANTA FE, NM 87507

ULIBARRI, FRANK E & MATTIE
8454 S VIA DE ROBERTO
TUCSON, AZ 85747-5018

LUCERO, DOROTHY
109 CALLE CORAZON
SANTA FE, NM 87505

CASTILLO, JOSE L
113 VISTA DEL NORTE
SANTA FE, NM 87505

ROMERO, ANGIE G & TERRENCE J
1011 VELARDE RD A
SANTA FE, NM 87507

ORNELAS, VICTOR & SANDRA
47 AVE JULIANA
SANTA FE, NM 87507

ARCHULETA, SUSANO S
110 CALLE CORAZON
SANTA FE, NM 87501

HOLMES, WILBERT A & KATHY E
157 CALLE CORAZON
SANTA FE, NM 87505

PEREZ, JOSE L & CRICELIA
160 CALLE CORAZON
SANTA FE, NM 87505

GALLEGOS, ANNA MARIE
105 CALLE CORAZON
SANTA FE, NM 87507-3094

DOMINGUEZ, NICHOLAS A & LORA
109 VISTA DEL NORTE
SANTA FE, NM 87505

BACA, GILBERT
3993 AGUA FRIA ST
SANTA FE, NM 87507-9202

FEDERAL NATIONAL MORTGAGE ASSOCATION
14221 DALLAS PARKWAY STE 1000
DALLAS, TX 75254-2916

GALLEGOS, RONALD R
106 CALLE CORAZON
SANTA FE, NM 87501

HUTCHINS, BETHYNE S
161 CALLE CORAZON
SANTA FE, NM 87507

OCHOA, NIDIA YANETH TRUSTEE
106 VISTA DEL NORTE
SANTA FE, NM 87507

HERRERA, JOSE LUIS BERNAL & CLEMENCIA CISNEROS-OLIVAS
164 CALLE CORAZON
SANTA FE, NM 87507-3093

EXHIBIT B1

GUTIERREZ, ROBERT E & PHYLLIS
101 CALLE CORAZON
SANTA FE, NM 87507

MUNOZ, RAQUEL & JUAN ESCAMILLA CARDONA
205 CALLE LEMA
SANTA FE, NM 87507

KAVANAUGH, ARTHUR
105 VISTA DEL NORTE
SANTA FE, NM 87507

ROMO-PEREA, JORGE H & MARIA DE LOS ANGEL
103 NORTHFORK
SANTA FE, NM 87508

CASTILLO, IGNACIA PENA
102 CALLE CORAZON
SANTA FE, NM 87507

PEREZ, FRANCISCO & ANABEL ORONA
165 CALLE CORAZON
SANTA FE, NM 87507-3046

FRANCO, LUIS RAUL & MARIA
168 CALLE CORAZON
SANTA FE, NM 87507

RODRIGUEZ, RODRIGO & ANA
101 VISTA DEL NORTE
SANTA FE, NM 87507

RAMIREZ, JESUS
110 VISTA DEL NORTE
SANTA FE, NM 87505

GEORGE, RONALD E
206 CALLE LEMA
SANTA FE, NM 87505

ALMANZAR, CONSUELO AKA CONNIE ALMANZAR
210 CALLE LEMA
SANTA FE, NM 87507-3015

WEST MEADOW S/D C/O B&E DEVELOP CORP
PO BOX 2046
SANTA FE, NM 875012046

KAGYA, SHENPEN KUNCHAB
3777 KSK LANE
SANTA FE, NM 87507

RODRIGUEZ, MARTHA J
6077 CUATRO VIENTOS RD
SANTA FE, NM 87507

KAYGU SHENPEN KUNCHAB BUDDIST CTR
3777 KSK LANE
SANTA FE, NM 87507

RODRIGUEZ, JESUS R & ROSEMARY
PO BOX 29743
SANTA FE, NM 87592

SNYDERMAN, DEBRA B
3810 KSK LANE
SANTA FE, NM 87507

ASI LA MAR TRAILER PARK
6301 JARAMILLO LN
SANTA FE, NM 87507

BUFFALO GRASS LLC C/O ROSALBA REYES
187 A SUNRISE RD
SANTA FE, NM 87507

BUFFALO GRASS LLC-C/O FLORENCIO A MALDONADO & MARIA G R SEPULVEDA
6151 AIRPORT RD SPC 142
SANTA FE, NM 87507

WESTON, DELL & MARIA C
3842 BUFFALO GRASS RD
SANTA FE, NM 87507

DIAZ, ELIAS & LORENA
3919 CALLE CHUPAROSA
SANTA FE, NM 87505

JACKHAMMER ASSOCIATES C/O YABLON
P O BOX 1794
SANTA FE, NM 87504

DIAZ, ELIAS & LORENA
3919 CALLE CHUPAROSA
SANTA FE, NM 87505

MONTOYA, RACHEL K
3974 FIELDS LN
SANTA FE, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 10
Santa Fe, NM 87507

Current Owner or Resident
6077 A CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE A
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN A
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 6
Santa Fe, NM 87507

EXHIBIT B1

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE B
Santa Fe, NM 87507

Current Owner or Resident
3920 BUFFALO GRASS RD SUITE C
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 3
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 4
Santa Fe, NM 87507

Current Owner or Resident
3938 BUFFALO GRASS RD SUITE 5
Santa Fe, NM 87507

Current Owner or Resident
3823 KSK LN
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN B
Santa Fe, NM 87507

Current Owner or Resident
3840 KSK LN C
Santa Fe, NM 87507

Current Owner or Resident
6077 B CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
6082 CUATRO VIENTOS RD
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 11
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 12
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 13
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 14
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 6
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 5
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 4
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 3
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 18
Santa Fe, NM 87507

Current Owner or Resident
3829 KSK LN B
Santa Fe, NM 87507

Current Owner or Resident
3829 KSK LN A
Santa Fe, NM 87507

Current Owner or Resident
3834 KSK LN
Santa Fe, NM 87507

Current Owner or Resident
6301 JARAMILLO LN
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 27
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 19
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 18
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 17
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 16
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 15
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 14
Santa Fe, NM 87507

EXHIBIT B1

Current Owner or Resident
6311 JARAMILLO LN SP 2
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 3
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 4
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 5
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 6
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 7
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 8
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 9
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 10
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 11
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 12
Santa Fe, NM 87507

Current Owner or Resident
6311 JARAMILLO LN SP 13
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 2
Santa Fe, NM 87507

Current Owner or Resident
6274 AIRPORT RD SP 1
Santa Fe, NM 87507

EXHIBIT B1

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

Project Name	Geo Lane Rezone & General Plan Amendment
Project Location	4000 & 4001 Geo Lane
Project Description	Rezone and General Plan Amendment for 49 Lot Subdivision
Applicant / Owner	John Reeder, Luis Olivas
Agent	Jenkins Gavin
Pre-App Meeting Date	December 27, 2018
ENN Meeting Date	January 31, 2019
ENN Meeting Location	Southside Library, 6599 Jaguar Drive
Application Type	Rezone and General Plan Amendment
Land Use Staff	Lee Logston
Other Staff	
Attendance	Lee Logston, John Reeder & Hassan Salam (applicants),seven + members of the public (some did not sign in)

Notes/Comments:

Lee Logston called the meeting at 6:00 PM. Mr. Logston briefly explained the nature of the application and type of land use approval, and that it would go on to City Council. Mr. Logston explained that while a proposed plat was being shown tonight, it was not part of the application now, and it would come to Planning Commission for preliminary and final approval. So, assuming approval of all elements, this project would go through a total of four public hearings, and each will have notification and opportunity for public input. Mr. Logston then introduced Mr. Reeder who gave a brief summary of his proposal.

Residents had many concerns and complaints about other nearby developments, growth in general, crime, or concerns which were not directly related to the proposal. Mr. Logston repeatedly tried to get residents to focus on the project proposed now.

Over all, residents feel that there are too many homes in the area already, and that traffic is already bad. Specifically, they felt that Geo Lane and Buffalo Grass Circle were not capable of carrying more traffic, and that right-in/right-out connections to Airport Road were inadequate. Several residents asked whether a traffic impact study would be required. Both Mr. Reeder

and Mr. Logston answered that one would be required, and that the study would make recommendations for mitigating traffic if warranted. General discussion of traffic, speeding drivers in their neighborhoods, road width, and access to Airport Road ensued. A traffic signal at Geo Lane and Airport Road was proposed.

The difference between mobile homes and manufactured homes was discussed, with a focus on how manufactured homes anchor to the ground. Residents wavered between supporting affordable development and concern over the character of an affordable neighborhood. There was general discussion of the amount of manufactured homes in the area and how the area would age over time.

Several of the residents specifically suggested that fewer homes would be desirable over the density proposed. Mr. Logston pointed out that it could be a possibility that the Planning Commission could recommend lower density, and or the Council might approve it at a different density.

There was some skepticism about notification and mailing, and Mr. Logston agreed to send a list of residents and owners who were noticed to all residents who left their email addresses on the sign in sheet.

The meeting was adjourned at 7:15 PM.

EXHIBIT B1

LOGSTON, LEE R.

From: jaramillo501@aol.com
Sent: Thursday, January 24, 2019 5:05 PM
To: LOGSTON, LEE R.
Subject: Geo Lane Park notification meeting (dispute)

Land use Department,

I'm writing my concerns of the new proposed development.

My first concern is the amount of 50 housing mobile homes designated for the property off Geo Lane for development. That is way too many
mobile homes in the area and will increase the traffic flow with existing properties with only a right turn exits onto airport rd. The City would have to put up street lights on both Geo Lane and Buffalo Grass rd that intersect with Airport rd. The other proposed development is for 48 apartments units in already in progress off Buffalo Grass rd that also adds to the traffic flow. I'm a owner south of the proposed property and was denied further development. If this Geo Lane Park is granted approval for the 50, I will be submitting for further development of more mobile homes for my property. I think the city should limit the proposed property to 25-30 units and not 50 and for the developer to build small recreational parks in the remaining area. I will be showing up to the future meetings on the proposed meetings on this development.

Respectfully Yours,

Al Jaramillo

EXHIBIT B1

LOGSTON, LEE R.

From: Marmika Paskiewicz <marmika@gmail.com>
Sent: Thursday, February 21, 2019 10:44 AM
To: LOGSTON, LEE R.
Subject: Housing development between Geo Lane and Buffalo Grass Road, off Airport Road, behind KSK Buddhist Center

Dear Mr. Logston,
RE: DEVELOPMENT BETWEEN GEO LANE AND BUFFALO GRASS ROAD
First of all, may I say it's a bad idea to cram in 48 residences in the smallest allowable space with no place for walking or play for children, and you know, this will mean over 100 people living there with probably nearly 100 vehicles. Is this what we mean by low-income housing? Forcing groups of people into tight spaces without resources and facilities for families??

SECOND - traffic - A BIG PROBLEM
Airport Road is already one of the most dangerous streets in the city & this adds an extra burden of traffic and equipment in the construction and living phases both.
I feel that I take my life in my hands already every time I go to the Buddhist Center (several times a week for services and to volunteer). I have to make a u-turn at Paseo del Sol because Geo Lane has no u-turns anymore. There is usually a car turning right on red from Paseo (often with a green arrow) as I'm making a U-turn from Airport. They often do not see the u-turns and sometimes rush out without looking either way.
The center medians have caused more trouble for me than they've solved. You can't have right turns on red and u-turns too. They work against each other.
Consider 100 people making u-turns to get to their homes down Geo Lane or Buffalo Grass Road. How many accidents do you think that will cause? Really, Airport Road cannot handle this additional use.

AND THE SOUTHSIDE IMPACT
Residents on the Southside feel that the City does not care about them and is willing to allow anything in this area. (Remember Debbie Jaramillo's famous line about the Westside being a dumping ground for city programs, etc. - well the Southside seems to have taken over that position with this government.)
I believe the development on the Southside should be limited and spaced out like any other area in the city, and that people who have lower incomes shouldn't be relegated to the worst living situations. Let's have low cost housing that suits people and uplifts them, not squeezing them into barely habitable situations. Why isn't there a small playground planned- perhaps a walking trail - and walls to protect residents from road traffic?

There are many other issues as well - such as increased traffic on small roads, increased noise, probable increased tension with a tight population, more police action. The additional noise and traffic will definitely impact the purposes of the Buddhist Center which exists to provide peace and well-being for all.

REALIZE that I am not advocating for no development - just sensible, careful, compassionate development that takes consideration of the community and of the traffic and road use that will be intense.

Many thanks for listening. Please share this with the committee.
-Marmika Paskiewicz
505-603-0118
1829 Hano Road (Casa Alegre)

Lee Loyston,

EXHIBIT B1

As a homeowner @ 3810 KSK Lane of 30 years, a member of the KSK Buddhist Center, a retired teacher and social worker of the Santa Fe Public Schools, a concerned citizen of the Santa Fe area for almost 40 years, and someone who cares about the creation of quality affordable housing, I would like to address those who make the decisions about land use. I invite you to drive around my neighborhood and become aware of recent changes around KSK Lane and Airport and Buffalo Grass Roads that are detrimental to the quality of life here. Add to this, the proposed Geo Lane Park.

I would like to encourage the city of Santa Fe to consider a standard for affordable housing that can be a model for healthy living as well as a desirable community in which to live. Allowing developers to buy property with the sole purpose of cashing out and investing as little as possible is not for the highest good of anyone.

I am researching affordable housing nationwide. A healthy community will be an asset to our city. I believe in the importance of green space, of a place for people to sit and get to know neighbors, of a place to grow food and flowers (small raised bed boxes will do), of a safe space for children to play. Perhaps a small apartment building would allow for quality space or fewer homes, maybe condos. I will continue researching.

The city of Santa Fe land use needs to understand what already exists in this area and how new projects can be integrated. The KSK Tibetan Buddhist Center is a special place. You are all invited to come and see it. We get visitors from around the world. It is a place of meditation and spiritual practice. It is a quiet and safe "mini" community. The current design for Geo Lane Park takes none of this into consideration.

Thank you for listening to these concerns.

Debra Snyderman

505 206-0310

EXHIBIT B1

FOOD TRUCK IN DANGEROUS LOCATION ON AIRPORT RD & KSK LANE



* Neighbor in wheel chair hit by "truck leaving Food Truck — neighbor knocked out of his wheelchair Driver begged him NOT to call police. Driver said he would be deported.

KSK LANE

AIRPORT RD

BUDDHIST RESIDENT OF KSK CENTER

* BUSINESSES THAT ARE PROBLEMS *

"AFFORDABLE HOUSING TRAILERS" ← in front of line of sculptures



(Directly behind Compas TACOS 6161 AIRPORT RD.)

← UNNAMED PARTY CENTER which blasts loud music all hours of the night when rented out for a party, (POLICE make them turn music way down.)

Business * Owned by ANAHI &/or ANDREA #505 629 3754

← BUFFALO GRASS RD →

* Directly behind my house & "Affordable Housing" Trailer Project

EXHIBIT B1



"AFFORDABLE HOUSING PROJECT"

AT

AIRPORT RD

+

BUFFALO GRASS RD.



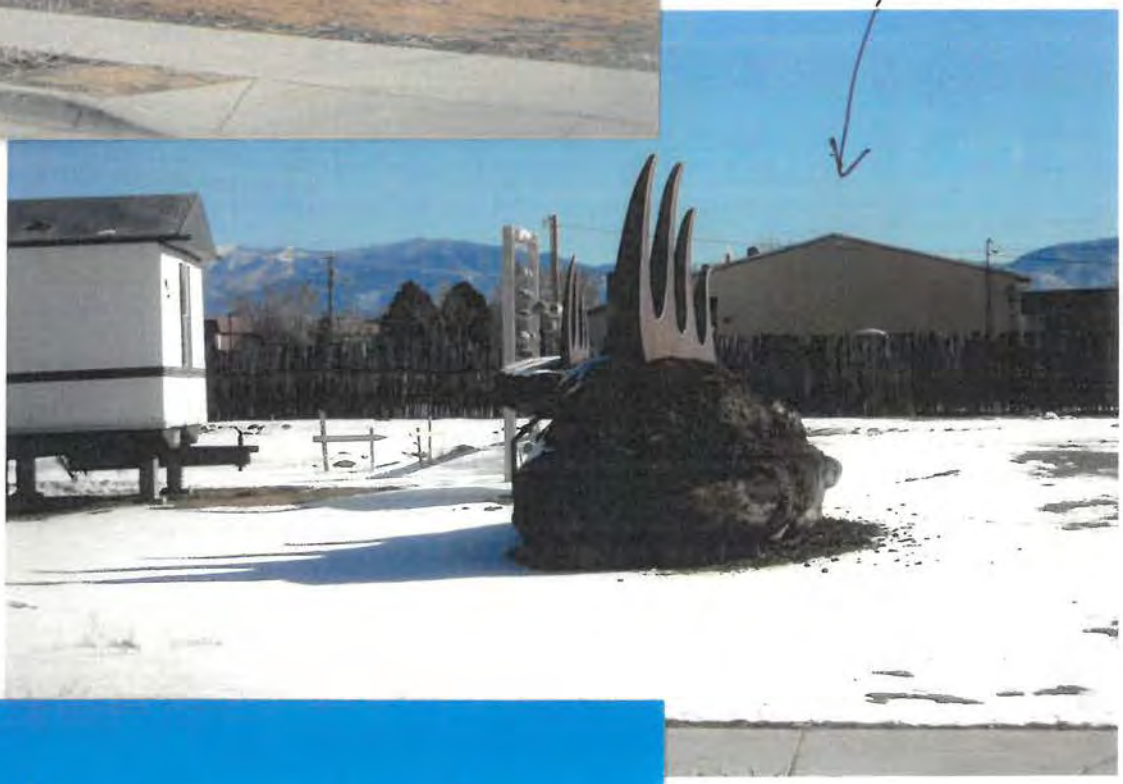


EXHIBIT B1



"AFFORDABLE HOUSING PROJECT"
THIS TRAILER IS (DIRECTLY BEHIND MY HOUSE)

UNNAMED PARTY RENTAL BUSINESS



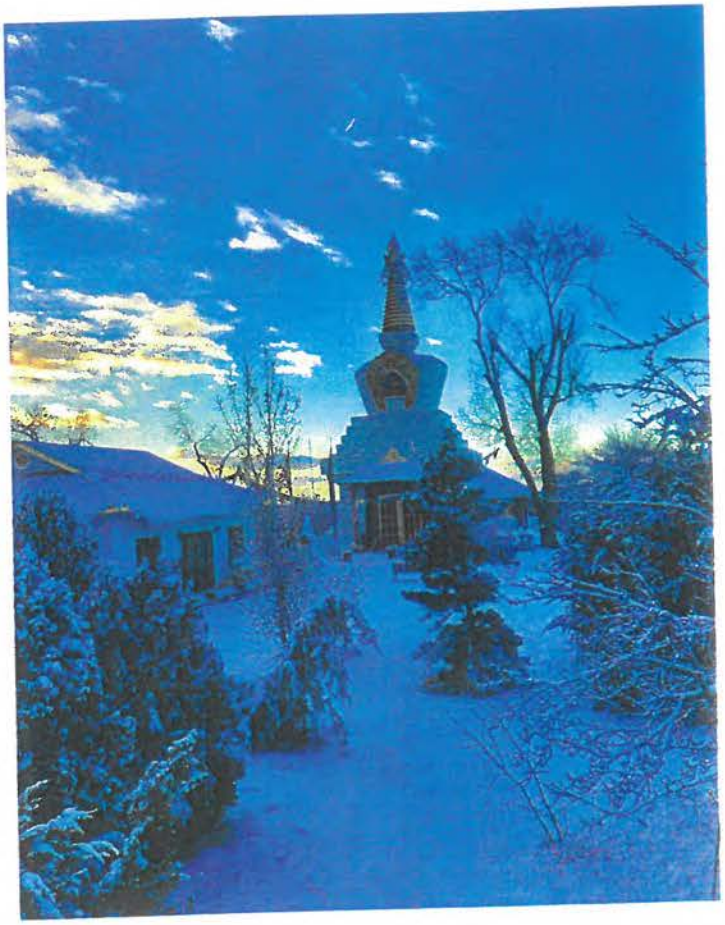


MY HOUSE ON KSK LANE IN BUDDHIST CENTER & BUFFALO GRASS RD. (BOUNDARY BEHIND MY HOUSE)

EXHIBIT B1

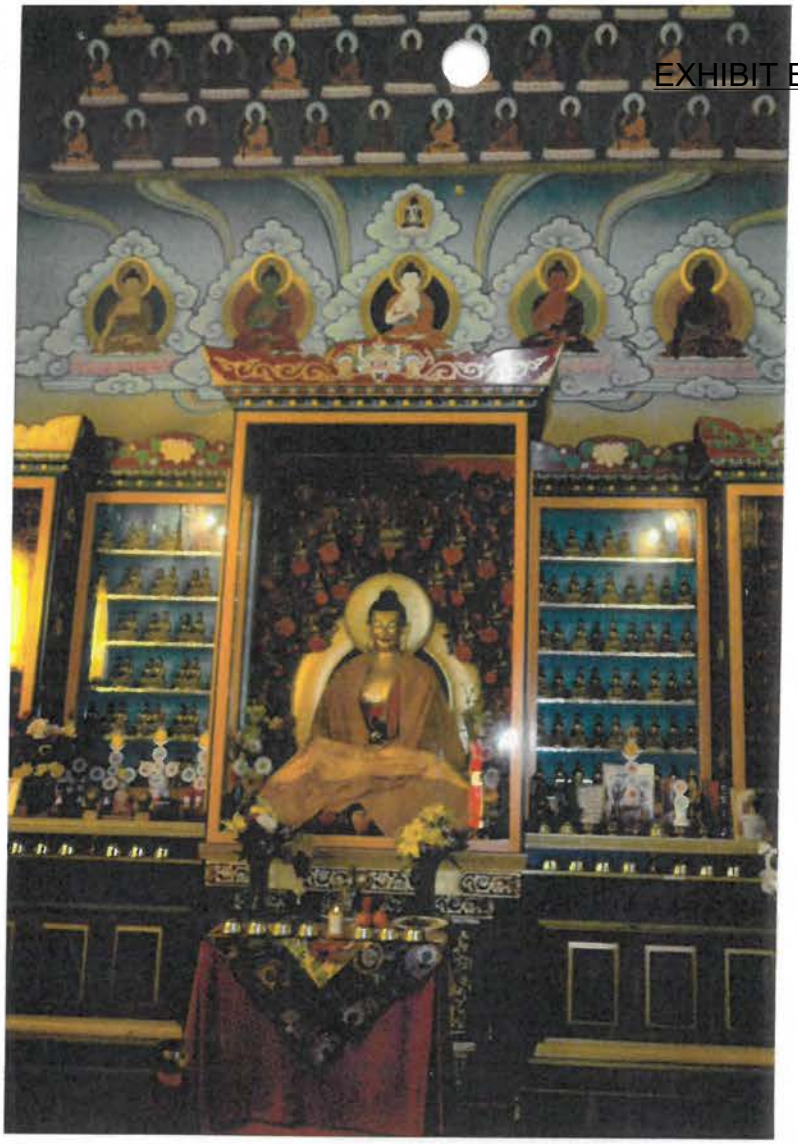






KSK
BUDDHIST
CENTER

AIRPORT RD.
+
KSK LANE



KSK
BUDDHIST
CENTER

* SHRINE INSIDE STUPA

* SHRINE INSIDE GOMPA



EXHIBIT B1



KSK BUDDHIST CENTER FENCE LINE

* PROPOSED GEO LANE PARK -

AFFORDABLE HOUSING PROJECT

REQUESTING 248 Trailers (Manufactured Homes) to be located directly behind fence line.



KSK BUDDHIST CENTER FENCE LINE

City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

1. **Application Submittals**
2. **Traffic Impact Study Summary**
3. **Proposed Subdivision**

EXHIBIT B1

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Feb. 19th, 2019

Statement Regarding Approval Criteria

Re: General Plan Amendment Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM

Further to our Statement dated Feb. 12th, 2019 regarding Approval Criteria for the above referenced property, specifically;

Section 14-3.2(E) SFCC 1987

Criteria

1(a)

We believe our proposed development is consistent with the growth projections and economic development goals as set forth in a comprehensive economic development plan for the City of Santa Fe. It is also consistent with existing Land Use conditions, such as the predominately residential nature of the surrounding area, access from existing streets and roads, as well as the availability of other infrastructure such as sewer, water, and public facilities.

1(b)

Our proposed development is also consistent with other parts of the General Plan, such as in 1.7.9 - Urban Form - which states "...promote a compact form and encourage sensitive/compatible infill development". Our proposal is also consistent with the Future Land Use Map and our property is specifically labeled RMED - medium density residential - in figure 2.2.6 of the Southwest Area Master Plan. And the proposed development would create a neighborhood meeting the "walkable" guidelines because it would be within easy walking or driving distance of commercial areas (the Airport Road corridor).

1(c)

The requested Amendment would not;

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

(ii) affect an area of less than 2 acres (proposed development is 8.659 AC)

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public (refer to the narrative in 2(c) of our concurrent re-zoning application).

1(d)

N/A

1(e), (f), & (g)

We believe our proposed development will comply with all extraterritorial ordinances and extraterritorial plans where any such ordinances or plans may be applicable, and that the project will positively contribute to the coordinated, adjusted and harmonious development of Santa Fe and that it will be in accordance with existing and future needs best promoting health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, due to its "in-fill" nature; and conform with other City policies, including Land Use, ordinances, regulations and plans.

2 Additional Criteria

We believe that evidence does show that our request for an Amendment to the General Plan for a change in the land use of the property to allow our proposed development is **not inconsistent** with the Future Land Use map and will not have a negative impact on surrounding properties. Our proposed change in the Land Use will bring the Land into harmony with the character of the surrounding area.

2 (a) & (b)

N/A

2(c)

Conditions affecting the proposed Land Use have changed over the past few decades. The extended area has evolved from semi-rural to predominately residential and our proposed development will continue that trend while also providing a relatively affordable single family residential option, which is currently in very short supply in the city of Santa Fe.

Respectfully submitted,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B1

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Feb. 12[19th], 2019

Letter Addressing Re-Zoning Approval Criteria

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM from I-1 to R-6

Further to our Letter dated Feb. 12th, 2019 Addressing Re-Zoning Approval Criteria for the above referenced property, specifically;

Section 14-3.5 SFCC 1987

Criterion 1(a)

(i) Not Applicable

(ii) There has been gradual change to the neighborhood over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on 3 sides of the property to the North, South, and West, along with one institutional use (place of worship). Lying to the East on the other side of Buffalo Grass Rd. is a mixture of Live/Work and light commercial establishments.

(iii) Due to the item (ii) above, a different use category from I-1 to R-6 is more advantageous to the community at this time so as to bring the subject property into conformity with the predominately residential developments that are now adjacent on three sides. The proposed new zoning category complies with the City's SWAMP and is consistent with guidelines articulated in various sections of the General Plan, such as in the Future Land Use section.

Therefore, following from the above cited considerations, **the Criterion for 1(a) is met.**

Criterion 1(b)

We, the applicants, have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals. No development plan has yet been created for the property.

Therefore, **the Criterion for 1(b) is met.**

Criterion 1(c)

We believe the re-zoning request is consistent with the applicable policies of the General Plan and also the future land use map. For example, in 1.7.9 of the General Plan - Urban Form - it states '...promote a compact form and encourage sensitive/compatible infill development. And in the SWAMP, map 2.2.6, this specific property is labeled for future use as RMED - medium density residential. Our proposal would also create a neighborhood that would be "walkable" under the SWAMP principles (Principle 1) because we are proposing handicap accessible sidewalks throughout the subdivision on both sides of all roads, and it is within easy walking or driving distance (Principle 6) of commercial areas. Further, we believe our proposed development also meets the spirit and intent of the affordable housing goals of the general plan.

Therefore, **the Criterion for 1(c) is met.**

Criterion 1(d)

"The amount of land proposed for re-zoning and the proposed use of 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". Our proposal for 8+ acres involves well over the 2 acre minimum for such requests.

Therefore, **the Criterion for 1(d) is met.**

Criterion 1(e)

We believe 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. Requests for sewer and water availability are pending and a Traffic Impact Analysis will no doubt be stipulated. Other divisions within the City, such as Land Use, Fire, etc. will be responsible for reviewing the proposed development for compliance and shall make requisite recommendations, any of which shall be incorporated into our proposal and thereby accommodate the impacts of the proposed development.

Therefore, **the Criterion for 1(e) is met.**

Criterion 2 (a)

The proposed change in use will result in a new single family, detached manufactured home development which will be consistent with the prevailing use and character in the area.

Therefore, **the Criterion for 2(a) is met.**

Criterion 2(b)

The proposed re-zoning affects an area greater than 2 acres.

Therefore, **the Criterion for 2(b) is met.**

Criterion 2(c)

We do not believe our re-zoning request will benefit only one or a few landowners at the expense of the surrounding landowners or general public. Our proposed subdivision is for 48 Lots on 8.659 acres, 4 Lots less than the number of Lots the R-6 designation we are requesting would actually support, not including any density bonus we might earn due to the affordable nature of our proposed project. Further, our proposal would create Lots with a minimum size of nearly 5,000 sq. ft., including 5 Lots at around 6,000 sq. ft. or greater and 2 Lots at over 7,700 sq. ft. The minimum Lot size under the R-6 designation is only 4,000 sq. ft., so virtually all of our proposed Lots would be at least 25% larger than the minimum. Our proposed subdivision would also include wider roads than required, allowing for more on-street parking. Considering these features, we believe our proposed subdivision will elevate the overall character of the immediate and general area and thereby improve the property values of the surrounding landowners. The general public will also benefit due to increased property tax revenues for the City and County, as well as by adding more customer base for businesses along the Airport Rd. corridor and the greater Southwest area.

Therefore, **the Criterion for 2(c) is met.**

Criterion D(1) & D(2)

If the impacts of the proposed development cannot be accommodated by the existing infrastructure and public facilities, including the possible need for new streets, sidewalks or curbs necessitated by and attributable to the new development, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities, in addition to impact fees that may be required pursuant to Section 14-8.14, and in conformance with any applicable City ordinances, regulations or policies;

We, the developers, will cooperate and participate wholly or in part with any applicable costs of construction for off-site facilities or improvements determined to be required due the impacts our proposed development, in addition to impact fees that may be required pursuant to Section 14-8.14

Therefore, **the Criterion of D(1) & D(2) will be met.**

Respectfully,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B1

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T

TERRY O. BROWN
NEW MEXICO
6407
LICENSED PROFESSIONAL ENGINEER

Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Peterson Properties, LLC
2325 San Pedro NE #2A
Albuquerque, NM 87110

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:



The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

DEDICATION/AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:
THAT THE UNDERSIGNED OWNER, HAS CAUSE TO DIVIDE THESE LANDS SHOWN HEREON. THIS LAND DIVISION IS MADE WITH THE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S), UTILITY COMPANIES ARE HEREBY GRANTED EASEMENTS AS SHOWN, AND ALSO FOR EXISITNG UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THESE LOTS LIE WITHIN THE PLANNING AND PLATTING JUSIDICTION OF THE CITY AND COUNTY OF SANTA FE, STATE OF NEW MEXICO.

Harold D Trujillo — 7-18-07
PRAISE TABERNACLE CHURCH, PRESIDENT — DATE

STATE OF NEW MEXICO } ss
COUNTY OF SANTA FE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS
18th DAY, OF July, 2007
Anni Garcia — MY COMMISSION EXPIRES 7-5-11
NOTARY PUBLIC
OFFICIAL SEAL
Annie Garcia
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

SANTA FE COUNTY APPROVAL NOTES AND CONDITIONS

for Shelly Cobau — 10-3-2007
SANTA FE COUNTY LAND USE ADMINISTRATOR — DATE

Mark Garland — 8-27-07
SANTA FE COUNTY RURAL ADDRESSING — DATE

07-3016
SANTA FE COUNTY DEVELOPMENT PERMIT No.

1. MAINTENANCE OF ACCESS ROADS AND UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE LAND OWNER/USER UNLESS CURRENTLY MAINTAINED BY THE SANTA FE COUNTY PUBLIC WORKS DEPARTMENT (OR THE CITY OF SANTA FE OR N.M STATE HIGHWAY DEPT.).
2. THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.
3. LANDS SHOWN HEREON LIE IN ZONE "X", OUTSIDE THE 100 YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL FLOOD INSURANCE RATE MAP PANEL NO. 350069 0227 B.
4. EXISTING NATURAL DRAINAGE WAYS WILL NOT BE MODIFIED OR IMPEDED WITHOUT THE WRITTEN APPROVAL OF THE LAND USE ADMINISTRATOR OR COUNTY HYDROLOGIST. DEVELOPMENT SHALL NOT IMPEDE HISTORIC FLOW RATES OR PATTERNS TO OR FROM THESE LOTS.
5. THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF APPLICATION FOR BUILDING PERMIT.
6. THE LANDS SHOWN HEREON LIE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE.
7. SANTA FE COUNTY'S APPROVAL OF THIS SURVEY PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENT(S) OR ROAD(S) AS SHOWN. PRIOR TO THE CONSTRUCTION OF SAID PRIVATE EASEMENT(S) OR ROAD(S), IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND THEN APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
8. NEW DRIVEWAY/ROAD ACCESS FROM COUNTY ROAD 61A IS SUBJECT TO APPROVAL BY THE PUBLIC WORKS DIRECTOR. THE DIRECTOR SHALL APPROVE THE LOCATION AND INSTALLATION OF A CULVERT AS PERMITTED BY SANTA FE COUNTY PRIOR TO ISSUING A PERMIT FOR CONSTRUCTION.
9. THE PARCELS AS PLATTED HEREON ARE SUBJECT TO SECTION 12.1 OF THE EZO, TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF ANY DEVELOPMENT.
10. SOILS RATING: PURSUANT TO THE SANTA FE COUNTY LAND DEVELOPMENT CODE, THE SOILS RATING ON THIS PROPERTY IS DESIGNATED TO BE MODERATE-SEVERE REGARDING LIMITATIONS TO SEPTIC TANKS. POTENTIAL BUYERS/SELLERS OF THIS PROPERTY SHOULD INQUIRE WITH THE NEW MEXICO ENVIRONMENTAL DEPARTMENT WHETHER THESE SOILS ARE SUITABLE FOR A CONVENTIONAL SEPTIC SYSTEM OR IF AN ALTERNATIVE SYSTEM IS REQUIRED.
11. WATER SUPPLY ON THESE LOTS IS GOVERNED BY THE EXTRATERRITORIAL ZONING ORDINANCE, SECTION 10.1.A.
12. ONLY ONE WELL SHALL BE PERMITTED TO SERVE THESE LOTS. THIS WELL SHALL BE SUBJECT TO A SHARED WELL AGREEMENT.
    A) DRILLING OF ANY DOMESTIC WELL IS PROHIBITED IF REGIONAL WATER IS AVAILABLE WITHIN 200 FEET OF THESE LOTS.
    B) IF REGIONAL WATER BECOMES AVAILABLE, DOMESTIC WELL USE SHALL CEASE WITHIN 90 DAYS AND THESE LOTS SHALL CONNECT TO REGIONAL WATER SYSTEM.
    C) ALL WELLS DRILLED ON THESE LOTS POST JANUARY 1, 2000 MUST BE CONSTRUCTED PER E.Z.O. STANDARDS LISTED IN SECTION 10.1.A.3. PROOF OF PROPER CONSTRUCTION MUST BE SUBMITTED AT THE TIME OF DEVELOPMENT PERMIT REQUEST OR UPON DEMAND BY THE COUNTY LAND USE ADMINISTRATOR.
13. THE SHARED WELL AGREEMENT IS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT No. 1502386
14. WATER USE ON THESE TRACTS IS RESTRICTED BY COVENANTS, FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDED AS DOCUMENT No. 1502387
15. ALL DEVELOPMENT SHALL OCCUR WITHIN BUILDABLE AREAS AS PER THE SANTA FE COUNTY LAND DEVELOPMENT CODE.
16. ALL BUILD-ABLE AREAS SHOWN HAVE SLOPES OF LESS THAN 15% AND THERE ARE NO NATURAL DRAINAGE WAYS OTHER THAN THOSE SHOWN AS DRAINAGE EASEMENTS.

CERTIFICATE

I, BERNIE A. ALARID, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 5338, DO HEREBY CERTIFY THAT THIS LAND DIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED, WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Bernie A. Alarid — 7-18-07
BERNIE A. ALARID, P.L.S. NO. 5338 — DATE

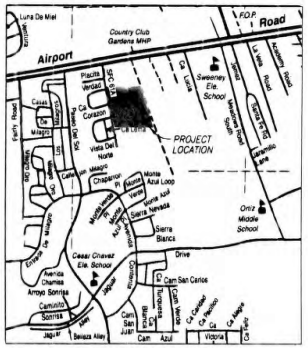
NEW MEXICO PROFESSIONAL SURVEYOR No. 5338 BERNIE A. ALARID

NOTES

1. BASIS OF BEARING IS TAKEN FROM A 1/2" IRON PIPE AND A REBAR W/CAP No. 5217 BEING THE SOUTH BOUNDARY LINE OF AS SHOWN HEREON [N 89°47'50" W]
2. DATA IN PARENTHESIS IS RECORD DATA IN REFERENCE DOCUMENT 1

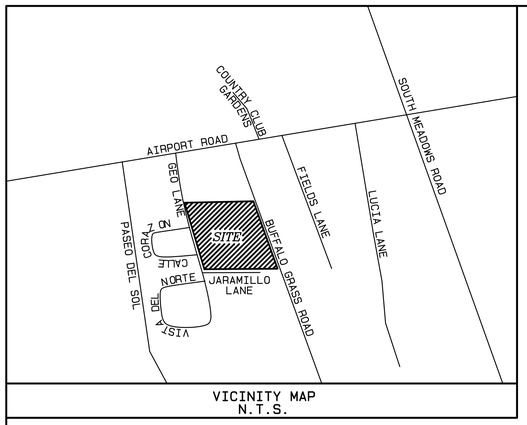
REFERENCE DOCUMENTS

1. PLAT ENTITLED "PLAT OF SURVEY FOR DENNIS R. AND PATRICIA A. PADILLA", PREPARED BY JAMES J. MEDRANO N.M.P.S. No. 5217 AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOK 271, PAGE 30 ON APRIL 14th, 1994.
2. WARRANTY DEED FROM DENNIS R. PADILLA AND PATRICIA A. PADILLA TO PRAISE TABERNACLE CHURCH AS FILED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN BOOK 1628, PAGE 770 ON APRIL 16th, 1999.


Airport
Road
PROJECT LOCATION
Cesar Chavez Elem. School
Sweeney Elem. School
Ortiz Middle School
Arroyo Sonrisa
Camino Sonrisa
Sierra Nevada
Sierra Blanca
Vista Del Norte
Paseo De Peralta
Agua Fria
Cam Carleton
Cam San Carlos
Cam Azul
Victoria
Beleza Alley
Jaguar
Airport Road
Richards Avenue
Old Pecos Trail
Cerrillos Road
Governor Miles Road
Siler Road
Rodeo Road
Frontage Road
Zia Road
Agua Fria St.
Guadalupe St.
Camino Del Monte Sol
Camino Manzano
Camino Cabra
Camino Carleton
Camino Chaparral
Camino Monte Alto
Camino Monte Azul Loop
Camino Monte Vista
Camino Sierra Nevada
Camino Sierra Blanca
Camino Cesar Chavez
Camino Cam San Carlos
Camino Cam Azul
Camino Cam Victoria
Camino Cam Jaguar
Camino Cam Beleza
Camino Cam Sonrisa
Camino Arroyo Sonrisa
Camino Arroyo Frijoles
Camino Arroyo Hondo
Camino Arroyo Seco
Camino Arroyo Tenorio
Camino Arroyo Chamisa
Camino Arroyo Sombrio

BOUNDARY SURVEY OF THE GEO LANE PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO



VICINITY MAP
N.T.S.



BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
L1	6.78'	N89°47'37"W			
C1	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C2	27.25'	S70°59'21"W	54.00'	28°54'47"	26.96'
C3	12.34'	S73°22'12"W	21.00'	33°40'22"	12.16'
L2	18.07'	N89°47'37"W			
C4	43.02'	N71°43'44"W	54.00'	45°38'48"	41.89'
C5	39.47'	N27°57'52"W	54.00'	41°53'01"	38.60'
L3	14.45'	N20°07'39"W			
C6	12.34'	N03°17'28"W	21.00'	33°40'22"	12.16'
C7	19.38'	N03°15'41"E	54.00'	20°34'04"	19.28'
C8	8.87'	S09°57'44"E	25.00'	20°19'51"	8.82'
C9	39.27'	S45°12'12"W	25.00'	90°00'00"	35.36'
L4	57.59'	N89°47'48"W			
C10	30.40'	N54°57'44"W	25.00'	69°40'09"	28.56'
L5	9.26'	N20°07'39"W			
C11	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L6	6.78'	N89°47'37"W			
C12	31.79'	N53°21'36"W	25.00'	72°52'02"	29.69'
C13	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
L7	5.00'	S89°47'37"E			
C14	30.40'	S54°57'38"E	25.00'	69°39'58"	28.56'
C15	35.25'	S20°16'09"W	25.00'	80°47'35"	32.40'
C16	12.89'	S75°26'10"W	25.00'	29°32'27"	12.75'
C17	26.11'	S50°02'54"E	25.00'	59°50'29"	24.94'
L8	33.40'	S20°07'39"E			
C18	48.14'	S35°02'16"W	25.00'	110°19'51"	41.04'
L9	7.34'	N89°47'48"W			
L10	37.52'	N89°47'48"W			
C19	24.36'	N64°52'11"W	28.00'	49°51'15"	23.60'
C20	6.66'	N43°55'01"W	48.00'	7°56'54"	6.65'
C21	67.63'	N88°15'27"W	48.00'	80°43'58"	62.18'
C22	8.36'	N80°37'22"E	25.00'	19°10'02"	8.32'
C23	27.37'	S35°02'28"W	48.00'	32°40'11"	27.00'
C24	51.99'	S12°19'18"E	48.00'	62°03'21"	49.48'
C25	30.40'	S54°57'44"E	25.00'	69°40'09"	28.56'
C26	38.38'	N27°03'23"E	25.00'	87°57'56"	34.72'
L11	12.61'	N16°55'35"W			
C27	58.25'	S78°07'03"E	48.00'	69°32'09"	54.74'
C28	22.42'	N53°43'55"E	48.00'	26°45'56"	22.22'
C29	24.36'	N65°16'34"E	28.00'	49°51'15"	23.60'
L12	26.99'	S89°47'48"E			

NOTES:

1. BASIS OF BEARING IS TAKEN DIRECTLY FROM PLAT ENTITLED "LAND DIVISION PREPARED FOR PRAISE TABERNACLE" PREPARED BY BERNIE A. ALARID, N.M.P.L.S. No. 5338, RECORDED IN BOOK 666, PAGE 21 ON OCTOBER 10, 2007 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. REFER TO WARRANTY DEED, FREEDOM CHURCH PRAISE TABERNACLE CHURCH FKA TO LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM, RECORDED AS INSTRUMENT #1873943 ON NOVEMBER 30, 2018 AT THE SANTA FE COUNTY CLERK'S OFFICE
3. LANDS SHOWN HEREON LIE WITHIN ZONE 'X' - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP 35049c0393d, DATED JUNE 17, 2008.

SURVEYOR'S CERTIFICATE

MITCHEL K. NOONAN NEW MEXICO 6998 PROFESSIONAL LAND SURVEYOR

I MITCHEL K. NOONAN, N.M.P.L.S. No. 6998 DO HEREBY CERTIFY THAT THIS SUBDIVISION SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MITCHEL K. NOONAN N.M.P.L.S. No. 6998

COUNTY OF SANTA FE)
) SS
STATE OF NEW MEXICO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE____ DAY OF_____, A.D. 20____, AT _____ O'CLOCK_____M AND WAS DULY RECORDED IN PLAT BOOK_____, PAGE_____, OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
GERALDINE SALAZAR
COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY

SITE DATA (TRACT 1 & 2)	
LOTS	5.631Ac±
OPEN SPACE & RETENTION POND	0.696Ac±
RIGHT OF WAY	2.252Ac±
TOTAL	8.579Ac±

INDEXING INFORMATION FOR COUNTY CLERK	
UPC:	1-048-095-388-368 & 1-048-095-397-338
OWNER:	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED:	INSTRUMENT #1873943
SUBDIVISION:	N/A
SECTIONS:	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) 982-9429 FAX (505) 986-3413

DATE (S): 12/22/18 | DRAWN BY: DKR | PROJECT No: C-2924A

EXHIBIT B1

EXHIBIT B1

ITEM # 19-0616

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

Case #2019-19
4000 & 4100 Geo Lane General Plan Amendment
Case #2019-20
4000 & 4100 Geo Lane Rezoning

Owner's/Applicant's Name- Geo Park, LLC
Agent's Name- John Reeder

THIS MATTER came before the Planning Commission (Commission) for hearing on June 6, 2019 upon the application (Application) of John Reeder as agent for Geo Park, LLC (Applicant).

The application includes two properties located at 4000 and 4100 Geo Lane totaling approximately 8.59 acres. The Applicant requests (1) approval of a general plan amendment to change the Future Land Use Designation from Institutional to Low Density Residential and (2) a rezoning from R-1 (Residential-one dwelling unit per acre) to R-6 (Residential-six dwelling units per acre). The plan (Project) would create a 48 lot subdivision.

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 reports from staff, received testimony and evidence from the Applicant, and heard testimony offered by members of the public.
2. Santa Fe City Code (SFCC) §14-3.2(D)(1) provides that an application for amendments to the general plan may be considered concurrently with an application for rezoning.
3. SFCC §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC §14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC §14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC §14-3.1(H)-(I)].
4. A pre-application conference was held on December 27, 2018 in accordance with SFCC §14-3.1(E)(1).
5. Pursuant to SFCC §14-3.1(H), notice of the ENN meeting was properly given.
6. Pursuant to SFCC §14-3.1(F), an ENN meeting was held on the Application on January 31, 2019 at the Southside Branch of the Santa Fe Public Library, 6599

Jaguar Drive, Santa Fe, New Mexico 87507. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Seven members of the public signed in, although more attended. Residents expressed numerous concerns, including traffic on Airport Road, crime in the area, rapid growth of the city, and neighborhood character.

7. Pursuant to SFCC §14-2.3(C)(7)(a), the Commission has the authority to review and make recommendations to the Governing Body regarding amendments to the general plan.
8. Pursuant to SFCC §14-2.3(C)(7)(c), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
9. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the Commission recommend approval of the amendment to the general plan and the rezoning, subject to certain conditions of approval (the Conditions) set out in the Staff Report.

General Plan Amendment

1. Pursuant to SFCC §14-3.2, the general plan must be amended before new zoning regulations establishing new land use classifications may be approved.
2. SFCC §14-3.2 sets out certain procedures for amendments to the general plan, including, without limitation, submittal of an application for review, a public hearing by the Commission, and a recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.2(E).
3. Under the general plan, "Low Density Residential" is the second-lowest density category and permits residential zoning of three to seven units per acre.
4. SFCC §14-3.2(E)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending any amendmeut to the general plan.
5. Based on the Staff Report and testimony and evidence presented at the hearing, the Commission finds that all applicable criteria in SFCC §14-3.2(E)(1) have been met.
6. Pursuant to SFCC §14-3.2(E)(1)(a), the Commission finds that the proposal is consistent with existing land use conditions and that there is access to available infrastructure.
7. Pursuant to SFCC §14-3.2(E)(1)(b), the Commission finds that the proposal is consistent with other parts of the general plan.
8. Pursuant to SFCC §14-3.2(E)(1)(c), the Commission finds that the proposed use is not inconsistent with the prevailing use and character in the area, that the Project is well over the 2 acre minimum required for a general plan amendment, and that it will not benefit one or a few landowners at the expense of the surrounding landowners or the general public, as long as the resulting density is appropriate for the surrounding area.

9. The Commission finds that the criterion in SFCC §14-3.2(E)(1)(d) is not applicable to this case.
10. The Commission finds that the criterion in SFCC §14-3.2(E)(1)(e) is not applicable to this case.
11. Pursuant to SFCC §14-3.2(E)(1)(f), the Commission finds that housing at that location would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area.
12. Pursuant to SFCC §14-3.2(E)(1)(g), the Commission has considered conformity with other city policies, including land use policies, ordinances, regulations and plans.
13. The Commission finds that the additional criteria in SFCC §14-3.2(E)(2) are not applicable to this case because the proposal would not amend the land use policies section of the general plan.
14. The Commission finds that the additional criteria in SFCC §14-3.2(E)(3) are not applicable to this case because the proposal does not involve the adoption of a neighborhood plan.

Rezoning

1. SFCC) §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
2. SFCC §14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
3. At the hearing, members of the public and individual Commissioners raised concerns about the proposed R-6 zoning and suggested that a lower density might be more appropriate due to the existing density in the surrounding area.
4. The proposed rezoning should be tabled to permit the Applicant to consider the concerns expressed by individual Commissioners and members of the public concerning density and the proposed design of the new project.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC §14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements were followed.

Case #2019-19
4000 & 4100 Geo Lane General Plan Amendment
Case #2019-20
4000 & 4100 Geo Lane Rezoning

General Plan Amendment

1. The Applicant has the right under the Code to propose an amendment to the general plan.
2. The Commission has the power and authority at law and under the Code to review the proposed amendment to the general plan and to make recommendations regarding the proposed amendment to the general plan to the Governing Body.
3. All applicable code requirements for recommendation of approval of an amendment to the general plan have been met.

Rezoning

1. The Applicant has the right under the Code to propose the rezoning of the Property.
2. 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.
3. The Commission tabled consideration of the proposed rezoning set forth in the Application for Case No. 2019-20.

WHEREFORE, IT IS ORDERED ON THE 11th DAY OF JULY 2019 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission recommends that the Governing Body approve of the general plan amendment, as requested in the Application for Case No. 2019-19, subject to the Conditions in the Staff Report.

John B. Hiatt
Chairperson

7-11-19
Date:

FILED:

Yolanda Y. Vigil
City Clerk

7/12/19
Date:

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

07/11/2019
Date:

EXHIBIT B1

City of Santa Fe

Agenda

AMENDED

PLANNING COMMISSION
Thursday, June 06, 2019 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
MINUTES: May 16, 2019
FINDINGS/CONCLUSIONS:
Case #2018-97. 4327 and 4323 Airport Road Rezoning

E. OLD BUSINESS
F. NEW BUSINESS

1. An Ordinance Amending Various Sections of Chapter 14, the Land Development Code, to Repeal the Summary Committee, a Subcommittee of the Planning Commission; Repeal Obsolete References to the Business Capitol District Development Review Committee; and Make Such Other Changes as Are Necessary to Provide Consistency. (Councilor Abeyta) (Noah Berke, Planner Manager, nlberke@santafenm.gov, 955-6647)

2. **Case #2019-46. 0 Camino Carlos Rey Verizon Telecommunication Facility.** Black & Veatch, Agent, for Verizon Wireless, Applicant, request approval of a new Telecommunication Facility pursuant to Subsection 14-6.2(E) "Telecommunication Facilities". The property is zoned R-3 (Residential- three dwelling units per acre). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)

3. **Case #2019-39. 5750 Alameda Frontage Road Special Use Permit for a Fire Station.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Special Use Permit to allow for City of Santa Fe Fire Station. The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

4. **Case #2019-38. 5750 Alameda Frontage Road Fire Station Number 2 Development Plan, Height, and Sign Variances.** AOS Architects, Agent, for the City of Santa Fe, request approval of a Development Plan for a new City of Santa Fe Fire Station that will be approximately 14,000 square feet. The request also includes variances to Table 14-7.2-1 "Maximum Height of Structures" and Subsection 14-8.10(G) "General Requirements for Signs According to District". The property is approximately 30.55 acres and is zoned R-3 (Residential- three dwelling units per acre). (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647)

5. **Case #2019-40. 1849 Arroyo Chamiso Rezone.** JenkinsGavin, Inc., Agent, for John & Janet Di Janni, Owners, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-2 (Residential- two dwelling units per acre). The property is located at 1849 Arroyo Chamiso and is approximately 2.0 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

6. **Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision.** JenkinsGavin, Inc., *Agent, for John & Janet DiJanni, Owner, requests approval of a preliminary subdivision* plat for four residential lots located at 1849 Arroyo Chamiso. The property is zoned R-1 (Residential- one dwelling unit per acre) and is approximately 2.0 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*
2. *Discussion of ENN Procedures and Policies.*
3. *Discussion of Affordable Housing.*

I. ADJOURNMENT

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	May 28, 2019
TIME:	10:03 AM

EXHIBIT B1

SUMMARY INDEX
PLANNING COMMISSION
June 6, 2019

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes & Findings/Conclusions		
1) Minutes of May 16, 2019	Approved	2
2) Findings/Conclusions:	Approved as proposed	2-3
a. Case #2018-97 - 4327 and 4323 Airport Road Rezoning		
E. Old Business	None	3
F. New Business		
1. Summary Committee Repeal	Postponed to next meeting	3-7
2. Case #2019-46. Verizon Facility	Approved	7-10
3. Case #2019-39. Special Use	Approved	10-13
4. Case #2019-38 Development Plan	Approved	10-13
5. Case #2019-40. 1849 Arroyo Chamiso Rezone	Approved	14-20
6. Case #2019-41. 1849 Arroyo Chamiso Preliminary Subdivision	Approved	14-20
7. Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment	Approved	20-31
8. Case # 2019-20. 4000 and 4100 Geo Lane Rezoning	Tabled	20-31
G. Staff Communications	Discussion	31-32
H. Matters from the Commission	Discussion	32-33

PLANNING COMMISSION
Thursday, June 6, 2019 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:04 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Janet Clow
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Mark Hogan [arriving later]
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
(One Vacancy)

Others Present:
Ms. Carol Johnson, Land Use Department Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Mr. Dan Esquibel, Planner Senior
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and Commissioner Hogan voting against.

MOTION: Commissioner Sategna moved, seconded by Commissioner Lawrence, to approve the preliminary subdivision plat in Case #2019-41, subject to conditions of approval and technical corrections recommended by Staff.

VOTE: The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and Commissioner Hogan voting against.

Chair Hiatt, regarding the Findings of Fact and Conclusions of Law for both cases, asked Ms. Paez if she had heard anything in testimony that would change her proposed FF/CL for both cases.

Ms. Paez said the actions are consistent with what is in the packet.

Chair Hiatt asked Mr. Logston if any testimony would change any FF/CL.

Mr. Logston said no.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, in Case 2019-40 and 2019-41 to approve the Findings of Fact and Conclusions of Law as proposed.

VOTE: The motion passed by majority voice vote with Commissioners Clow, Faulkner, Garcia, Hogan, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez was not present for the vote.

7. **Case #2019-19. 4000 and 4100 Geo Lane General Plan Amendment.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

8. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R -1 (Residential- one dwelling unit per acre) to R-6 (Residential- six dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)

Staff Report

Mr. Logston presented the Staff Report for both cases. He explained that the Applicant is not looking for preliminary subdivision approval right now, but he was asked to show how the density would look on the ground. The Planning Commission just makes a recommendation on both of the cases. He was not very specific about these parcels and in S.W.A.M.P. designations were given, based on who owns and current usage. While the parcel is designated as institutional, the Master Plan doesn't recommend against residential. The General Plan criteria meet growth and development goals and in SWAMP, this is not out of character. The use is advantageous to the public; it meets Chapter 14 standards and development and growth goals, and the infrastructure can handle it.

Three motions are required"
1 - recommend to the Governing Body to approve the General Plan Amendment on use to residential and no conditions are applicable.
2 - approve rezoning from R-1 to R-6, subject to conditions of approval and technical corrections;
3 - Approval of the FF/CL for both cases.

He said #2019-19 is the correct caption.

Applicant's Presentation

Mr. John Reeder was sworn and said he is acting as agent and as a 1/3 owner, here with his partners. We seek to develop as an Affordable Housing subdivision and feel that is very appropriate. It was institutional because it was owned by a church which was not possible to build and put it up for sale.

They are asking for R-6 rezoning. The property is bounded on two sides by R-12 and the others by R-6. So it will be consistent with the area and ideal for infill and requires no expansion of infrastructure. Roads and utilities are already there. They are seeking to develop 48 lots although 51 would be allowed at R-6. The public would be better served with residential instead of vacant land. People do donuts on the grounds there. So, there are hazardous activities now.

We were surprised at a little opposition and understand some neighbors are impacted by it who live right next door. Overall there is benefit to the public as a version of west meadows across the street.

Questions to the Applicant

Commissioner Faulkner asked what kind of housing they envision.

Mr. Reeder said they would not want to restrict manufactured housing that is permanently anchored. The lots would be 5,000 to 7,000 square feet so a house could be up to 2,000 square feet.

Commissioner Faulkner said she saw the rectangle shape and not square which would restrict building a house.

Mr. Reeder did not think so and said they still have flexibility there. Right now, it is very preliminary, and they seek rezoning first and then will be open to those comments.

Public Comment

Marty Rodriguez was sworn and said they were going to get a church there. She was born there and lived there all her life. There was no traffic and no crime but now there are both. She noted that the Mayor wanted to erase the lines between south side and downtown but putting another trailer park there would not erase it. We want something nice there. 48 mobile homes there would be a cost of a hundred more cars on Airport Road. She said she could just see the traffic and motorcycles that go in and out. She would rather have a church.

Helen Chávez was sworn and said she was born and raised here. She and her husband moved there in the 1990's he passed away four years ago. Geo Lane is my back yard. There is lots of crime there. No U-turns are permitted on that street. Cars could fit into Geo Lane and have to make a turn to go back onto Geo Lane. There are many schools there and businesses. The owner told her he was selling mobile home lots. She has two dogs to protect her from the things going on. She thought it will create more crime and traffic and deaths. Santa Fe has changed a lot. She would hope for commercial development. She asked the Commission to take thought things into consideration.

Debra Snyderman was sworn and explained that on KSK Lane, the only way in is by making a U- turn. She said, "I apologize if you feel I have been disrespectful. I have felt disrespected when the first mobile home moved into Buffalo Grass. The street I live on is R-3 and I have lived there since 1988 as a retired teacher. When I started, we were 47th in the nation in salaries and still made our adobe home very lovely.

In 2018 was the first mobile home and a wall separated me from neighbors who were also R-3. I had to build a coyote fence on top since the trailer was right in my face, so I had to adjust. Since the first one, I have felt totally disrespected by the City of Santa Fe. We are placed on the bottom of the list. It is symbolic for the way our part of the City is treated with trailers and inappropriate businesses.

"Many things that occur in my neighborhood would not be tolerated in other parts of

town. We have no covenants. I have a master's degree and traveled a lot of the world and intend to keep traveling. We appear to be the least likely to defend ourselves and get an attorney to help defend us. I've tried to work with Councilors and City Staff at City Hall. I do a lot of volunteer work like ESL tutoring at the Southside Library. That should be a standard for the rest of the Airport community but not what we are getting. People with money go in and buy it for Affordable Housing because there are no standards. They just want to cash out and divide their land into as many lots as possible. Where are they going to park two cars? Please consider those. To get to my house is the KSK Buddhist Center. The Dali Lama has been there and other important Buddhists. Anyone coming in has to make a U turn and the only place now is Paseo del Sol. This is an everyday occurrence. People on Paseo del Sol can turn right on red but people when I have a green arrow still turn and people blow me off. This is without the hundred extra cars needing to get into Geo Lane or Buffalo Grass. Only 4-5 cars that can get into that lane if coming from east. Coming from the west is a right turn and they must pass KSK Lane.

Chair Hiatt said the Commission usually allows 2-3 minutes.

Ms. Snyderman said the two issues are traffic safety and the standard for Affordable Housing. I'm all for Affordable Housing. As a social worker, research has been done how to create a healthy community and not an at-risk neighborhood.

Ms. Monica Marikapas, 1829 Hano Road, was sworn and a member on the board of the Buddhist Center and an event manager and assistant to the Lamas. As Buddhists, we try to find the best solution and be kind to all parties involved. But this development is clearly not good except for the developers. It is not a good space for human beings, being packed in as tight as possible with no room for children. The Buddhist is kind of in the center. There are three issues: traffic, neighbors impacted and impact on possible residents in this state.

"This is not an Affordable Housing project. To squeeze 48 trailers in doesn't make a good project in any way. I go to the Center 4-7 times each week. But I take my life in my hands when making a U–turn at Paseo del Sol. I pay attention every time. But there is going to be an accident there.

"We are a quiet group. We do Buddhist chanting and we are a peaceful group. I like having the big field behind us and the new development will abut right up against us from the back of our buildings."

"I also wondered when hearing questions about Arroyo Chamiso in a very large lot. These lots are already surrounded by huge numbers of people. How about R-2 and R-3 and put in real houses. I encourage you to vote against this.

Darrell McAllen was sworn and said, "Our biggest concern is traffic control. I go up Airport Road and it is a major road from 599 to Cerrillos Road. I leave at 5:45 but at

7:00 someone has to let us out to take kids to school. I never like to do a U-turn, so I have to go all the way around. I think it is way too many houses for such a small lot. There are about 80-100 mobile homes there now and 20 more nearby. The road is very narrow, and kids play there. We first heard they would put real homes there and I understand the rectangular shape now. With only two access points, the road is dangerous and narrow. I would not want a mobile home park there but regular homes on regular lots. Certainly not putting older manufactured homes there. I think there is a city ordinance to also consider.

Tanya Venetta, 134 Vista del Norte in the southern part of South Meadows, was sworn. We were never notified about this rezoning. I heard tonight that letters were mailed only to those within 200' but it should be to everyone who has to live on that road. I have two kids, 6 and 9. In the morning it is at a stop. And in the afternoon only 3 cars fit into Geo Lane and that needs to be adjusted. As far as Affordable Housing. we do need Affordable Housing, but it should not be at the expense of the people who already live there.

"I've heard you talk about a negative impact and this would definitely be negative on my community and my children. Please take into consideration the others who are there. Everyone who is affected should be notified. When you put up a sign, it is not like a letter and they will find someone who can tell them what it says. There are 80 homes in South Meadows and about 10% were notified.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Commissioner Faulkner said this development bothers me. Commissioner Garcia and I represent District 3 and density is a real problem. These are not communities, but houses and that property should be used as an amenity of some kind. No park is visible. I have a problem with increasing this density. There is no walkability to healthy food. We don't need to add more people to a food desert. Parks are not well maintained. This zoning is not appropriate because the area around is so dense.

Commissioner Clow asked about the type of homes for this property.

Mr. Logston said there are no new mobile homes or trailers permitted anywhere in the City. Manufactured homes are built to their own standard and matchstick built homes and are attached to the ground. We are not allowed to prohibit manufactured homes and people choose them for affordability.

The lot shape is rectangular and their size it typical for manufactured homes.

Mr. Berke added that a subdivision is just that - creating square pieces of land and the State Code prohibits us from prohibiting manufactured homes. The industry worked hard on that. HUD has standards for them. This is just a rezoning case. Some get

approved and then no development happens. Also, people like Pulte and D.L Horton could purchase those lots. Pulte bought and built 250 homes for Las Soleras.

It is an option for manufactured homes, and we don't regulate them except 1976. And stick built homes can be built there.

Mr. Logston said notice requirements in the code is mailing to those within 300' and frequently we hear people who did not get a notice. Maybe we should encourage applicants to expand that, but they followed code.

A grocery or a park would be an excellent development. Grocery stores come in when there is a critical mass. The City cannot force anyone to develop a grocery store there.

He did not discount any of the concerns the residents have when it comes to a head. We are planning to do much more updating to the General Plan, but he could only make a recommendation based on what we have in the Code and neighbors base it on other things.

Commissioner Hogan asked Mr. Romero about access to Geo Lane.

Mr. Romero said left turns are allowed and they don't have to make a U-turn. U turns are needed for Buffalo Grass Road. He understood how U-turns are considered difficult and dangerous. But they are not dangerous and in fact, are safer than allowing left out.

The City built medians along Airport Road and before them, there were constant left turns along Airport Road. With the medians, there have been bigger reductions of injury and accidents. Rarely is there an accident with U-turns. U-turners have to yield to left turners and right turners.

Regarding Geo Lane, the traffic study showed the left turn could accommodate the future traffic.

Commissioner Hogan asked if stacking is adequate for U-turns.

Mr. Romero said the left turn storage is small compared to other major roads. But the majority are accommodated.

We cannot increase capacity there. Connections have been improvements. We worked with schools, knowing we needed other ways out on the west side. The South Meadows connection to 599 makes it more desirable. More people use 599 to get downtown. We are also working on optimizing the signals on Airport Road and studying whether the Jemez Road signal is still needed. We are close to making the timing work there.

Commissioner Gutierrez said at peak hours, everybody is traveling up in the morning

and down in the evening and I don't think a 3-car capacity will work with the development. Cars travel extremely fast there on Airport Road. He asked if it can be extended.

Mr. Romero said if we could extend it, we would ask the developer to do that. But on the other side is a left turn lane just east of Geo Lane and to lengthen it would mean no left turn allowable.

Commissioner Gutierrez noted that property has not been built out.

Mr. Romero said it serves the whole area.

Commissioner Faulkner commented she did not care if trailers are there. The issue is density. There is so much need for amenities there and just adding more people just makes it worse. The city is being critical that our need for Affordable Housing still allows in lieu of fees. I am against the zoning to this level of density.

Commissioner Garcia said putting so many houses on smaller lots is not good. - Owning your own house is or should be everyone's right. There are also many homes there without amenities along Airport Road. This is a frontage of Airport Road and a little too dense. In this case, we need to consider how the whole neighborhoods there would work. I think the density is too much.

Commissioner Gutierrez had some questions for Director Ladd for clarity. If someone who wants to buy one and qualifies for 0 could pay $34,900.

Director Ladd explained the way it works is a 20% requirement with three different income tiers. It is a trigger for the Santa Fe Homes Program, but we cannot apply it until we get to the subdivision stage. This price in front of the Commission is a subsidized price for the lot and geared to the three tiers and would have to be certified by the City.

Commissioner Gutierrez quoted the list of Affordable Housing lots for this development but understood that might change as it goes forward.

Director Ladd agreed. There is a fractional fee for fractional unit. She clarified that the fee in lieu of amendment only applies to multi-family units. So there is not a relationship with these particular projects.

Commissioner Faulkner asked if any of that fund will be used on this property.

Director Ladd said that individual buyers might qualify if they are income-qualified.

Commissioner Faulkner asked if any of those funds go to individuals if they applied for a property for their home.

Director Ladd said it is very possible, if they qualify for those funds. The nonprofits

would connect them to those loans.

Commissioner Faulkner said the fee in lieu of provision allows a developer to not do Affordable Housing and spread affordable options throughout the city. Other developers do high density development in Districts 2 and 3. Everyone tonight complained about affordable clustering like in Districts 2 and 3. And the only way to combat poverty clustering and crime and low voting turnout and inequity in general is to spread poverty throughout a city. The Mayor gave us a book and that is one of the points in the book. There is an absolute connection.

Director Ladd said the Affordable Housing Trust funds are allocated on an annual basis and nonprofits propose a method for assistance. That can be rental assistance or down payment assistance. Because of rental assistance, it can be used on any property and allows a person the ability to rent or buy in any section of the city. She felt it gives people a choice to live in any part of town and not be limited to a development like this.

Commissioner Faulkner said that is if the area will accept the developer.

Director Ladd said it is just an issue if the landlord is able to choose which kind of assistance vouchers they choose to accept.

Chair Hiatt asked Mr. Reeder if he had thoughts about massaging the project in any way.

Mr. Reeder said Mr. Logston already addressed the notices and we mailed out 114 letters within 300' of our property. We are bordered on the north by Shalom R-12 and on south by a trailer park at R-12. The recommended density for low income is R-7 and we didn't go that far. If the lots were bigger, it would not be affordable homes. We want an R-6 subdivision. We could look into more square shape. We hired a civil engineer but wanted to get rezoning before doing the engineering for the density. We can try to make the lots more conducive to stick-built houses.

We did volunteer to construct sidewalks on Geo Lane and Buffalo Grass on our side all the way to Airport Road. So people would not have to walk in the street.

Commissioner Gutierrez said he was on the Commission when Buffalo Grass came in. The end game of what happened there was not a benefit to the city. So if you get approval here, how would you mitigate the problem of trying to get 2 mobile homes on one lot? That is what happened in Buffalo Grass. With two trailers, the quality of life is not good.

Mr. Reeder thought they could create covenants for only one unit per lot and that all be anchored with a permanent foundation. We also could build a wall to screen from adjacent developments.

Commissioner Gutierrez concluded that they are not opposed to limiting one dwelling unit per lot.

Mr. Reeder agreed, although the City might override that.

Commissioner Gutierrez asked if that limitation could be done on the plat.

Mr. Berke said the City cannot and the Commission cannot impose conditions that violate the laws and ADUs are allowed but the Developer can impose covenants on them. The City cannot enforce those covenants. The Rufina subdivisions were oddly shaped but could still have stick-built homes. The developer offered to put a covenant on the plat and with staff, they kept up with it.

Commissioner Gutierrez said Mr. Reeder could put that covenant on the plat. Okay.

Commissioner Gutierrez would like to see two entrances on Geo Lane and two on Buffalo Grass to deal with traffic.

Mr. Reeder said they could think about that. Buffalo is much narrower than Geo Lane. Having that one entrance was to discourage people from Buffalo Grass and directing to Geo Lane. That was their own engineering thought.

Commissioner Gutierrez said a lot at 25' wide and 100' long eliminates a place for kids to play. He would support more open space and he would require longer stacking.

Commissioner Faulkner asked if as developer, he would create the covenants but an HOA would enforce them. She said in her neighborhood, no HOA ever evolved so we have no covenants. They are only as good as the HOA ability to enforce them. That is a big risk.

Commissioner Hogan noted there are other deed restrictions possible.

Commissioner Sategna said to Director Ladd that at this point we are just recommending on rezoning and a lot of this is hypothetical on what it would mean for Affordable Housing. He was just trying to understand is the higher density or 25% to qualify for Affordable Housing would apply. What triggers the Affordable Housing? Would the developer be required to provide a 20% subsidy?

Director Ladd it is 20% for residential and 15% for multi-family. And multi-family can get 15% by right. To pay a fee other than that, is not an option for the developer. It is 20% on this number of lots.

Action of the Commission

MOTION: Commissioner Faulkner moved to not recommend R-6 density. It is already so dense that adding more people will not help the problem for social justice and food.

Director Johnson advised that the General Plan Amendment must be considered first.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Sategna. to not recommend the General Plan Amendment. [She later withdrew the motion.]

Commissioner Gutierrez said instead of having this coming to a vote, he would like to see more work put in on it. Penciling out what the partners think would work to make it a nice subdivision for Airport Road. He would rather see it tabled with more thought to be put into it. They have heard the concerns of the neighbors.

Commissioner Hogan thought the Commission could provide specific direction. He pointed out that R-6 zoning is not inherently dense.

Commissioner Faulkner said less density and more consideration for a park or open space for people who live there would be best. She was willing to withdraw her motion if they are willing to be less dense with more amenities.

Mr. Berke explained the General Plan Amendment could be approved with conditions attached on street width, right angles, etc. Right now the General Plan has institutional use there from R-1- R-6.

Commissioner Faulkner asked that they consider a grocery store rather than residential. Getting rid of amenities is not good.

Chair Hiatt did not have a sense of where the Commission is going and although she made a motion, not to assume that he would be thinking it is not going his way. But he asked if the Applicant would like a table or go for a vote.

Mr. Reeder asked to confer with his partners.

After conferring, he said, "We have waited six months since the ENN meeting. We'd like a decision but are willing to work on it more.

He asked if the Commission could act on the General Plan Amendment and table the rest. He clarified that the application would not be for a grocery store. It will be residential. It is not going to be a church either.

Commissioner Faulkner withdrew her motion to deny.

Commissioner Clow pointed out that if we approve the General Plan Amendment to a lower density, would it mean it is up for grabs to be decided later.

Director Johnson said yes. It would move the General Plan Amendment to the Governing Body and the uses are fairly broad that would be consistent with the General Plan.

Commissioner Clow thought it would be appropriate to consider that.

MOTION: Commissioner Clow moved, seconded by Commissioner Faulkner, in Case #2019-19, to approve the General Plan Amendment from institutional to low density residential with the conditions of approval recommended by Staff.

Commissioner Sategna asked if it is appropriate to ask them to return.

Commissioner Hogan said this motion just gives them permission to return.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Ms. Paez recommended to table the rezoning issue.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Clow, to table Case #2019-20.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Commissioner Faulkner felt badly for the developer and said it is just circumstances.

Chair Hiatt thanked those who testified.

G. STAFF COMMUNICATIONS

Director Johnson reported that with the adoption of the budget, some changes were made. In the reorganization, two assistant directors will be added to the team. The posting of the positions closed yesterday evening. We have put in the work program two ambitious projects. One is the update to the Land Use Code to improve processes, particularly ENN and have more consistency among the processes and the other part is initiating a community conversation on how to approach General Plan Amendments and is streamlining the number of elements. It has been almost 20 years since this

conversation happened and moving into year two, to be able to get into more substantive changes. The broader conversation is on how to govern ourselves. All of this is conditioned upon hiring those two directors.

Ms. Paez announced the City Attorney's Office is 100% staffed.

Mr. Berke said he felt this was great discussion tonight.

Mr. Berke and Chair Hiatt both apologized for the confusion regarding the Findings of Fact and Conclusions of Law.

H. MATTERS FROM THE COMMISSION

1. *Planning Commission Agendas and cases.*

Chair Hiatt said the results from the conversation among Commissioner Faulkner and Chair Hiatt with Staff were a concern that this would take us past 10 pm and it has already. We are all committed to two meetings per month with projects spaced out.

Commissioner Faulkner thought everyone was ready to run by the time we are done, and we are tired, and it is not fair to the public when we are exhausted. We need to give them the time and thought they deserve. And should have a public comment on agendas.

She asked Staff to bring back next time what a public comment is to be. I signed up for two meetings.

Chair Hiatt asked Councilor Heldmeyer about having public comment to make sure we get the public input.

Commissioner Faulkner thought if we had two meetings each month, we would not be stacked up for time.

Councilor Heldmeyer thought public comment is good but on a specific topic at a specific time makes lots more sense. The School Board has a public comment on their agenda and people talk about whatever they want. if it is not an item on the agenda. She gave several examples.

If the question is how we can bring up a subject, in terms of land use, there are many specific issues that could be notified what is to be discussed and a fair number would make good comments. It is possible but it needs structure.

Commissioner Faulkner said she had talked to Director Johnson about this. We were thinking about all the stuff staff reviews. This comment could give feedback.

Ms. Heldmeyer agreed and not on quasi-judicial items.

Chair Hiatt asked for comment from Director Johnson - Whatever we can do to balance it and not make the public get upset with us.

Director Johnson said she would rather have their two projects not be the focus. Also, LRP has not been active and with these two hires, their first work would be community outreach.

Chair Hiatt asked to get some ideas when they would come up.

Director Johnson anticipated a hiring list within a week to ten days. They probably won't be on board on July 1. And she also has to issue an RFP for our consultant.

Ms. Heldmeyer said after July 1, we will have an increase in constituent service and with people who help Councilors. There will be two of them for 8 Councilors. They will get input on a lot of things from the public and they could help LUD on what they are hearing about. It gives you some extra hands.

Chair Hiatt thought we should postpone discussion on ENN and fee in lieu of.

2. *Discussion of ENN Procedures and Policies.*

This item was not considered.

3. *Discussion of Affordable Housing.*

This item was not considered.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 10:28 p.m.

The next meeting will be June 20, 2019.

Approved by:

John B. Hiatt, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 2

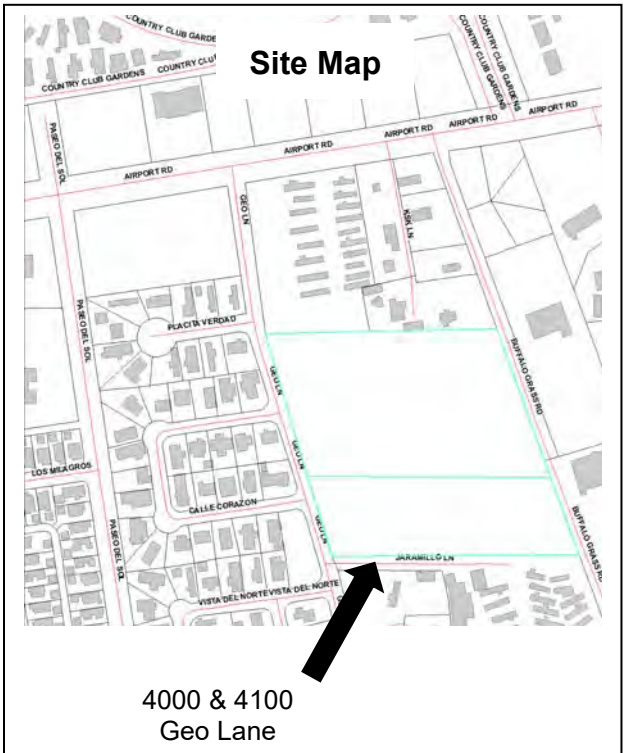
Planning Commission Staff Reports and Packets

February 6, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B2

Land Use Department
Planning Commission Staff Report

Case No:	2019-20 & 2019-1520
Hearing Date:	February 6, 2020
Applicant:	John Reeder
Request:	Rezoning & Preliminary Subdivision
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018 & December 9, 2019
ENN Mtg:	January 31, 2019 & November 6, 2019
Proposal:	Rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre), and Preliminary Subdivision approval for 42 residential lots on 8.59 acres.



Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

RELATED CASE:

Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment*. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).* ***RECOMMENDED FOR APPROVAL TO THE GOVERNING BODY JUNE 6, 2019***

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of the rezoning request and approve the preliminary subdivision plat.

Four motions will be required in this case:

- *Recommend the Governing Body approve the rezoning request for Case #2019-20 from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre);*
- *Approve the preliminary subdivision for Case #2019-1520 subject to rezoning approval by the Governing Body, with the conditions of approval and technical corrections as outlined in this report;*
- *Approve the Findings of Fact and Conclusions of Law for Case #2019-20 (Exhibit A(2)); and*
- *Approve the Findings of Fact and Conclusions of Law for Case #2019-1520 (Exhibit A(3)).*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2019-1520:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Preliminary Subdivision approval is dependent on being granted a Rezoning to R-6.	Land Use/Current Planning	Prior to Final Subdivision Approval
2	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department.	Engineering Division/Traffic	Prior to Final Subdivision Approval
3	The Developer shall provide a signing and striping plan.	Engineering Division/Traffic	Prior to Final Subdivision Approval
4	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used shall be reviewed and approved by the City's Public Works Department and shall be New Mexico Night Sky Protect Act compliant.	Engineering Division/Traffic	Prior to Final Subdivision Approval
5	Provide certified drainage report stamped by a registered NM Professional Engineer.	Technical Review Division/Terrain Management	Prior to Final Subdivision Approval

6	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD.	Public Utilities/Water Division	Prior to Obtaining Water Service
7	Indicate on subdivision drawings how the project will meet the requirements in 14-8.4 (E), (F), (G,) and (H).	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval
8	Graphically indicate the street trees with the same size symbol throughout the plan to make clear what is tree and what is shrub. When more than ten trees are required by Section 14-8.4, more than one species shall be provided unless otherwise approved.	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval
9	Storm water detention ponds must be landscaped per Subsection 14-8.4(F)(2)(e). Open space must be planted per Subsection 14-8.4(H), however if a park dedication is accepted by Santa Fe Parks and Recreation, this will be waived in lieu of the Parks and Recreation requirements.	Technical Review Division/Landscape & ADA Site	Prior to Final Subdivision Approval

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the plat prior to recordation are listed in Exhibit A(1).

III. EXECUTIVE SUMMARY:

The Planning Commission first considered an application for this property on June 6, 2019. The application, at that time, consisted of a General Plan Amendment from Institutional future land use designation to Low Density Residential (three to seven units per acre) which was recommended for approval, and a rezoning from R-1 (Residential- one dwelling unit per acre to R-6 (Residential- six dwelling units per acre). The Applicant's intent at that time was to develop approximately 48 residential lots on +/- 8.59 acres. The Planning Commission tabled the rezoning request, asking the Applicant to come back with something potentially less dense that would better address the concerns of the surrounding residents, which included traffic, density, lot shape, type of housing to be built, and the lack of parks and open space.

The Applicant is now requesting a rezoning to R-5 (Residential- five dwelling units per acre), and is requesting preliminary subdivision approval for a 42 lot subdivision. While the proposed density is not significantly less than the original proposal, the Applicant has made a number of changes to the proposed subdivision in an attempt to address resident concerns. The amended rezoning application did not require a new Early Neighborhood Notification (ENN) meeting, but an ENN for the preliminary subdivision application was held on November 6, 2019. The Applicant held an additional, non-required meeting the following week.

If given a favorable recommendation on the R-6 rezoning application, the Applicant will go to the Governing Body for final approval of the rezoning and the General Plan Amendment. A preliminary subdivision approval would be conditioned on the Governing Body approving both the General Plan amendment and the rezoning. If the General Plan amendment and rezoning are approved, the final subdivision plat will come back to the Commission for final approval.

IV. BACKGROUND

At the ENN and the June 6, 2019 public hearing for the original application, the proposal met with considerable opposition from residents who feel that the Southside is experiencing rapid and uncontrolled growth, resulting in poor quality of life for residents. Residents opposed the rezoning request at this location for a multitude of reasons, including traffic impacts, the potential for the subdivision to become a manufactured home community, and quality of life issues. The following section will detail how the Applicant has attempted to address each of the concerns with this amended application.

Traffic

Volume: Residents have said that they feel that Geo Lane and Buffalo Grass Road are very busy and cannot accommodate any more traffic. Approximately 109 residences have their primary access from Geo Lane. Buffalo Grass Road provides access to far fewer houses (fewer than 20) but provides access for a number of businesses. The Traffic Impact Analysis (TIA) performed for the original R-6 proposal measured traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. For all of these intersections, the Level of Service (LOS) grades did not change with the additional traffic to be generated by the subdivision. Specifically, the intersections of Geo Lane and Buffalo Grass Road currently operate at level of service “B” at both morning and evening peaks, and this level of service will not change with traffic from the new subdivision. The proposed subdivision has two accesses on Geo Lane and one on Buffalo Grass. All three of these intersections are expected to operate at level of service “A”. Therefore, while there may be a perception that these are very busy roads, they are not currently near capacity, and the effect of the new subdivision will not change the LOS for these roads.

Parking: Residents have expressed concern that residents of and visitors to the new development will park on Geo Lane or Buffalo Grass Road instead of within the subdivision. Each lot within the subdivision will easily provide the required two off street parking spaces. Furthermore, three out of four primary streets within the subdivision will be 50 foot public ROWs, which are wide enough for parking on one side of the street. The one road within the subdivision that is built on a 42 foot ROW is a cul-de-sac. It should be noted that even if there is overflow parking, Geo Lane and Buffalo Grass Road are both public streets, not private. Geo Lane has a 50 foot ROW which can accommodate parking on one side.

Manufactured Homes

Lot shape: There was conjecture at the June 6 hearing that the rectangular shape of the lots in the original subdivision design would encourage the placement of manufactured homes over building stick-built homes. The perception was that lots were too narrow for stick-built homes, but with an average width of approximately 50 feet for over half the lots in the original conceptual layout, they were typical of lots in many stick-built home subdivisions. Many of the single-family, stick built home lots in El Camino Crossing are 44 feet wide. Stick built homes in Cielo Azul are being built on 40 to 50 foot wide lots, with an average

lot width of roughly 45 feet. In Las Acequias, sick-built home lots average approximately 50 feet wide. In spite of this, to address concerns of the Commission and residents, the Applicant has increased the width of the lots to an approximate average width of 58 feet.

Federal and state law regarding manufactured homes:
It has been argued in this case, and it is frequently argued, that residents of the new subdivision might bring in new or old mobile homes. The National Manufactured Housing Construction and Safety Standards Act of 1974 established construction, design, performance, and installation standards for manufactured housing or prefabricated homes. The Department of Housing and Urban Development (HUD) enforces these standards to assure their quality, durability, affordability, and safety. These HUD construction and safety standards preempt state and local laws, and apply to all manufactured homes produced after June 15, 1976. Manufactured homes are built to stick built home standards.

New Mexico followed up with its own law reinforcing the National Manufactured Housing Act of 1974 with the New Mexico Manufactured Housing and Zoning Act in 1978:

> *In the exercise of any of the powers and duties conferred by law, no governing body of a political subdivision of the state or any planning and zoning agency thereunder shall exclude multi-section manufactured homes from a specific-use district in which site-built, single-family housing is allowed or place more severe restrictions upon a multi-section manufactured home than are placed upon single-family, site-built housing within that specific-use district so long as the manufactured housing is built or constructed according to the Housing and Urban Development Zone Code II or the Uniform Building Code [3-21A-3 N.M.S.A. 1978].*

Municipalities simply cannot restrict manufactured homes due to neighbor sentiment. The only authority municipalities have is to regulate aesthetic standards. The New Mexico Manufactured Housing and Zoning Act continues to state that:

> *The governing body of any political subdivision of the state or any planning and zoning agency thereunder is authorized to regulate manufactured housing to require that it meets all requirements other than original construction requirements of other single-family dwellings that are site-built homes in the same specific-use district and to further require by ordinance that such manufactured housing be consistent with applicable historic or aesthetic standards [3-21A-3 N.M.S.A. 1978].*

SFCC defines a single-family dwelling unit *as "One principal dwelling unit, occupied by one family, located on a lot without other principal uses or structures. Single- family dwelling includes a manufactured home but does not include a mobile home."* A mobile home can only be placed on a lot as a single family use with a special use permit. Finally, mobile homes and RVs are prohibited as accessory structures per Santa Fe City Code (SFCC) Section 14-6.3(C).

Covenants: It was clear, in discussion about manufactured homes, that neighbors fear that older, unattractive manufactured homes would be brought into this subdivision. The Applicant has included in their covenants provisions that the homes be no more than five years old, and that the homes be attached to a permanent masonry foundation finished in stucco or some other material that compliments the finish

of the home. This is to ensure a more grounded, permanent finish than skirting that will be consistent throughout the development. The Applicant is willing to place a restriction on guesthouses in the HOA covenants.

Quality of life issues

Pedestrian safety: Residents have said that they feel their neighborhood is dangerous for pedestrians. Geo Lane does not currently have a continuous sidewalk connecting to Airport Road, and Buffalo Grass Road only has one on its east side. The City is not requiring it, but the Applicant is offering to build approximately 400 feet of off-site sidewalk on the east side of Geo Lane, and almost 500 feet off-site on Buffalo Grass Road. Sidewalks would be 5' wide and a planter strip would be provided, but not planted. This would connect the new subdivision and to Airport Road and vastly expand the sidewalk system within the greater neighborhood. As an off-site infrastructure improvement, City staff will not require this, but if the Applicant confirms willingness to construct off-site sidewalks at the public hearing, this could be included final subdivision stage.

Road alignments: Residents have expressed concerns about cut through traffic in the new subdivision. The Applicant has aligned the roads within the proposed subdivision in such a way as to eliminate a straight through path.

Lack of parks: Residents have said repeatedly that they feel that the south side generally is devoid of parks, and have repeatedly said that, even though the lot size, shape, and layout is really no different from any other subdivision, that that the proposal did not offer any chances for recreation, and would be unhealthy for children. While the dedication of park land is not required for a development this size, the Applicant will dedicate a quarter-acre public park to the City at this location, and the Parks Department has committed to maintain it. This park will be open to all residents.

The Applicant is also willing to donate the lot directly adjacent to the KSK Buddhist property to the organization as a garden space for the Temple, or perhaps to the neighborhood for use as a community garden. At the time of this application, this is still being discussed. If not donated, the lot would be an additional open space parcel for the subdivision and would not be developed as a residential lot. This will be specified by a note on the plat. Additionally, at the request of residents, the Applicant has provided a larger rear setback for structures on several of the lots that are closest to monk residences on the KSK grounds.

General quality of life concerns: Residents voiced many concerns over general crime and declining quality of life in their area. Many of these concerns are big picture issues that cannot be addressed with this application, but as detailed in this staff report, the Applicant has done what is possible to address these concerns with the subdivision design. "Quality of life" is not determined by density or housing type alone. The proposed development is not any denser that any of the surrounding development; in fact, it is less dense than many of the surrounding areas.

V. EXISTING CONDITIONS:

Land Use

Surrounding development consists mostly of single-family, manufactured homes and small mobile home parks. Surrounding zoning includes R-3 (Residential- three dwelling units per acre), R-6 (Residential- six dwelling units per acre), R-12 (Residential- twelve dwelling units per acre), and MU (Mixed Use).

Direction	Property Address	Zoning
North	KSK Lane, KSK Buddhist Center, Shalom Mobile Home Park	R-1 & R-12 (Residential- one dwelling unit per acre & Residential- twelve dwelling units per acre)
East	Buffalo Grass Road assorted properties	MU (Mixed-Use District)
South	Jaramillo Lane	R-3 & R-12 (Residential- three dwelling units per acre & Residential- twelve dwelling units per acre)
West	West Meadow Subdivision	R-6 (Residential- six dwelling units per acre)

VI. PROJECT ANALYSIS:

Traffic and Access

Geo Lane is a 50 foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40’ public ROW, with approximately 18’ of pavement and sidewalks. The Applicant will construct curb, gutter, and sidewalk along their property on the east side of Geo Lane and the west side of Buffalo Grass Road, dedicating any necessary ROW for the improvements. As mentioned before, the Applicant will also extend both of these sidewalks north to connect with existing Airport Road sidewalks. This amounts to approximately 900’ of off-site sidewalk improvements that will improve pedestrian safety for existing and future residents.

Currently, Buffalo Grass Road terminates before the southeast corner of the project. The ROW for an extension to Buffalo Grass is already dedicated on the Jackhammer Associates property at 3938 Buffalo Grass Road. The Applicant will construct approximately 265 feet of road, curb, gutter, and sidewalk on this property to connect to the proposed development, paving it to the width of existing Buffalo Grass Road pavement.

The proposed subdivision would have two entrances onto Geo Lane and one onto Buffalo Grass Road. The preliminary design was configured to direct traffic onto Geo Lane, making use of the left turn lane that exists on Airport Road for westbound traffic. The entrances from both Geo Lane and Buffalo Grass Road have been deliberately not aligned in order to discourage any through traffic "short cuts" through the subdivision.

Subdivision Analysis

No common open space is required in a single family subdivision of this type, as lots are of sufficient size to not trigger the requirement. As mentioned in the background section, the Applicant intends to donate/dedicate the equivalent of one lot either to KSK Temple or to the residents as open space within the subdivision. The nature of this land donation/dedication will be resolved by the time the Applicant

seeks final subdivision approval. The following table summarizes information about the proposed subdivision:

Zoning	R-5 (Residential – five units acre)
Total Lots	42
Affordable Lots	8 (20%)
Gross Density	4.8 units/acre
Average Lot Size	5,847 sf
Street Setback	7’ or 20’ (Standard R-1 through R-6)
Side Setback	5’/10’ set/step back (Standard R-1 through R-6)
Rear Setback	15’ (Standard R-1 through R-6)
Height at Setback	14’ max height at 5’ setback
Maximum Height	24’ max
Park Dedication	0.26 acres
Ponding/Retention	0.41 acres
Voluntary Dedication	0.14 acres

Grading and Drainage
The site is fairly flat, draining to the south and east with a slope of approximately 18 feet in 800 feet. A centralized pond at the southeast corner of the property will handle storm water runoff.

Fire, Water, Sewer, and Dry Utilities
Both Geo Lane and Buffalo Grass Road have City water, City sewer, and gas lines. There are two fire hydrants nearby, on Geo Lane and Buffalo Grass Road at the northwest and northeast corners of the properties, respectively.

Impact on Schools
The Applicant notified Santa Fe Public Schools per Ordinance 2008-32 of the proposed development.

Santa Fe Homes Program
Per SFCC Subsection14-8.11(D)(1), the rezoning request triggers the Santa Fe Homes Program (SFHP) requirement for affordable lots. Based on the Applicant’s subdivision, eight lots (20% of the total proposed) will be affordable and will be identified on the subdivision plat. The SFHP Agreement will be finalized at the time of subdivision approval and payment collected when final subdivision documents are recorded. In the event that the property is sold before lot sales commence, the obligation transfers with the title.

Homeowners Association and Private Covenants
HOA assessments will pay for community expenses for maintaining common areas such as retention ponds, maintaining private roadways that access garages, and maintaining subdivision boundary fencing. As discussed in the background section, they are also provisions regarding the age, type, and foundation requirements for any manufactured homes placed within the subdivision.

Environmental Review: Archaeology and Prairie Dogs

The project lies within the Suburban Archaeological Review District. As the property is under ten acres in size, an archaeological clearance permit will not be required per SFCC Subsection 14-3.13(B)(3)(a). The Site will be assessed for prairie dogs and any colonies will be relocated per SFCC Section14-8.12 prior to issuance of construction permits.

VII. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(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;** **(iii) a different use category is more advantageous to the community, as articulated in the General Plan or other adopted city plans;**	**Criterion Met:** (Yes/No) **YES**
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-5 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The Commission has already recommended changing the future land use designation from Institutional to Low Density Residential, recognizing the abundance of land designated Institutional in this area, and consistency with the SWAMP and with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No) **YES**
The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No) **YES**
The proposed rezone is consistent with the Commission's previous recommendation to change the	

future land use designation from Institutional to Low Density Residential. The Southwest Area Master Plan (SWAMP) serves as the general plan for this area, and the SWAMP is essentially neutral about residential housing at this density in this area. Low density residential is an appropriate land use with the general Mixed Use intent of this area, and as found by the Commission in the general plan amendment case, housing at this location "would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area."	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No) **YES**
The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)), and is consistent with the General Plan in terms of density.	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No) **YES**
A traffic impact analysis was previously performed to assess the impact of the additional traffic anticipated to be generated by the proposed development, based on R-6 density, higher than the R-5 now proposed. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off-site sidewalk improvements. Water and sewer are readily available in both Geo Lane and Buffalo Grass Road. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development. The Applicant is dedicating a public park to the City. Existing infrastructure can accommodate the development, and the Applicant is making improvements as well.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 42 lots, and includes the dedication of a quarter acre park and potential donation of a lot to either the KSK Buddhist temple or the community. The average lot size is over 5,800 square feet, well over the minimum lot size of 4,000 square feet. The proposed subdivision includes several roads wide enough to allow for on-street parking, so resident and visitor parking should be confined to the subdivision. The developer is willing to	

build 900 feet of off-site sidewalk improvements. A public park will be dedicated. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed density. The Applicant will make road improvements to their property, as well as extensive off-site sidewalk improvements.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No) **YES**
The Applicant will make road improvements to the property, as well as extensive off-site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.	

VIII. PRELIMINARY SUBDIVISION PLAT

SFCC Section14-3.7 governs the authority, procedures and restrictions for the division of land. SFCC Subsection 14-3.7(B)(3)(d) states that "The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider."

The criteria for approval of a Preliminary Subdivision are detailed below:

Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.	**Criterion Met:** (Yes/No) **YES**
Archaeological clearance was not required for this proposal. There is minimal vegetation on the site, and there are no significant natural features, water courses, or historical sites.	
Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land	**Criterion Met:** (Yes/No) **YES**

shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).	
There are no water courses or FEMA designated flood plains on or near this property. There is minimal slope to the property, with less than 20 feet elevation loss between the north and south boundaries of the property. The retention basin is located at the southeast corner of the property, where it will take full advantage of natural slopes.	
Criterion 3: All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).	**Criterion Met:** (Yes/No) **YES**
The Development Review Team (DRT) has reviewed the Applicant's proposed subdivision design. The DRT includes the following City Divisions: Traffic, Technical Review, Water, Sewer, Fire and Land Use. Review comments and conditions from the DRT provide necessary changes to the proposal to conform to the City Code in order to meet standards for public health, safety or welfare. The engineering design for terrain management, roads and utilities complies with all requirements of Chapter 14. Sewer will gravity flow for all lots within the subdivision. The water line will be capable of providing the fire flow standards of the International Fire Code.	
Criterion 4: A *plat* shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any variances with this proposal.	
Criterion 5: A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any exceptions with this proposal.	

IX. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for the original application, consisting of general plan amendment and R-6 rezoning requests, on January 31, 2019. Approximately ten members of the public attended. An ENN for the amended application, consisting of an R-5 rezoning request along with preliminary subdivision approval, was held on November 6, 2019. Four residents signed in. Additionally, another informal meeting for neighbors was held on November 12, 2019 as an additional opportunity for neighbor input, which was attended by two residents and one member of the press. Concerns voiced at all meetings were largely the same, and the Applicant's efforts to address these concerns are detailed in the Background Section of this report. ENN notes are found in Exhibit D.

X. EXPIRATION

According to SFCC Subsection14-3.19(B)(2) “Approval of a preliminary subdivision plat … shall expire three years after final action approving it unless the final plat … is approved.” Should the Commission approve the preliminary subdivision plat and adopt the recommended Findings of Fact at this hearing, the expiration date would be February 6, 2023.

The rezoning request is a recommendation, rather than a final decision. Therefore, there is no expiration date provision in our code.

XI. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2019-20
3. Draft Findings of Fact/Conclusions of Law Case #2019-1520

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division Memorandum, John Romero, P.E
2. Technical Review Memorandum, Dee Beingessner
3. Water Engineering Division Memorandum, Brian Snyder
4. Wastewater Division Memorandum, Stan Holland, P.E.
5. Landscape & Site ADA Compliance, Dalinda Bangert
6. Fire Department Memorandum, Geronimo Griego

EXHIBIT C: Maps and Photos

EXHIBIT D: Early Neighborhood Notification

EXHIBIT E: Applicant Materials

1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Interim Land Use Director	Eli Isaacson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification

1. ENN Packet
2. ENN Sign in Sheets
3. ENN Notes

EXHIBIT B2

Geo Park, LLC
P.O. Box 1523
Santa Fe, NM 87504
505-690-8098

October 21, 2019

Dear Property Owners and Residents,

We are following up on our earlier meetings and Planning Commission hearing from June 6th and have scheduled an ENN (Early Neighborhood Notification) meeting for Wednesday, Nov. 6th at 5:30 pm in the Southside Library Branch to discuss our revised proposal for development of the 8.589 acres at 4000 & 4100 Geo Lane. Our revised proposal reflects feedback from neighbors and commission members who raised concerns about the density we were originally requesting, open space and other considerations. Our new request is for reduced density from R-6 to R-5 with larger and reconfigured Lots, more open space, wider roads, and other improvements.

Early Neighborhood Notification is intended to provide for an exchange of information between applicants for proposed development projects and the project's neighbors before plans become too firm to respond meaningfully to community input. In order to offer ample opportunity for neighbors to provide feedback there will be another meeting the following week on Tuesday, Nov. 12th, at 5:30, also in the Southside Library, for anyone wishing to attend the official ENN meeting but cannot make it on Wednesday, Nov. 6th. This additional meeting will be informal but will be open to anyone wishing to offer input.

Pursuant to the City of Santa Fe Land Development code : SFCC 14-3.1 (F), the official Early Neighborhood Notification meeting is scheduled for:

Time: **5:30 pm**
Date: **Wednesday, Nov. 6th**
Where: **Southside Library Branch 6599 Jaguar Drive, Santa Fe, NM 87507**

Attached you will find a vicinity map for our proposed project. If you have any questions or comments and you cannot attend either meeting, please feel free to call me anytime at 505-690-8098 or email me at johndreeder@gmail.com. I will be happy to arrange to meet individually at a mutually convenient time and place.

Respectfully,

John Reeder - Geo Park, LLC

ENN GUIDELINES

Applicant Information

Project Name: Geo Lane Park

Name: Geo Park, LLC
Last First MI

Address: PO Box 1523 Santa Fe NM 87504
Street Address Suite/Unit #

City State ZIP Code

Phone: 505 690 8098 E-mail Address: johndreede@gmail.com

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

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS ***For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.***

The proposed Geo Lane Park will be a residential subdivision, primarily single story, detached single family residences. The effect on the character and appearance of the surrounding neighborhoods will be to improve the overall residential quality and character, and improve pedestrian access to and from the area. The requested R-5 density will be less than any surrounding developments, which include R-11 to the North, R-12 to the South, and R-6 to the West.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT ***For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.***

Currently, the 8.589 acres for the proposed development is vacant land, sparsely dotted with a few small trees and numerous shrubs and cactus. The relatively flat land is criss-crossed by some dirt tracks. Trespassing all terrain vehicles sometimes create a nuisance of noise and dust. There are no significant features such as rock formations, rivers, arroyos, etc., and no public easements or facilities.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

There are no known Pre-Historic, Historic, Archeological, or Cultural sites or Structures located on the property. There are no acequias on the property and it is many miles from the historic downtown Santa Fe area.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The proposed development is intended to follow the requirements of the City's General Plan for re-zoning requests and to continue to follow the City's requirements as to Code compliance as the development progresses. The proposed zoning and density meets the City's General Plan Land Uses and Densities guidelines and is appropriate for the surrounding area and will be in a proper and favorable relationship to it's neighbors.

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

The proposed development will add to vehicle and pedestrian traffic on Geo Lane and Buffalo Grass Rd. from the development North to Airport Rd., and then East and West along Airport Rd. A traffic impact study completed in May of 2019,* determined the development would have a minimal traffic impact on the surrounding roadway network.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The proposed development will provide temporary jobs for the construction phase of the project, leading to an additional population base of 43 families. This population increase will help support existing and new businesses in the Airport Rd. corridor , as well as the greater Santa Fe City area. The City and the County will both see an increase in property tax revenue from the development.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The proposed development will result a significant addition of permanent affordable housing units to the City's housing supply. Such units are currently in short supply and the project will provide many lower income families of different ages and mixes with a badly needed local option for a relatively affordable home within the City.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

*Terry O. Brown, P.E. Certified Traffic and Transportation Engineer

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

Although the proposed project will result in additional impact on City infrastructure and services, including Fire and Police protection, School and City transportation services, as well as City and private utility services, these impacts will be minimized due to the infill nature of the development. All utilities are quite close to the project and no extensions of sewer or water distribution lines, or other infrastructure will be necessary.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

The proposed project is a small scale residential development and will not require the master planning of mixed land uses. Sidewalks with ramps will be incorporated throughout the subdivision on both sides of all roads for the safe use by pedestrians.

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

As mentioned in (h) and (i) above, the proposed project will be an infill development and as such will conform with the City's General Plan goals for such development. Because the proposed project has existing residential developments on 3 sides the proposed zoning and density is highly appropriate and shall compliment it's urban form.

(l) ADDITIONAL COMMENTS (optional)

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

Project Name: GEO LANE PARK **Meeting Date:** NOVEMBER 6, 2019

Meeting Place: SOUTHSIDE LIBRARY **Meeting Time:** 5:30 PM

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Helen M. Chavez	214 Calle Lena	
☐	2	Theresa Gallegos		
☐	3	Mark Podojil IV	607 Cristo Rey	
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

LEE LOGSTON
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

NOV 6, 2019
Date

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

EXHIBIT B2

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

Project Name: GEO LANE PARK **Meeting Date:** NOVEMBER 6, 2019

Meeting Place: SOUTHSIDE LIBRARY **Meeting Time:** 5:30 PM

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Marmika Patkiewicz	3777 KSK Lane/Buddhist Center	Marmika@gmail.com
☐	2			
☐	3			
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

LEE LOGSTON — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

Nov 6, 2019 — Date

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

EXHIBIT B2

South Side Library
11·12·2019
5:30 pm

Sign In Sheet

Marnika Paskiewicz –

Katherine Lewin

Helen N. CHAVEZ

John Reeder

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

Project Name	Geo Lane Rezone & Preliminary Subdivision
Project Location	4000 & 4100 Geo Lane
Project Description	Rezoning and Preliminary Subdivision Approval for 42 Lot Subdivision
Applicant / Owner	John Reeder, Luis Olivas, Hassan Salam
Agent	
Pre-App Meeting Date	December 27, 2018
ENN Meeting Date	November 6, 2019
ENN Meeting Location	Southside Library, 6599 Jaguar Drive
Application Type	Rezoning and Preliminary Subdivision
Land Use Staff	Lee Logston
Other Staff	
Attendance	Lee Logston, John Reeder, Luis Olivas & Hassan Salam (applicants),and four members of the public

Notes/Comments:

Lee Logston called the meeting at 5:30 PM. Mr. Logston briefly explained the history of this project. While the Planning Commission previously recommended the General Plan future land use designation change from Institutional to Low Density Residential, they tabled the R-6 rezoning proposal, asking the applicant to come back with something less dense, and to try to address the concerns of residents, who had shown considerable opposition to the proposal. Mr. Logston explained that the General Plan Amendment would still proceed to Council, but that the applicant was waiting to get a favorable recommendation from the Commission on some level of zoning. The current proposal is for R-5 and Preliminary Subdivision approval. The Commission could approve the subdivision conditioned on the Council approving the General Plan Amendment and Rezone. There would be at least two more public hearings: Council consideration of the General Plan change and rezone, and Planning Commission consideration of the Final Subdivision. Mr. Logston then introduced Mr. Reeder who gave a brief summary of his proposal, and the EN proceeded in a conversational manner.

Mr. Reeder explained that the revised proposal had fewer lots (42) to address density concerns, squarer lots to address concerns that the lots were only conducive to manufactured

homes, wider streets to provide ample resident parking, an open space lot directly behind the Buddhist Temple, and a quarter-acre open space dedicated to a future park. He explained that he had been in discussions with the Parks Department, and that the City had expressed willingness to take on maintenance of a small park in the area. He explained that they intended for the subdivision to have covenants specifying standards for manufactured homes and prohibitions against ADUs.

Over all, residents feel that there are too many homes in the area already, and that traffic is already bad. Specifically, they felt that Geo Lane and Buffalo Grass Circle were not capable of carrying more traffic, and that right-in/right-out connections to Airport Road were inadequate. Mr. Reeder answered that the traffic study showed that Geo Lane and Buffalo Grass would function at acceptable levels with the new subdivision. Mr. Logston added that while he could certainly imagine that these roads seem busy, they are not at their actual capacity, and wider than many other residential roads.

There was general discussion of traffic, speeding drivers in their neighborhoods, road width, parking, crime, City enforcement, and quality of life. Mr. Reeder and Mr. Logston tried to focus the discussion on the subdivision, and what can be done with this subdivision to address some of those concerns. Mr. Reeder stated that he felt he had done his best to address what he could. Mr. Logston encouraged residents to work with Police, Code Enforcement, Constituent Services, and their City Councilors on the larger issues that they were concerned about.

The meeting was officially adjourned at 6:45 PM, but a couple of residents stuck around a little longer to talk.

City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

1. Application Submittals
2. Traffic Impact Study Summary
3. Proposed Subdivision

EXHIBIT B2

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Dec. 18, 2019

To: Whom It May Concern;

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM

We - John Reeder, Hassan Salam, and Luis Olivas, members of GEO Park LLC - the owners of the property at 4000 & 4100 Geo Lane, Santa Fe, NM, do formerly request the Re-Zoning of the property from its current R-1 zoning designation to an R-5 designation.

Our intent is to develop the property as Lots for an affordable single family housing community allowing traditional site-built houses, modular homes, and manufactured homes on permanent masonry foundations.

Thank you for considering our request.

Sincerely,

John Reeder - Agent/Applicant

EXHIBIT B2

GEO Park, LLC
members
John Reeder + Hassan Salam + Luis Olivas
P.O. Box 1523 Santa Fe, NM 87504

Dec. 18th, 2019

Letter Addressing Re-Zoning Approval Criteria

Re: Re-Zoning Request for 8.659 AC at 4000 & 4100 Geo Lane, Santa Fe, NM from R-1 to R-5

Further to our Letter dated Dec. 18th, 2019 Addressing Re-Zoning Approval Criteria for the above referenced property, specifically;

Section 14-3.5 SFCC 1987

Criterion 1(a)

(i) Not Applicable

(ii) There has been gradual change to the neighborhood over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on 3 sides of the property to the South, West, and North, along with one institutional use (also North – a place of worship). Lying to the East on the other side of Buffalo Grass Rd. is a mixture of Live/Work and light commercial establishments.

(iii) Due to the item (ii) above, a different use category from R-1 to R-5 is more advantageous to the community at this time so as to bring the subject property into conformity with the predominately residential developments that are now adjacent on three sides. The proposed new zoning category complies with the City's SWAMP and is consistent with guidelines articulated in various sections of the General Plan, such as in the Future Land Use section.

Therefore, following from the above cited considerations, **the Criterion for 1(a) is met.**

Criterion 1(b)

We, the applicants, have met the Chapter 14 procedural requirements for re-zoning, including holding Early Neighborhood Notification Meetings, posting and mailing of notification requirements, and submitting required application submittals, including a preliminary development plan.

Therefore, **the Criterion for 1(b) is met.**

Criterion 1(c)

We believe the re-zoning request is consistent with the applicable policies of the General Plan and also the future land use map. For example, in 1.7.9 of the General Plan - Urban Form - it states '...promote a compact form and encourage sensitive/compatible infill development. And in the SWAMP, map 2.2.6, this specific property is labeled for future use as RMED - medium density residential. Our proposal would also create a neighborhood that would be "walkable" under the SWAMP principles (Principle 1) because we are proposing handicap accessible sidewalks throughout the subdivision on both sides of all roads, and it is within easy walking or driving distance (Principle 6) of commercial areas. Further, we believe our proposed development also meets the spirit and intent of the affordable housing goals of the general plan.

Therefore, **the Criterion for 1(c) is met.**

Criterion 1(d)

"The amount of land proposed for re-zoning and the proposed use of 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". Our proposal for 8+ acres involves well over the 2 acre minimum for such requests.

Therefore, **the Criterion for 1(d) is met.**

Criterion 1(e)

We believe 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. Requests for sewer and water availability have found both sewer and water to be available and a Traffic Impact Analysis has been conducted by a licensed and certified Engineer. Other divisions within the City, such as Land Use, Parks & Recreation, Fire, Traffic, etc. will be responsible for reviewing the proposed development for compliance and shall make applicable recommendations, which shall be incorporated into our proposal and thereby accommodate the impacts of the proposed development.

Therefore, **the Criterion for 1(e) is met.**

Criterion 2 (a)

The proposed change in use will result in a new detached single family home development , which will be consistent with the prevailing use and character in the area.

Therefore, **the Criterion for 2(a) is met.**

Criterion 2(b)

The proposed re-zoning affects an area greater than 2 acres.

Therefore, **the Criterion for 2(b) is met.**

Criterion 2(c)

We do not believe our re-zoning request will benefit only one or a few landowners at the expense of the surrounding landowners or general public. Our proposed subdivision is for 42 Lots on 8.659 acres, which is an R-5 density. This density is less than any existing density in the adjoining developments. The subdivision to the West is R-6 and there is R-11 and R-12 adjoining on the North and the South. Further, our proposal would create Lots with a minimum size of 5,000 sq. ft., including 6 Lots at around 6,000 sq. ft. or greater and another 6 Lots at over 7,000 sq. ft. The minimum Lot size under the existing R-6 subdivision to the West is only 4,000 sq. ft., so virtually all of our proposed Lots would be at least 25% larger than the minimum size of any in the immediate neighborhood. Our proposed subdivision would also include wider roads than required, allowing for more on-street parking. Considering these multiple features, we believe our proposed subdivision will elevate the overall character of the immediate and general area and thereby improve the property values of the surrounding landowners. The general public will also benefit due to increased property tax revenues for the City and County, as well as by adding more customer base for businesses along the Airport Rd. corridor and the greater Southwest area.

Therefore, **the Criterion for 2(c) is met.**

Criterion D(1) & D(2)

If the impacts of the proposed development cannot be accommodated by the existing infrastructure and public facilities, including the possible need for new streets, sidewalks or curbs necessitated by and attributable to the new development, the City may require the developer to participate wholly or in part in the cost of construction of off-site facilities, in addition to impact fees that may be required pursuant to Section 14-8.14, and in conformance with any applicable City ordinances, regulations or policies;

We, the developers, will cooperate and participate wholly or in part with any applicable costs of construction for off-site facilities or improvements determined to be required due the impacts our proposed development, in addition to impact fees that may be required pursuant to Section 14-8.14

Therefore, **the Criterion of D(1) & D(2) will be met.**

Respectfully,

John Reeder - Member/Owner and Agent for GEO Park, LLC

EXHIBIT B2

Terry O. Brown P.E.

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T

TERRY O. BROWN
NEW MEXICO
6407
LICENSED PROFESSIONAL ENGINEER

Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:

The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

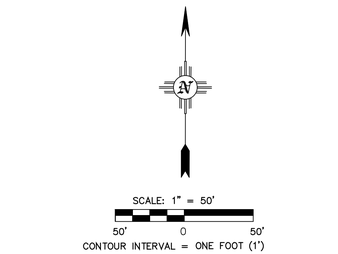
- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

EXHIBIT B2

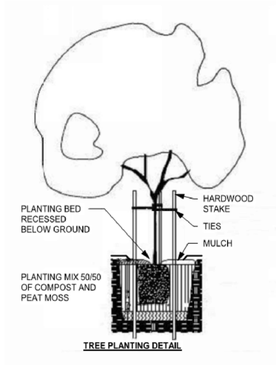




LEGEND

- 7160 — EXISTING CONTOURS
- 65 — DESIGN CONTOURS
- PARCEL LINES
- PROPOSED TREES
- ASPHALT PAVEMENT
- OPEN SPACE
- RESEEDED AREA

NOT ALL SYMBOLS WILL NECESSARILY APPLY TO THIS PROJECT



TREE PLANTING DETAIL

TREES:
1 TREE PER 30' O.C. AVERAGE
3,618 LINEAR FEET/30=121 TREES

REQUIRED OPEN SPACE:
500 S.F. OF PLANTED OPEN SPACE PER ACRE OF DEVELOPMENT
DEVELOPMENT AREA=8.58± ACRES
8.58 x 500 = 4290± SF = 0.10± ACRES

Civil Engineering • Water Resources • Traffic Engineering
W• E Walker Engineering
905 Camino Sierra Vista, • Santa Fe, NM 87505
505-820-7990
FAX 505-820-3539
E-MAIL civil@walkerengineering.net

No.	REVISION	BY	APP.	DATE

PROJECT: 19-143 LANDSCAPE
FILE: 143 LANDSCAPE
DATE: 12/12/2019
SCALE: AS NOTED
DESIGNED BY: J.R.D.
DRAWN BY: J.R.D.
CHECKED BY: M.E.W.

CITY REVIEW

DEPARTMENT	SIGN-OFF	DATE
WASTEWATER		
WATER		
PW ENGINEERING		
TRAFFIC		
FIRE DEPARTMENT		
SOLID WASTE		
LANDSCAPE		
TRAILS/OPEN SPACE		
SUBDIVISION REVIEW		

PROJECT: GEO LANE SUBDIVISION

SHEET TITLE: OVERALL LANDSCAPE PLAN

SHEET NO.

L-1

City of Santa Fe

Agenda

PLANNING COMMISSION
Thursday, February 6, 2020 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
MINUTES: None
FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS
F. NEW BUSINESS

1. An Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic". (Councilors Abeyta and Lindell) (Eli Isaacson, Interim Land Use Director, esisaacson@santafenm.gov, 955-6830)

2. **Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.** Montoya Land Consulting Inc., Agent, for Lucy Lopez et alia, Owner, requests a variance from Table 14-7.2-1 "Table of Dimensional Standards for Residential Districts" to allow a side yard setback of less than 5 feet. The property is zoned R-3 (Residential - three dwelling units per acre), and is within the River and Trails Archaeological Review District. (Dan Esquibel, Case Manager daesquibel@santafenm.gov, 955-6587)

3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

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

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE	
DATE:	January 21, 2019
TIME:	10:04 AM

SUMMARY INDEX
PLANNING COMMISSION MINUTES
FEBRUARY 6, 2020

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes and Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Ordinance Amending the Land Development Code to Add a Definition for "Apothecary"; and Amend the Definition of "Clinic"	Recommended Approval	2-3
2) Case #2019-1523. 913 ½ A&B Old Pecos Trail Variance.	Approved	3-5
" Findings/Conclusions	Approved	5
3) Case #2019-20. 4000 and 4100 Geo Lane Rezoning.	Postponed	5-33
4) Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.	Postponed	6-33
G. Staff Communications	Comments	33
H. Matters from the Commission	Comments	33-34
I. Adjournment	Adjourned at 9:25 pm	34

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, February 6, 2020 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence

Members Absent
Commissioner Mark Hogan (excused)
Commissioner Dominic Sategna (excused)
(One Vacancy)

Others Present:
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Public Comment

None.

Commission Discussion

Commissioner Lawrence asked to clarify if there would be any access issues with the new lot arrangements.

Mr. Esquibel said no, the accesses have all been preestablished.

Action of the Commission

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Variance subject to the conditions of approval and technical corrections recommended by staff.

Chair confirmed with Ms. Paez that the motion had enough detail for the variance.

Commissioner Gutierrez commented the Commission had denied a few variances in the past but with the history of the property and the longevity of the family living there, he wanted to second the motion.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

MOTION: In Case #2019-1523, 913 ½ A&B Old Pecos Trail Variance, Commissioner Garcia moved, seconded by Commissioner Gutierrez, to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

3. **Case #2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).**

4. **Case #2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential-one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).**

A photograph of Airport Road and Geo Lane is attached as Exhibit "1".

Staff Report

Mr. Logston said the two cases would be heard together. The Commission has considered this case before on June 6, 2019 as an R6 zoning request and general plan amendment. The Commission recommended approval of the general plan amendment from institutional to low-density residential but asked that the rezoning be reconsidered. The applicant has returned with the rezoning request and has added a preliminary subdivision request, conditioned on approval of the rezoning.

In the first case 2019-20 there is the rezoning request from R1 to R5. The subdivision portion is a preliminary subdivision for 42-lot single-family residential. There is 8.59 total acreage. The Commission approved the general plan amendment and tabled the rezoning. The applicant was asked to return with something less dense to better address concerns of local residents. The applicant has done that by way of explanation.

The applicant missed a notification deadline and rather than postpone, was advised by staff to wait until he had the rezone recommendation. Then both could be taken to City Council together. The applicant is requesting R5 in preliminary subdivision and made efforts to address the safety and quality of life concerns expressed by the residents in the ENN process in June. Much of that is included in his staff report.

In summary, the applicant is open to making off-site pedestrian improvements: increased width of roads for more parking on-street; increased width of lots in response to lot configuration and plans to dedicate a open space to KSK. That will be left as open space for a community garden if not accepted by KSK. Another concern of the residents was manufactured homes. The applicant is willing to put conditions such as appearance, how they attach to the ground and the finish, that would be in covenant with the subdivision.

Mr. Logston noted an error in his staff report on Condition of Approval #1, (page 2) that rezoning be granted to R6 - that should actually be R5.

Staff feels the criteria of rezoning has been met and the proposed preliminary subdivision meets development standards and approval criteria and does not create any nonconformities or increase them. Therefore, staff recommends approval.

Four motions will be needed: 1) recommend the Governing Body approve the rezoning request; 2) approve the preliminary subdivision; 3&4) a motion approving Findings of Fact and Conclusions of Law for each case.

Commissioner Clow noted on page 6 that the applicant also is willing to place a restriction on guest houses in the HOA covenant.

Mr. Logston confirmed that was correct.

Commission Gutierrez asked if the June 6, 2019 minutes had been emailed or printed out.

Mr. Logston replied they were emailed.

Mr. Logston added that he received a call from Pat Padilla, who was not sure she could make the meeting tonight. She owns the Shalom Mobile Home Park on the corner of Airport and Geo Lane. Ms. Padilla asked that he relay her overall concerns about traffic in general on the southside and about the crime.

Commissioner Faulkner asked staff to go over Item 7 (e), (f),(g) and (h) of the Conditions of Approval.

Mr. Logston needed to check the Code, but thought it had to do with active water harvesting.

Ms. Paez noted in 14-8.4, the Landscape and Site Design section, paragraph (e) is water harvesting and irrigation standards; (f) is plant material standards; (g) is street tree standards and (h) is open space planting requirements.

Mr. Berke elaborated on the sections. The water harvesting reference is an option to the applicant to actively or passively harvest water and show how they will do that, prior to final subdivision. The remainder of the section talks about irrigation and graywater. Irrigation details requirements for most of the street trees such as backflow prevention and control boxes. Plant material standards specific to types of trees, acceptable sizes of shrubs, and preservation and relocation of trees. The open space requirement is 1 tree and 2 shrubs for every 500 ft.^{2} of open space, and quantity and spacing.

Mr. Logston said his staff report details the concerns of the neighbors and he knew the applicants would discuss what they have done in that regard. He offered to read those if the Commission wanted.

Chair suggested waiting until after the public hearing.

Applicant's Presentation

John Reeder, 824 Gonzales Road, was sworn. He said they took the criticism heard in June to heart and have addressed all of the issues possible. They have incorporated much of the suggestions into their new proposal. Primary was the density of the subdivision and they reduced their request from R6 to R5 - a 12.5% reduction in density. They contacted City Parks who accepted a donation of 1/4 acre of their open space for a park. They reconfigured three lots to a more traditional square shape due to suggestions on configuration and have discussed with HomeWise a possible partnership. HomeWise has committed to helping them find homeowners and offered to consider stick-built houses in the subdivision. An open space lot will be given a legal description to enable them to donate it and they discussed donation with KSK adjoining the subdivision. He showed the lot on the map and the open space offered to KSK. If they do not accept the open space it will remain open space of the subdivision.

When lots were removed, they also made the roads much wider. Every road is now 50 feet wide with the exception of the small road to the cul-de-sac on the south side of the subdivision. The extra width will allow space for two cars to park off street as well as on street on one side of the road. The point was to discourage parking on Geo Lane and make it more convenient for those in the subdivision to park within the subdivision.

He noted their engineer Maury Walker was present, and could speak to impacts the subdivision could have in terms of utilities and other items. Also, Kim Shanahan wanted to speak.

Chair confirmed both Mr. Shanahan and Mr. Walker would speak in the public comment for the applicant.

Chair Hiatt opened the floor to public comment with a three-minute limitation.

Public Comment

Kim Shanahan at 51 Herrera Road, was sworn. He said he was speaking on behalf of the applicant because he knew him, and Mr. Reeder and his partners are not greedy developers. They are Santa Feans who believe in the community and want to do something good; to provide affordable housing. He knows about affordable housing as a former executive officer of Santa Fe Area Homebuilders Association. In his opinion, the proposal accommodates every concern of the neighbors relative to density, affordable housing and other concerns. He said Mr. Reeder mentioned the public park within the subdivision. In fact, property that he designated for the pafrk is outside of the subdivision and faces the neighborhood and will be more of a neighborhood park.

Mr. Shanahan added that Mr. Reeder is willing to give the open space to the Buddhist Community because of its proximity to their dormitory. Again, he is trying to be

a good neighbor. He also plans to extend the sidewalks on both sides past his property to Airport Road to further connect walk ability. The manufactured homes/stick-built homes are difficult to build for less than $200 a square foot. That's $300,000 for a 1500 ft.^{2}. Doublewides on concrete foundations are mortgageable and will increase in value and are appropriate for the neighborhood.

Anna Hansen, 2008 Kiva Road, was sworn. She is a long-time member of KSK and helped build the stoupa. The community has been there a long time and are good neighbors and have improved the quality of life in the area. She is concerned about the dormitories and is grateful they want space in between. She also understands KSK would like a wall. Another concern is the road is very narrow and the applicant should consider the kind of traffic that will use the road. The road may need improvement and pavement and sidewalks as well as a crosswalk across Airport Road. She asked the Commission to consider comments from the KSK neighborhood. She cares deeply about the Center and the quality of life for residents there.

Marmika Paskiewicz, 1829 Hano Road, was sworn. She is a member of the Board of Directors of KSK Buddhist Center and they met recently. They have considered some suggestions made by Mr. Reeder. The Board is happy he is willing to do the extra space, but feels a wall is necessary. The Buddhist center is a little different and exotic and could attract interest and would be helpful to have some protection. A primary concern beyond that is traffic and the right turn on red on Paseo del Sol. A U-turn has to be made and people freely run through the red light. The turn on red has right of way but doesn't work well for them because of the medians. They asked that the Commission eliminate the right turn on red and make arrangements for a safe crossing for pedestrian/school traffic. The Center supports the residents' concerns and feel those should be considered.

Debra Snyderman, 3810 KSK Lane, spoke as a resident of KSK. She is also on the Board of Directors for the KSK Center and has lived there since 1988. She has seen many changes to the neighborhood without much concern to quality of life. The Commission granted R4 zoning on June 6th and Mr. Reeder's plans are based on R5 zoning. In her discussions with Mayor Webber in the summer of 2019, he told her the poverty around Airport Road is concentrated in trailer parks. Also, the Santa Fe Reporter, July 2019, stated regarding the Airport Road area "*has one of the highest rates of people living in poverty and poor health and the highest number of children on free and reduced lunch in the entire country*. According to the Community Health Needs Assessment, 22.9% of people in the Airport Road area are less than the poverty level - over 4,000 people. And again, the poverty is concentrated in trailer parks.

She said Mr. Reeder has plans to make money off the poor by buying the land between Buffalo Grass Road and Geo Lane. They plan to divide the land into as many lots as allowed and invest as little as possible to create a healthy place to live. There appears to be no standards for so-called affordable housing. Her opposition to Geo Lane Park is based on the following concerns: the park is a plan for another unhealthy, densely

concentrated, impoverished neighborhood within a larger community without the needed amenities to assist the growing numbers of poor with the means of getting out of poverty. Amenities include things like childcare centers, counseling services, job training, access to healthy food, clean, safe recreation spaces, health clinics and other items.

Her second objection to the Geo Park is the dangerous traffic concern. The Commission should consider there are five public schools within walking distance to the park, all on the south side of Airport Road. She mentions the schools to give a sense of the traffic issues at the beginning and end of the school day. Traffic during morning rush hour is frequently backed up by car accidents and emergency vehicles. After school, the neighborhood often sees children, with or without parents, and adults crossing Airport Road from South Meadows, Paseo del Sol where there are no safe or clearly marked crosswalks. Her neighbor was almost hit by a car when getting off a bus, because the car was turning right on red. There is no other way to get to and from their homes except by making U-turns because of the medians.

Helen Chavez, West Meadows Subdivision, was sworn. She showed the format of West Meadows built in 1983. The City has too many parks and half of them are run down, including the two parks in West Meadows. Kids don't use them, and one is used for dumping of furniture, weeds, old trees and other items. One of the roads is caving in and the landscaping is bad. She was told a lot of things that were promised when Mr. Hunt built the project, were not done. She doesn't take Mr. Reeder at his word that something will happen. She was against the project. She asked what is Airport Road - food trucks, a few schools, kids running across hoping to make it. The retention pond will create a lot of problems and bring bugs and people will dump their trash. Eighty percent of the people in West Meadows are Mexican Nationals and she has gone door to door to get support on this. They are afraid to come. The area will increase in crime, and invasion of people and how would that benefit their children. All she can say is "God help us if this gets done".

Marti Rodriguez, 6077 Quatro Vientos, was sworn. She agrees about the park. The park across the street is an eyesore and if they are going to make another eyesore, she doesn't want it. Why do they have to have old mobile homes on Airport Road that will take down property values. The paper had something the other day about removing the junkyard near the airport because it was embarrassing to the City when people fly in. Why not have something nice that families can do. Her mom and dad worked hard to pay for their property and the value is just decreasing. It's like West Side Story, get out of the south side, get out of the west side, move to the north side. We can't afford to live in the northside. She knows that they can stop the old mobile homes. When she tried selling her old mobile home, she was told she could not put it in the mobile home parks because it was too old.

Daryl McCown, 6077 Quatro Vientos, was sworn. He supports his neighbors. His concerns are mostly water, which is a big concern and traffic, a bigger concern. Making

a U-turn on Paseo del Sol is dangerous. His wife, when taking his daughter to school, hopes for a person courteous enough to let her come out on Geo Lane. Everyone lives on the south side and he hopes the City will do something about the traffic. If they put in a park, he hoped it will it be environmentally friendly. Also, he would like to see more fire hydrants because there are only two on Geo Lane.

Alfonso Jaramillo, 6301Jaramillo Lane, directly to the south of the project, was sworn. He also supports the community and has reviewed the new plan. Mr. Reeder went from 80 some lots to 40 some lots - a12.5% reduction. He thought lots should be further reduced to 25% to 22 mobile home lots. Geo Lane has no lights and is a safety issue for people in the high-density traffic area and a light on Buffalo Grass Road, would make sense. There have been several accidents accessing County Club Gardens because they have to go in the middle of the lane and wait. He has been there since 1974 and the traffic flow is tremendous. There has been a lot of development on Airport Road and he hears more is coming in addition to Mr. Reeder. That is why he requests that the reduction be set lower to consider future development. He is not trying to stop the development. He understands the City has to grow and earns money through the water and sewer, but he is hoping the Commission considers this.

Commissioner Gutierrez asked Mr. Jaramillo how many units are on his property.

Mr. Jaramillo explained his family has been on the property since 1974 and he is now the owner. They manage a property of 30 units. He lives on Jaramillo Lane, a private lane and there is housing behind his property. They all enter and exit through Geo Lane. He also read a future apartment development is planned on Buffalo Grass Road. There is no other entrance and that is why he thought Buffalo Grass Road would be essential to have a streetlight. It would also benefit Country Club Gardens and traffic through Geo Lane.

Commissioner Gutierrez asked if they were able to access Buffalo Grass Road or is it always Geo Lane.

Mr. Jaramillo confirmed access was only through Geo Lane.

Chair Hiatt closed the public hearing.

Commissioner Garcia asked to address Ms. Snyderman and the five points she said she wanted the Commission to hear. He asked to hear the last two she was not able to discuss due to time, but she should be concise, in less than 30 seconds.

Ms. Snyderman said there were not actually five points. It is just that Buffalo Grass Road is 27 feet wide behind her house. The Buddhist Center property houses 7 people and Buffalo Grass Road has no dividing line. She wanted to know the legal size for a City

double-lane road because it is already used as a two-lane road by necessity. That is her biggest concern is the current use if they plan to add more cars.

Chair Hiatt said her testimony had something he wanted to ask Mr. Burke about. He did not remember the Commission approving R4 at the June 6th meeting.

Mr. Berke said that was correct, the Commission did not approve R4. They approved a general plan amendment for a recommendation for low density designation. The property was institutional and was proposed at the time to be rezoned to R6. The Commission would not approve that but agreed the general plan amendment could move forward to recommend a lower density than R6. They did not choose R4 specifically.

Alba Blondis, 7042 Valentine Loop, was sworn. She has observed a number of accidents as a traveler on Airport Road southwest bound, left-hand turn lane onto Geo Road. Her concern is safety if they add a lot more drivers. She thought Airport Road is a State road. She thought it would be up to the New Mexico State Department of Transportation to alter turning lanes or widen roads. She doubted that will occur in a timely fashion before an influx of drivers.

Chair Hiatt clarified that Airport Road is City owned.

Ms. Chavez, previously sworn, said she forgot to mention West Meadows owns a little bit of Geo Lane towards the back and it is a sharp U-turn. If you miss the U-Turn, you go downhill. West Meadows owns all the streets to the right coming in from Airport to Geo.

Ms. Rodriguez, previously sworn, asked to add they did not even have a sidewalk on one side of Geo Lane.

Chair Hiatt closed the public hearing.

He asked to hear from Mr. Walker, since he had heard all the concerns about traffic. He added that everyone knew all of the growth is occurring on the south side and when there is a project on Agua Fria, Alameda, Airport Road, the Commission hears this. They know the traffic is not good.

Maury Walker, 905 Camino Sierra Vista, with Walker Engineering, was sworn. He said he unfortunately did not do the traffic study. He was not completely aware of what the study revealed. He said John Romero may be more aware of that. They are going to provide sidewalks along their frontage on both sides of both Geo Lane and Buffalo Grass. The question on ponding collecting bugs and trash - this will be a retention pond that drains in 24 hours so there will be no standing waters. As far as 27 feet for the size of the road, that is adequate for two cars to pass; 24 feet is usually the minimum.

Commissioner Gutierrez noted in the revised plan all of the roadways, except one, are 50 feet to accommodate on street parking. He asked the roadway widths originally presented.

Mr. Walker said he would have to look them up but thought the cul-de-sac was 38 feet and some areas were 42 and they increased 38 feet to 42 and 42 was increased to 50 feet.

Mr. Reeder clarified that the first turn into the subdivision off Airport Road was 50 feet and previously was 42. The road that was 38 was increased to 42 feet and additionally they shifted the entry onto Buffalo Grass Road to another location.

Chair Hiatt asked who conducted the traffic study.

Mr. Reeder said Terry O' Brown Traffic Engineers out of Albuquerque.

Chair Hiatt asked Mr. Reeder if he wanted to respond to comments from the public hearing.

Mr. Reeder replied there is an existing coyote fence, but he could discuss the wall contemplated by the KSK with his partners. He was sure they would be amenable to building a wall. If KSK does not want to own the lot, it would not be a problem. They would make it a community open space.

Chair Hiatt noted the decision would be left to him whether to give KSK in fee simple or keep it as an open space, but the wall sounds important. This is a good time to talk to his partners about that.

Mr. Reeder added he had forgotten to mention in addition to the donation of the open space, they created a 20-foot setback as a buffer along the KSK property. That was more than standard. That raises the question whether the wall should be on the property line or follow the setback to create more space for KSK, but they can discuss that.

Commissioner Faulkner asked how many vehicles per household were considered when the traffic engineer calculated the increase in traffic.

Mr. Reeder believed it was five but could double check.

Mr. Logston suggested asking John Romero.

Mr. John Romero, Traffic Engineer, said the calculation is based on a survey of numerous subdivisions of detached homes to determine a rate of vehicles per home, and what that roughly comes to during PM peak hours. They use national surveys developed by the International Traffic Engineering Association and their own local surveys. Santa

Fe is even lower. They estimate about 1 nighttime vehicle per day; and estimate 10 trips - with two trips as a person leaving and coming back throughout the day. The AM is even lower and is a fraction of .75 per house.

Commissioner Faulkner thought it counterintuitive. The number doesn't seem accurate when observing traffic in the morning on Airport Road.

Mr. Romero said he understood the perception. He has done five surveys of detached homes of subdivisions. Santa Fe is constantly lower than the rates they use in the traffic assumptions for traffic studies.

Chair Hiatt added, as acceptable for development. He confirmed in this case Mr. Romero was looking at whether the proposed traffic created by the development, as proposed, would have a significant impact on the rest of the traffic in the areas of Airport Road. He asked if his opinion was it would not significantly impact the traffic. It's hard to believe it would not have any impact.

Mr. Romero explained there is a difference of opinion on traffic congestion. Santa Fe relative to the entire nation has a very low traffic congestion. It takes 30 minutes max to get from one side of town to the other during rush hour. They have Bluetooth devices on some signals throughout the City that track people's travel across town. He understood Airport Road gets jammed in the morning, but a lot has to do with the timing of the signals, and they have a contract that will improve the timing. Another reason, especially in this area, is signal proximity. South Meadows and Jemez Road have a close signal proximity making it hard to time the signals. This study looks at the effects of removing the Jemez signal. They will hold public hearings, and study that to see if that will help to improve traffic flow on Airport Road. He noted in the 18 years he has been with the City there has not been a timing plan done on Airport Road.

Commissioner Faulkner asked when the study will be complete.

Mr. Romero said a notice to proceed has been issued to the consultant and they have obtained traffic counts and begun modeling. They hope to have something by summer. They will have a public meeting, with the primary purpose not to get feedback on expanding the road but just to discuss the removal of the signal.

Commissioner Faulkner asked if there is a traffic count for Geo Road.

Mr. Romero said the traffic study included a count, but he didn't recall the numbers.

Commissioner Garcia asked if there are any future City projects planned that could possibly redesign Airport Road and accommodate some of the issues. There are plenty of accidents coming out of Country Club Gardens trailer park, which should never have been allowed.

Mr. Romero replied none at the moment. They did a project to introduce the medians and before that it was a free-for-all. The numerous closely spaced access points caused a lot of problems and the access control shows a decrease in accidents. They had proposed left-in only at Country Club Gardens but realized they need to retain full access.

Placing a signal at Country Club Gardens was discussed but there were issues. One was Country Club Gardens and Buffalo Grass Road do not align. One signal could not service both. Secondly, if they introduced another signal it would further impede the through flow on Airport Road. The major issue is meeting the Federal warrants that is based on volume and there is not near enough exiting vehicles from Country Club Gardens to warrant a signal. Also, on the U-turn, when the left arrow comes up for U-turn for a left turn westbound, simultaneously Paseo going northbound gets a right arrow. The overlap right helps with the efficiency of the signal because there are a lot of people turning right going into town. Without that more green time would have to be given to the side street removing that green time from the main street. The right turners have the right-of-way and those making U-turns have to yield and signs explain that along Airport Road.

Commissioner Gutierrez asked if the median improvements actually improved Airport Road.

Mr. Romero thought it was an improvement over what was there, and they accomplished as much as possible with what they had. The City was developed over a long period of time without a standards and there were a lot of access points. If they did it over again, they would not allow subdivisions to make all the strip properties and all of the access points. It would be more like what was done in Las Solares. They have to retrofit these areas and is not ideal, but they try to maximize what they can, and he thought that was done on Airport Road.

Commissioner Gutierrez confirmed that to cross Airport Road closest to the property they would have to go to Paseo del Sol. He asked where someone would cross going east.

Mr. Romero thought South Meadows was the next signalized intersection.

Commissioner Gutierrez confirmed it would be between Paseo del Sol and South Meadows. He asked if possible, for another crosswalk in the area.

Mr. Romero said with the number of lanes and the volume of traffic on Airport, an uncontrolled crosswalk would be very dangerous and a potential for pedestrian crashes. Cerrillos Road as an example, crosswalks are allowed at signalized intersections and most signals are spaced about ¼ mile per signal. If a person wants to cross at Geo Lane

going to the signals is a reasonable way. If they want to go to Walgreens, they could continue on the south side of the road and cross at the signal. A convenient crossing for every potential need is hard to make safely. A big issue with multilane crosswalks and roads is the inside lane might stop for a person crossing, but it is impossible to know if the other lane would and they could hit the person.

Commissioner Gutierrez said that was fair to say and may luck be on your side if you don't go to the signal.

He indicated he has an issue with the staging lanes getting into Geo, the only left in that accesses the subdivision. He had Mr. Logston send photographs of the area and on the other side of the property there is a nice lane. He thought the staging lane is so short it will cause everyday problems. He suggested taking some of the staging lane from Esplanade for Geo Lane. He was not sure if that was possible with the subdivision of this nature. The 109 homes serviced by Geo Lane and a 40% increase proposed, to him Esplenda with the light at the McDonald's, is a path of least resistance. Opposed to a non-signalized left turn into the staging lane into the shopping center. He asked if possible, to remove some of the turning lane to the shopping center to provide more turning lane for Geo.

Mr. Romero said he couldn't answer definitively. They have looked at it with Terry Brown and will look at it again to see if they can add at least 20 feet. They will measure the Qs into the commercial development to see if possible, to take some of that to help Geo Lane.

Chair Hiatt asked Commissioner Gutierrez if he was talking about the chart currently on the screen, the left turn into Geo Lane.

Mr. Romero said yes, this is the one into Esplanade Village.

Commissioner Garcia said if this project were to pass, would they have to make that a condition of approval for the added turning lane to happen.

Mr. Romero suggested it be a condition and for that to be looked at and the findings presented at time of final subdivision plat. Staff could provide that information at that time.

Chair Hiatt asked to talk with Mr. Reeder about parks. Several have said the parks in their area are trash. He wasn't sure the Commission could do anything about the specific issue. He asked if Mr. Reeder wanted to respond about his plans with his parks.

Mr. Reeder said he does have a response but wanted to correct one misconception. Ms. Chavez mentioned two parks within the West Meadows subdivision she stated are City parks. He believed them to be private parks and that is why they are

in their current condition. They are not maintained by the City. The parks were shown on screen and were labeled as private parks.

He noted the park he is proposing on Geo Lane is almost opposite the private park. John Munoz, the Director of City Parks and Recreation proposed a no maintenance park. He wasn't clear on the details but knew they are looking at a model with a permanent groundcover that is not earth, gravel, or grass. The surface is a cushioning type of surface that also acts as a weed barrier. The park would have exercise equipment and facilities and the City has committed to taking it as a Park, but the plans are pending.

Mr. Berke noted that Richard Thompson the Parks Division Director was present on behalf of Mr. Munoz. Staff has been talking with John and Richard about what the park would entail. They will present the final details of the park to the Commission at the final subdivision plat.

Chair Hiatt asked if there were questions about parks.

Mr. Richard Thompson explained USA Fitness offered a grant opportunity to build up to five outdoor exercise facilities. They would include a concrete slab, with a resilient safety surface of styrene bead resin polymer matrix that provides cushion from height. The exercise equipment includes a climbing wall as well as horizontal surfaces and a stairstep piece. The proposed parks that would receive the grant are predominantly regional trail systems and this park would be an exception. The development is about $150k for 1/4 acre.

Commissioner Garcia asked who would maintain the park and how would it be regulated.

Mr. Thompson said if the Parks and Recreation Department/Land Use accepts the donation it would be added to the inventory of parks and maintained by Operations and Maintenance.

Commissioner Faulkner asked how many parks are in the City and how many people are on the crews to maintain those.

Mr. Thompson replied there are 78 parks and currently 51 staff from the Parks Division; 42 of those are front line staff and a supervisor.

Commissioner Faulkner asked what frontline staff meant.

Mr. Thompson explained it is the crew who pick up trash, mow grass, trim trees and other duties daily. There are 42 people frontline, 9 people in administration, IPM, horticulture, and special events.

Commissioner Faulkner asked the number of people who literally go out and if there are two crews.

Mr. Thompson replied there are five districts each with a staff of five and four temporary seasonal employees.

Commissioner Faulkner confirmed there were five people at each of five districts; that is 25 plus 4 is 29. She asked the number of parks in each district.

Mr. Thompson answered between 12-14. He added that crews not only maintain the parks, but maintain 120 trails, arroyos, and open space and 475 medians rights of way (68 miles).

Commissioner Faulkner asked if it were true that the parks workers also maintain some public buildings.

Mr. Thompson said the crews maintain all City properties. District allocation is the four, plus seasonal temps per district making another 20, and a trails crew and arterial crew and public space crew.

Commissioner Faulkner confirmed they manage all the properties including the buildings, the medians, the trails, and all the parks. She said she knows what the Parks Department is up against. Her concern is a) if the City has the money for a low-maintenance park and b) how to make it a safe place, not a gathering place for crime. The equipment is expensive to install, what do they expect for the lifespan on the rubber surface.

Mr. Thompson replied he wasn't sure about the equipment, that is stainless steel, but lifespan of the resilient safety surfacing is estimated at four years.

Commissioner Faulkner confirmed the first set would be installed with a grant but after that, the City would have to come up with she would imagine, tens of thousands of dollars minimum.

Mr. Thompson agreed.

Commissioner Faulkner was concerned. She lives on the south side of town and the Parks Department is amazing for what they are up against. She thought this was another case like traffic where there is an existing issue. She wasn't sure what the best solution is; to add more to the situation until a long-term sustainability plan is developed. That should include more personnel for the Parks Department.

Commissioner Gutierrez said he had a conversation with Mr. Berke on City Code. He is under the impression this subdivision will trigger the need for a park.

Mr. Berke said that is correct.

Commission Gutierrez stated the park is not a gift; the applicant must build a park. He asked Mr. Thompson why go after a grant for this park because the developer has to build a park for the subdivision.

Mr. Thompson said he may have misspoken. The five parks identified within the grant proposal did not include this park.

Commissioner Clow pointed out what she believed a misstatement on page 6, where it states: "lack of parks - while the dedication of parkland is not required for development of this size, the applicant will dedicate 1/4-acre public park." She asked if the park is required or not.

Mr. Berke explained the applicant has an option by the size of development to dedicate, do an improved park, or pay the impact fees in lieu of. The applicant has chosen to dedicate and improve the park working with the Parks Department.

Commissioner Gutierrez asked Mr. Thompson if the park would be built to specs and the City would ensure it all meets Code.

Mr. Thompson said that is the normal process.

Commissioner Gutierrez said while on the Commission he has seen less parks accepted than not accepted. He asked what would trigger Parks to say they do not want the park and if they could exercise that option.

Mr. Thompson said he was correct.

Commissioner Gutierrez said his youngest child is three years old and to her a park is a swing, some grass, and things for her to play on. Having a park such as explained by Mr. Thompson or Mr. Reeder is not a park. This is a subdivision park he envisions will have children and they will need a place to play.

Commissioner Faulkner asked Mr. Reeder on the open space if there was an indication KSK would accept the donation.

Mr. Reeder said they have had one conversation with some members of the KSK board, who did not commit. They were going to discuss with other board members and there has been no decision on that. They will donate the open space if KSK would like it, otherwise it will just be an open space within the subdivision.

Commissioner Faulkner asked who at that point would be responsible for maintaining the space.

Mr. Reeder replied it would have to be the HOA.

Commissioner Faulkner said it appears the target market for the housing might find HOA fees substantial enough to maintain the common area, including the open space and possibly the park, a burden to that population. It always concerns her when developers assign responsibility to the HOA. The HOA that existed when she moved into her neighborhood no longer exists. In some HOA's there are out-of-state management firms and it becomes a burden to the residents. Their fees are increased; maintenance becomes difficult to pay for, and in this scenario, she fears it will become much like the parks people complained about earlier. It is difficult to keep open space clean. She was not sure an HOA was a good solution.

Mr. Reeder explained he has other options as far as the open space. They are not required to provide open space because the lot sizes have been increased. if the open space is not desired it could be added to the two adjoining lots. Also, to the question about HOAs, it is necessary, but raises an issue he wants to address. Several people spoke about trailer parks. They are not proposing a trailer park, this will be affordable homes. They set out to develop a relatively affordable home subdivision. They are required to name 8 lots as affordable and price them accordingly. Their goal initially was to establish an affordable entry-level subdivision where people could own their first home, gain pride of home ownership and home equity that could possibly be used as a steppingstone to something more, later. This type of housing is necessary and in great demand in Santa Fe. He thought they were proposing something that would be welcomed because of the dire need. He turned the floor over to Mr. Logston for comments.

Mr. Logston pointed out that Santa Fe has not chosen to bond heavily in order to create storm drainage systems throughout the City. Every subdivision in the City, going way back, is responsible for its own drainage. HOAs are created in every subdivision, if for no other purpose than to maintain their own grading and drainage. He hears the issue of people failing to do that every day. At some point the citizens have to take the responsibilities of maintenance and homeownership and being a good citizen. An HOA will be put in place for that reason.

The applicant has offered to dedicate a park in response to residents' comments that they don't have parks. He understands that maintenance is an issue. The offer to donate land to KSK was also done in good faith to address some of their concerns regarding the proximity of the monk's residence. People all over the country are asking for that and enjoying. They may not have an answer for everything tonight, but all of the efforts have been to provide things that can add to the quality of life, one of the biggest things they heard. There is time to work out details for maintenance and other concerns before final subdivision approval.

Commissioner Clow commented on the restriction of guesthouses in the HOA. She thought that was important based on the presentation in June. There was concern that two families might reside on each lot. She asked to hear from the applicant if they are willing to add a restriction on the HOA covenants restricting guesthouses.

Mr. Reeder replied under current regulations every fee simple lot there is, is allowed a primary single-family dwelling as well as an accessory dwelling unit. He would propose to adopt covenants that would restrict an accessory dwelling unit to another fixed foundation unit on the property. Not what happened to the property developed on Buffalo Grass/Airport Road where people brought in manufactured homes they failed to anchor. Or old trailers or some other kind of trailer they connected to utilities. They intend to adopt covenants that address that and to prohibit any mobile/recreational vehicle or van that could be used as a dwelling unit. Those restrictions would be adopted and filed with their final plat.

Commissioner Faulkner asked the cost of the average monthly mortgage in the development.

Mr. Reeder said likely their homes would be in the $300,000 range, probably a little less. A mortgage payment would be around $1,500 per month. The intent is that these be relatively affordable. Again, affordable has specific definitions based on the average area income.

Commissioner Faulkner confirmed there would be about 42 lots and the HOA would be responsible for maintaining the drainage, the common areas and possibly the park. She asked if $20 a month would be sufficient to cover the maintenance. She noted covenants are only enforceable if the HOA takes someone to court. If the HOA can't afford to stop someone violating the covenant, the covenant would matter. She said these are philosophically great solutions she thought $20 a month per household was not enough.

Chair Hiatt thought they could not pin them down on what the HOA would look like, what they would charge or how successful they would be. He pays $10 month in a reasonable neighborhood off Governor Miles and it is an out-of-state company. There are hundreds of households in his neighborhood. He knows they will have trouble, and that the process after the fact is incredibly difficult. The only thing the HOA can do generally is put a lien on the property so once it is sold, they recover the money.

Commissioner Faulkner said that is her point. Ruling maintenance and costs over to the HOAs when they don't know who they will be or if the fee will be enough. She didn't like putting future homeowners in charge of something this significant without knowing how it can be implemented.

Mr. Reeder responded that the only common areas proposed are the open space and the detention pond. The pond is designed to drain within 24 hours to avoid a breeding ground for mosquitoes. Both the pond and open space will require some maintenance. They plan to create an HOA and establish a fee and collect it initially as the developer. It will be up to the homeowners to maintain the association. This is where the neighbors have to take responsibility and look after their own neighborhoods. They cannot legislate that or require it; it has to be voluntary.

Commissioner Faulkner said she feels for him as a developer. This part of town is already overpopulated in that the schools and streets are overwhelmed. There are a lot of challenges related to access to food and amenities that are walkable. She did not like density increases in the area because they are already struggling just to provide a quality life for residents already there. It is a significant number of people.

Commissioner Gutierrez said his end game is to have a subdivision that the neighbors are happy with and the developer can make money. Regarding the open space, he asked staff to read the Code about lot size and an open space is no longer required.

Mr. Berke explained the developer could provide open space on each individual lot. The lot size threshold is 20-25% of the lot.

Mr. Logston added, generally it is around 4000 ft.^{2} with the common open space and the lots in this subdivision average 5800 ft.^{2} and the lots exceed the size that would require common open space.

Commissioner Gutierrez confirmed all of the lots hit that threshold.

Commissioner Garcia said he's not opposed to people developing their property and having economic development and growth where there is a lot of space. There are already three trailer parks or neighborhoods in this area. He wants to support the development economically, but also sees a lot of issues, including the open spaces. He asked if there was anything else the applicant could tell him before they wrap up.

Chair Hiatt noted that the Commission is charged to follow the regulations and the ordinances. When developers meet all the criteria the Commission has to respond affirmatively, unless there's an overriding concern in the public interest. In his mind, the Commission has to follow those obligations. They heard from the community. The applicant has tried in good faith to respond to the community. They have to honor people's property rights to buy property to develop as long as they're doing it within the Code. He tries to take public interest into consideration. Traffic is a bugaboo that is disconcerting in this City and safety goes along hand in hand. But the City traffic engineer says this meets code and is in fact better than the national code. He thought that has to be considered.

Commissioner Garcia said this development is right in the middle of three other trailer parks. He asked how that affects the safety of the community especially with the amount of people coming in and the traffic, the deceleration left turn lane into Geo. He wants to feel like this development is going to be okay and not another problem in the area.

Mr. Logston noted in their packets is an executive summary of the TIA. In that summary, exhibit D, page 2 through page 3 they can only measure and grade the traffic at the intersections. The traffic study shows that the intersection of Geo Lane operates at B using grade school ratings on the evening, a.m., and p.m. peaks, and will continue to operate at a level of service B. Geo and Airport currently operate at level B and are projected to operate at the same level and Buffalo Grass is also at level B. Any road in the City is busier in the morning or evening and the rest of the time it is not bad. It is one of the better performing intersections around. The left-turns are not necessarily easy onto Geo and the U-turns can be dangerous, but he doesn't know what else to say.

Mr. Berke said he wanted to clarify some points. Some of the issues are bigger than this subdivision and will not be solved if approved or denied. Traffic on Airport Road is a bigger issue; people living in poverty is a bigger issue than a subdivision.

One thing before them today is a rezoning request which tends to ask if this would be compatible with the surrounding area. Compatibility can come in different forms, style of life, density and other issues. Generally speaking, they have heard from the Commission and the public that staff doesn't work enough with the developers, the developers don't work enough with neighbors; neighbors don't necessarily want anything. We have tried to listen to the Commission and many months ago they said this proposal at R6 is to dense for the area.

The developer went back to the neighborhood and staff attended 2-3 meetings. Subsequently almost every need was addressed that was heard from stakeholders in the area. Some needs just couldn't be met; they cannot improve the crime rate on the south side. Staff pushed the developer to do things, including covenants on older manufactured homes. It is unfortunate there are no design standards for manufactured homes or single-family units, and it relies on the developers and HOAs to include those in the covenants.

Also, the developer is willing to create a sidewalk going past their property line to Airport Road on Geo Lane. And both Geo Lane and Buffalo Grass are public right of ways. They are maintained by the City right of ways at 40' on Buffalo Grass and 50' on Geo Lane, which is standard.

He also points out that the Airport Road overlay discourages direct access onto Airport Road. The City took that action in 2011/12 to address too many cuts and slowdowns. Staffing at the Parks level is a funding mechanism and is a bigger issue.

The City still has the requirement of fee in lieu of, or a park dedication. The Parks accepted the dedication and the developer offered to improve it. That will be seen on the final subdivision.

Commissioner Clow said in reading staff's report and listening to the presentation she couldn't see any way she could vote against this. It is not ideal, but it does meet the requirements of the Code. Also, there is a big need for affordable housing. This provides more affordable lots although unfortunate it is on the south side. But that is where the vacant land is in Santa Fe. It is hard to have a development and make everything perfect, but she thought it better to have the project than not.

Commissioner Faulkner said the reason she uses to vote against this is it is only looking at the Code. She said the Commission's charge is to take quality-of-life seriously. This is what has led to the southside being what it is today. To follow the same process; they have made these mistakes consistently without considering quality-of-life above what the Code allows. She said it is not responsible to just recognize they have made mistakes and continue doing them. The Commission is charged to consider quality-of-life as well.

She noted in her neighborhood police are called every weekend about people parking on the street. The formula used was that every house would only have two cars. That isn't true in a family subdivision. Formulas are not taking into account the rationality of reality; they use an average. She takes quality-of-life very seriously on the south side because she knows what is happening there. If you know you have certain problems, you don't make them worse by adding more challenges to the situation. Increasing density in the area will add more challenges to an already taxed community. Her job as a Commissioner is to look at quality-of-life as priority.

Commissioner Gutierrez said he understands the Commission is charged to look at the Code. He asked Chair Hiatt if it was fair to say they could look at the quality of life, or do they just look at the Code. Also, what other things keep them from just looking at Code.

Chair Hiatt said health and safety are always part of the consideration. He hasn't heard enough to feel this is a health and safety issue. He realizes traffic will increase and more dangerous situations will occur on Airport Road from right turns, based on 42 more homes and more people. The City has a commitment to infill; they have to because they do not have enough places. This wouldn't be allowed on Canyon Road, obviously. This is a fact of life; they live in a small city with small roads and that is a problem. But he hasn't heard enough not to accept this when the applicant follows the law and has done more than asked under the law.

Commissioner Gutierrez said health and safety should be considered. He asked if quality of life should be considered or not.

Chair Hiatt said if they can define quality of life meaning how it will work in my neighborhood and whether they have quality-of-life. That's a wonderful argument, but it's the same argument they hear all the time, I don't want this in my neighborhood. He didn't hear that from KSK, and the fact is, there is space there. Mr. Reeder bought the space and has done a remarkable job trying to assert a quality of life for everybody. He is not sure that the neighborhood won't be better, but he is not sure they can solve all the problems. He agreed crime is a serious problem but it is not clear to him that this will add to or detract from the crime in the area.

Commissioner Gutierrez said after listening to the Chair he has two issues he would like resolved. Number one - for safety, the left turn. He would like a deeper turn lane. He was okay if quality of life is considered and Mr. Reeder has done a good job. A trigger tonight was when he received his packet, he was under the impression through the HOA and meeting minutes there would be one single residence per given lot. Now, there is a guest residence. He asked Mr. Reeder if he would include in his HOA covenant, no RVs could be parked there, and homes would be on a block. Then he would be okay with guest homes. Until those two issues are worked out, he could not support the current proposal.

Chair Hiatt asked if Mr. Gutierrez would be willing to approve as a preliminary plan and wait until the final to see if Mr. Reeder made those corrections.

Commissioner Gutierrez addressed staff. He said one question is always traffic. If the traffic comes back and says they cannot do this, he would be supporting without knowing the end result. He's not sure what it would take to see if they could do this regarding traffic.

Chair Hiatt said they will have to do a traffic study of some sort. He asked Mr. Reeder to come to the podium to address the additional units on the property. He said he thought he heard Mr. Reeder say when talking about restrictions of anchors to land, he was referring to the principal residence. He asked if he was referring to additional dwelling units.

Mr. Reeder said to be honest, he is also unclear. He is not sure to what extent the City regulation would trump anything they try to implement as a covenant. He did not think they could flat-out disallow every accessible dwelling unit. He thought they could put restrictions on what the accessory dwelling units would look like. They intend to definitely disallow anything of a recreational vehicle nature or motor home.

Chair Hiatt asked Mr. Berke if they could restrict through the HOA.

Mr. Berke said as a municipality the City cannot impose a restriction on something already given by right in Code. If the applicant wanted to place a restriction in their covenants the City would honor that as part of the permitting process.

Chair Hiatt asked Mr. Reeder if he has the opportunity to include that, would he restrict additional dwellings units in his HOA covenants.

Mr. Reeder said short answer, "yes".

Chair Hiatt noted Mr. Shanahan spoke in the public hearing, which has been closed. He asked Mr. Shanahan to come forward.

Mr. Shanahan said he was a Planning Commissioner from 2003 to 2006 and led the charge to adopt the 30% affordability requirement. He has built over 200 homes and is an affordable housing advocate as well as an advocate for the south side. Regarding codes, this applicant is requesting a change of zoning. It opens up a can of worms for the Commissioners to make their points, all which have been good. However, shortly there will be other applicants in C-1 zoning on Airport Road saying they are entitled to 21 units per acre. They will have the right to do that. The Commission will have a difficult time denying them on any quality-of-life considerations, because Code allows it.

That Mr. Reeder wants to do single-family detached, home ownership in the neighborhood, that is exactly what they want. It seems they should be more macro perspective. Airport Road will get more traffic, considerably more because of the C-1 zoning that exists and is touted as where multi-families should go. If put into perspective: R5 single family detached, homeownership, even potentially with a 400 to 500 ft.^{2} casita, is what they should be allowing.

Commissioner Clow said she has couple of other issues. She confirmed on the extended sidewalk that the applicant is willing to do that. Also, the HOA would restrict manufactured homes over five years old.

Mr. Reeder said he would be willing to extend the sidewalk even though the City does not require that. He agreed part of the HOA covenants would include that there could be no manufactured homes over five years old.

Mr. Reeder addressed Commissioner Garcia on his point about trailer parks. He wanted to reiterate and emphasize they are not developing a trailer park. These will be deeded lots owned by the homeowner. It is less at an R5 density than anything in the area. They are trying to create something that will elevate the neighborhood making every home more valuable and desirable, not less.

Commissioner Garcia noted there are trailer park properties around this property, but realizes it is a development.

Chair Hiatt asked that the Commissioners call them mobile homes or manufactured homes.

Commissioner Faulkner said some of the concerns can be addressed between now and the final submission.

Mr. Logston agreed. The Commission is asked to make a recommendation on a rezone and by the preliminary subdivision the covenants will be hammered out. There are a few moving parts that couldn't be drafted in general language. The Commission's decision is if the 42-lot subdivision is planned enough to move forward. The details would be worked out in final.

Commissioner Faulkner asked if that includes the park.

Mr. Logston said they will have full details on the park. This will go to the Governing Body for rezone and general plan amendment before coming back for final subdivision.

Commissioner Faulkner asked if there is a chance the traffic study could be done before that.

Chair Hiatt thought that would take the next several months and this will move faster.

Commissioner Gutierrez said Mr. Reeder and Mr. Shanahan made good points. We need single family dwellings, and this is a place people would take pride in, but he wanted them to know where he stood. He was still troubled by the turn lane and at this point could not support the request.

Mr. Berke suggested the Commission could recommend the Governing Body request a study or request the staging lane be extended as part of the rezoning.

Action of the Commission

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Lawrence, to recommend approval to the Governing Body for the rezoning to R5 and recommend the Governing Body address the issue of an extended left turn lane onto Geo Lane. Commissioner Lawrence seconded the motion.

VOTE: The motion failed by majority roll call vote with Commissioners Clow and Lawrence voting in favor and Commissioners Faulkner, Garcia, and Gutierrez voting against.

Commissioner Faulkner said she still felt there were a lot of unanswered questions such as the park, how it will be paid for, if the City will accept it, and traffic issues. The applicant has done a lot to make this work but there are still too many unanswered questions.

Commissioner Garcia is not against the development of new places, but is voting no regarding traffic studies.

Commissioner Gutierrez said they may not know he moonlights as a tow truck driver and the accidents he sees on Airport Road are enough to make this a safety concern. Until they have a definitive on extending the turn lane, he is not comfortable supporting.

Commissioner Lawrence explained her vote yes is because the R5 is reasonable zoning and reasonable for the neighborhood and the area, despite the other concerns.

Chair Hiatt said he would have voted yes, and the motion still would have failed because it did not have a majority. He asked if they want a separate motion to recommend disapproval.

Ms. Paez explained the Commission's recommendation is that the Governing Body does not approve the rezoning. This will still go to the Governing Body and will trigger a slightly different voting requirement. Instead of the majority of the quorum they would need a majority of the actual members.

A condition of the approval of the preliminary subdivision plat, Condition #1, is conditioned on the rezone going through. The Commission can still vote on the preliminary plan. The preliminary plan will go forward if approved by the Governing Body.

MOTION: In Case #2019-1520, 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved to postpone the preliminary subdivision decision. Commissioner Faulkner seconded the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said they need to vote on the amended Findings of Fact and Conclusions of Law for the rezoning only.

Ms. Paez suggested it might be appropriate to revise them more significantly based on the concerns raised by the Commissioners. She suggested reviewing them.

Mr. Berke asked since the critical criteria had not been met, they review each of the rezone approval criteria and state why the criteria was not met.

Chair Hiatt referred to page 9 and asked Commissioners Faulkner, Garcia and Gutierrez to make distinctions in terms of the findings.

Mr. Gutierrez asked if that had to be done tonight.

Mr. Logston said it needs to be done because they are saying it does not meet the criteria of a rezone. The Commissioners have articulated general reasons why it doesn't, but they need to be specific which criteria it doesn't meet and why.

The Commission took a five-minute break.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner asked for a reconsideration of the vote on the rezoning recommendation to the Governing Body. The motion was seconded by Commissioner Gutierrez.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none against.

Chair Hiatt said back to the first issue - the motion for rezoning.

MOTION: In Case #2019-20, 4000 and 4100 Geo Lane Rezoning, Commissioner Faulkner moved to postpone the decision on the rezoning to provide the developer and the community time to get answers for the concerns expressed by herself, Commissioner Garcia, and Commissioner Gutierrez. Commissioner Gutierrez seconded the motion.

Commissioner Clow added a friendly amendment that all the issues are clearly listed.

Mr. Berke asked to clarify if postponement is to a date certain or to the next meeting.

Chair Hiatt asked how long staff would need to work on the issues with Mr. Reeder.

Commission Faulkner captured the issues: the park, traffic and the HOA.

Chair Hiatt asked what is specific about traffic.

Commissioner Gutierrez replied his specific issue on traffic is 1) the left-hand turn onto Geo Lane, specifically the staging lanes and 2) a traffic study that doubles the number of dwellings. The traffic study was done on 42 lots. He wants to know if that considers the possibility of guest homes.

Commissioner Garcia said his major concern was the left turn into Geo.

Commissioner Faulkner said she would like to know if the lot would be accepted as a donation or would be another open space.

Mr. Berke stated if they were going to undertake a new traffic study and change the modeling, it might take 60 days.

Mr. Reeder said the last time they engaged Terry Brown it was at least 45 days before he could get to the study. This doesn't sound like a full-blown new study but more an analysis and could possibly be done sooner. Another option is Maury Walker, who is also a certified traffic planner.

Chair Hiatt asked Mr. Reeder if 60 days was reasonable.

Mr. Reeder said 60 days is okay. He said being honest he felt if they went to City Council tonight the evidence is on his side. They have met all of the criteria and he would hope to receive more of an impartial treatment there. He thought they would get that but is willing to stick with the Planning Commission another 60 days see if he can satisfy their concerns. The short answer is yes.

Mr. Logston said regarding the park dedication, he was not certain that is something the Commission could put on the developer. It is a larger City strategy and management issue that he did not think Mr. Reeder can solve. They have received a verbal commitment from Parks they will take the dedication, and a justification of why it will be inexpensive for them to maintain. They shouldn't expect Mr. Reeder to answer to that.

Chair Hiatt asked that Mr. Logston include that in the additional staff report with more flourish.

Ms. Paez added that usually, once there is a specific condition from the Parks Department of their requirements, at that point it becomes part of the financial guarantee. It is not a matter of the park not being accepted down the line. It is a matter of meeting the requirements. They supply a financial guarantee to show they have done that, and it is the City's.

Mr. Logston said he is not aware of any subdivision in the City where every single home has a casita. He was not sure they have ever asked an applicant to do this with a traffic study. He reminded them the level of service on the intersections was B and that did not change.

Commissioner Clow said it is not realistic to ask the applicant to do a traffic study when they agreed to do restricted covenants and only one unit per lot. It doesn't make sense to put that financial burden on the developer to do a study in anticipation that homeowners will violate restrictive covenants.

Commissioner Gutierrez explained the traffic study has been done and there is a base. The HOA would take the burden of the guest houses, but Ms. Paez stated there was no way the City has to enforce that.

Ms. Paez agreed.

Commissioner Gutierrez said that leaves the possibility of guest houses. He didn't find the burden reaching because a study has already been done. Everything tonight was focused on traffic.

Commissioner Clow asked if there was an HOA with restricted covenants on the other subdivision where two dwellings were on many of the lots.

Commissioner Gutierrez didn't recall.

Mr. Logston clarified although the City does not enforce HOA covenants, from the standpoint of a building permit, they ask applicants to produce their covenants. There will be covenants of some type, if nothing else for drainage, and the permit for an accessory dwelling unit would be denied. They check if one is put in improperly if a building permit is pulled.

Chair Hiatt asked if the permit department reviews every HOA applying for a permit.

Mr. Berke said not long ago there was a covenant restriction on a lot split that had to be tabled. They have seen conditions imposed by the applicant put on a plat and almost always, when there are notes on the plat, they enforce those. Some of the conditions are more restrictive on covenants than with the City. But they don't go through every set of covenants of every building permit.

Mr. Paez said there would be an initial review by her when finalized. If the covenant said no auxiliary dwellings it would say none and would be on the plat.

Commissioner Gutierrez asked if the Commission could make that a condition of approval.

Commissioner Clow said they could make that a condition of approval because the applicant agreed as part of the approval. That is what the Commission has accepted.

Ms. Paez agreed.

Mr. Reeder said he was okay with that condition of approval.

Commissioner Gutierrez said after everything, he would be okay scrapping the revised traffic study.

Mr. Berke suggested the motion include adding a condition of approval that the applicant has agreed to put a note on the plat that restricts each lot within the subdivision there could be no accessory dwelling unit. That doesn't touch on sheds or garages.

Chair Hiatt reminded everyone the motion is to *postpone*.

Mr. Gutierrez said the traffic study was going to put them out 60 days plus money out of pocket.

Chair Hiatt restated the motion is to postpone to a date certain no less than 60 days out. The sooner the better.

Ms. Paez indicated they only need to postpone to a date certain for noticing requirements. They are providing adequate notice by making this announcement and do not need to pick a specific date.

Commissioner Clow said the only issue is the extension of the left-hand turn lane.

Commissioner Gutierrez said that is the only one he has brought forward. He does have others to bring up between preliminary and final, which include the park.

Ms. Paez reiterated, this motion is to postpone a decision on making a recommendation to the Governing Body on the rezoning, and requests the applicant return with more information on the left-turn lane.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez and Lawrence voting in favor and none voting against.

G. STAFF COMMUNICATIONS

Mr. Berke said he emailed the Commission a spreadsheet with information on housing. The total units under construction now are 1,071 active building permits, with 791 under construction permit review for a total of about 1800 units. If anyone has questions, let him know.

The next meeting is on February 20, 2020. There are two cases to be heard.

Commissioners Clow and Lawrence indicated they would not be at the March meeting.

Mr. Berke noted on February 20, the Lensic and an old development plan will be heard. The March 5 agenda will be a loaded agenda and two meetings might be needed in March. There will probably be seven case captions but not necessarily seven different cases.

Ms. Paez added the guest attorney will be Andrea Salazar.

Mr. Berke said They will hear a case on March 5 on Agua Fria and Rufina St. zoning request along Airport Road. There will be quite a few cases for Airport Road because that is where much of the development is taking place.

Chair Hiatt asked Mr. Berke to poll the Commission regarding attendance for the February and March meetings.

Ms. Faulkner thought she would have a conflict of interest on one of the developments on Airport Road. She wants to recuse herself if on the next agenda and suggested possibly doing the case last if she does have to recuse.

H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez thanked Mr. Berke for the numbers for the multifamily housing units. He has seen some lot split signs. He asked if everything was going smoothly.

Mr. Berke said relatively smooth. They did a new application and put a sign together that works well. They also created a letter that includes a PDF of the proposed

project as part of the mailer. The response from the public has been positive and no one has come in with concerns.

He is currently reviewing development review cases.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 9:25 p.m.

Submitted by:

Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair



EXHIBIT B2

City of Santa Fe, New Mexico

Governing Body Meeting
July 29, 2020

Exhibit B 3

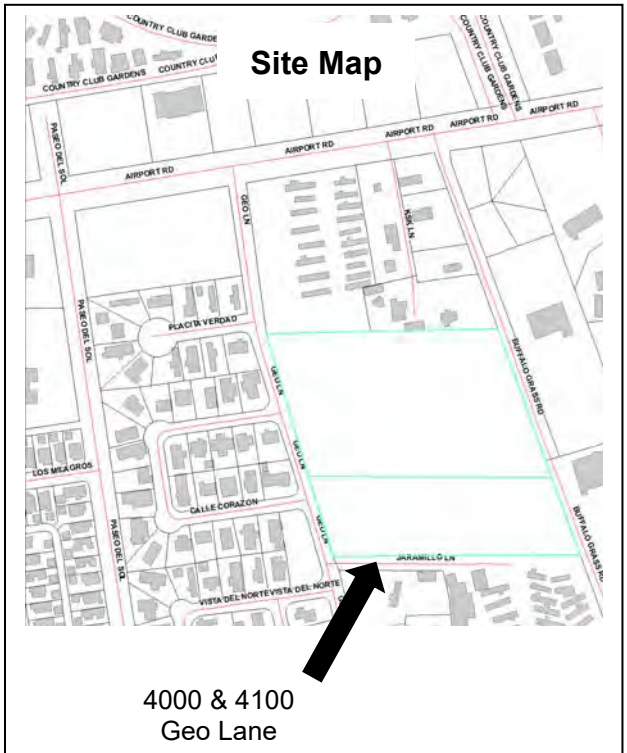
Planning Commission Staff Reports and Packets

June 4, 2020 Staff Report, Relevant Packet Material, Findings and Minutes

EXHIBIT B3

Land Use Department
Planning Commission Staff Report

Case No:	2019-20 & 2019-1520
Hearing Date:	June 4, 2020
Applicant:	John Reeder
Request:	Rezoning & Preliminary Subdivision
Location:	4000 & 4100 Geo Lane
Case Mgr.:	Lee Logston
Zoning:	R-1 (Residential- one dwelling unit per acre)
Overlay:	None
Pre-app Mtg:	December 27, 2018 & December 9, 2019
ENN Mtg:	January 31, 2019 & November 6, 2019
Proposal:	Rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre), and Preliminary Subdivision approval for 42 residential lots on 8.59 acres.



Case # 2019-20. 4000 and 4100 Geo Lane Rezoning. John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).

RELATED CASE:

Case # 2019-19. 4000 and 4100 Geo Lane General Plan Amendment*. John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 8.59 acres from Institutional to Low Density Residential. The properties are located at 4000 and 4100 Geo Lane. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136).* ***RECOMMENDED FOR APPROVAL TO THE GOVERNING BODY JUNE 6, 2019***

I. RECOMMENDATION:

The Planning Commission should recommend **APPROVAL** of the rezoning request and should approve the preliminary subdivision plat subject to the approval of the rezoning application.

Four motions will be required in this case:

- *Recommend the Governing Body approve or deny the rezoning request for Case #2019-20 from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre);*
- *Approve or deny the preliminary subdivision for Case #2019-1520 subject to rezoning approval by the Governing Body, with the conditions of approval and technical corrections as outlined in this report;*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2019-20 (Exhibit A(2)); and*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2019-1520 (Exhibit A(3)).*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2019-1520:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Preliminary Subdivision approval is dependent on The Governing Body approving a General Plan amendment from Institutional to Low Density Residential and a rezoning from R-1 to R-5 by the Governing Body.	Land Use/Current Planning	Prior to Final Subdivision Approval
2	Articles of Incorporation and By-Laws for the Homeowners Association will need to be submitted and reviewed by the City Attorney per 14-9.5(A)(2).	Land Use/Current Planning	Prior to Final Subdivision Approval
3	The Developer shall provide sufficient sight distance at the subdivisions access to Geo Lane and Buffalo Grass Road. These sight triangles shall be in accordance with AASHTO standards and shall be reviewed and approved by the City's Public Works Department.	Engineering Division/Traffic	Prior to Final Subdivision Approval
4	The Developer shall provide a signing and striping plan.	Engineering Division/Traffic	Prior to Final Subdivision Approval
5	The Developer shall provide LED street lighting at all intersections, cul-de-sacs, and major curves. These lights shall be mounted on 23' poles per NMDOT specifications. The type of LED to be used	Engineering Division/Traffic	Prior to Final Subdivision Approval

	shall be reviewed and approved by the City's Public Works Department and shall be New Mexico Night Sky Protect Act compliant.		
5	The Developer shall increase the length of the eastbound left-turn bay on Airport Road by 25’	Engineering Division/Traffic	Prior to Final Subdivision Recordation
6	Certified drainage report must be stamped by a registered NM Professional Engineer. Use 0.98 for the C value for Roof, Concrete and Asphalt in the drainage calculation.	Technical Review Division/Terrain Management	Prior to Final Subdivision Approval
7	An Agreement to Construct and Dedicate (ACD) from the Water Division may be required for this project. A water plan must be submitted directly to the Water Division and approved prior to obtaining an ACD.	Public Utilities/Water Division	Prior to Obtaining Water Service

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The “technical corrections” that must be made to the plat prior to recordation are listed in Exhibit A(1).

III. EXECUTIVE SUMMARY:

On June 6, 2019, the Planning Commission recommended approval of a General Plan amendment from Institutional to Low Density Residential for this property but tabled the Applicant’s R-6 (Residential- Six dwelling units per acre) rezoning request. On February 6, 2020, the Applicant sought recommendation for approval of R-5 rezoning (Residential- Five dwelling units per acre), and approval of a preliminary subdivision plat for 42 residential lots. The Commission still had concerns about left turn movements onto Geo Lane and asked the applicant to come back with additional traffic data to augment the Traffic Impact Study (TIA).

If given a favorable recommendation on the R-5 rezoning application, the Applicant will go to the Governing Body for final approval of the General Plan amendment and the rezoning. A preliminary subdivision approval would be conditional, pending approval by the Governing Body. If the Governing Body approves the General Plan amendment and rezoning requests, the final subdivision plat will come back to the Commission for approval.

While this project has met opposition from residents at each prior hearing, the Applicant has made significant efforts to address all the concerns that are within his ability to address with this development. The Applicant has complied with Planning Commission requests to collect additional data to supplement the Traffic Impact Analysis (TIA) previously performed. With approval by the City Traffic Engineer, the Applicant will perform further off-site improvements to the left turn median on Airport Road.

Much of the discussion about this project has centered on "quality of life" issues. Many of these are larger community issues, such as crime enforcement, lack of area amenities, and character of the urban realm. These are issues that engaged citizens and appointed and elected officials must be address together, through a longer-range process that includes discussion of public and private community investment. This proposed infill project should not be evaluated on its ability to resolve all of the persistent challenges facing this district. Rather, the Commission should base their decision on both the rezoning and the preliminary subdivision solely on the requirements and standards detailed in Chapter 14. A recommendation for denial on either must address each of the criteria contained within. These criteria are detailed in Sections VI and VII.

The Applicant asks that the Commission provides him with a decision, even if it is to recommend denial of the rezoning, so that he can move forward to the Governing Body for review. A recommendation for denial of the rezoning request by the Commission would hand over to the Governing Body approval authority for both requests.

IV. BACKGROUND

The Planning Commission first considered an application for this property on June 6, 2019. At that time, the application consisted of a General Plan amendment from "Institutional" future land use designation to "Low Density Residential" (three to seven units per acre) and a rezoning from R-1 (Residential- One dwelling unit per acre to R-6 (Residential- Six dwelling units per acre). The Applicant's intent at that time was to develop approximately 48 residential lots on +/- 8.59 acres. The Planning Commission recommended approval of the General Plan amendment, but tabled the rezoning request, asking the Applicant to come back with something less dense and to better address the concerns of the surrounding residents, which included traffic, density, lot shape, type of housing to be built, and the lack of parks and open space.

The Applicant came back to Planning Commission on February 6, 2020, with a request for approval for R-5 rezoning (Residential- Five dwelling units per acre) and a request for preliminary subdivision approval for a 42-lot subdivision. While the proposed density was not significantly less than the original proposal, the Applicant had made a number of modifications to the subdivision proposal in an attempt to address resident concerns:

- Density: The Applicant decreased the number of lots from 48 to 42.
- Preventing street parking on Geo Lane and Buffalo Grass: The Applicant increased the right of way width of most streets within the subdivision to accommodate street parking.
- Preventing cut-through traffic: The Applicant aligned the roads within the proposed subdivision in such a way as to eliminate a straight through path from Geo Lane to Buffalo Grass Road.
- Lot shape: The Applicant increased the width of lots in order to encourage a variety of home footprints.
- Guest houses: The Applicant expressed a willingness to prohibit guest houses and included this prohibition in draft covenants.
- Stick-built homes: The Applicant engaged the Housing Trust and Homewise in discussions to see if they would be interested in building the subdivision or providing financing. These discussions are ongoing.

- Manufactured home quality: The Applicant included provisions in the covenants specifying that the homes be no more than five years old, and that the homes be attached to a permanent masonry foundation finished in stucco or some other material that compliments the finish of the home.
- Parks and open space: Although a subdivision this small is not required to build a park, the Applicant offered to dedicate and build a small public park and gained Parks Department commitment to maintain it. The applicant has since withdrawn this offer.
- Proximity to KSK dorms: The Applicant provided a non-buildable lot directly adjacent to the dorms and offered to deed it over to the KSK for their use, and increased rear setbacks on lots adjacent to KSK to buffer the dorms. In subsequent negotiations with KSK, the Applicant has instead offered to build a wall and perform a lot line adjustment to give KSK a ten-foot strip of land along their common property line.
- Pedestrian safety: The Applicant has offered to build sidewalks connecting his development to Airport Road. Currently, there is not a continuous sidewalk on Geo Lane. As an off-site infrastructure improvement, City staff will not require this, but if the Applicant confirms willingness to construct off-site sidewalks at the public hearing, this could be included final subdivision stage.

At the February 6 hearing, some residents expressed gratitude for these revisions to the subdivision design. However, many of the same concerns about density and traffic persisted among both residents and the Commission. There was significant discussion about the methodology used by the Applicant's Traffic Engineer, and the resulting data regarding traffic flow, queuing on Airport Road for left turns onto Geo Lane, and the number of new vehicles the new subdivision would bring.

After significant deliberation, the Commission postponed making a decision, and asked the Applicant to follow up on three specific Commission requests:

1. The Commission requested that the Applicant collect more traffic accident data for Airport Road at the intersections of Geo Lane and Paseo del Sol;
2. The Commission asked the Applicant to follow up with the City Traffic Engineer to see whether he would be willing to allow adjustment of the left turn lane on Airport to accommodate one more car to queue for left turns onto Geo Lane; and
3. Investigate/verify the validity of ITE trip generation rates as they would apply to this project.

While the Applicant has decided to withdraw the park dedication from the subdivision, he has collected more traffic data and the results are analyzed below. This staff report focuses on the key issues of roads, traffic, and parking, as well as following up on specific items unresolved as of the last hearing. Detailed analysis of the subdivision is found in the Staff Report for the February 6, 2020 Hearing, included in Exhibit A(4).

V. NEW DATA AND OUTSTANDING ISSUES

Roads and Traffic:

Geo Lane is a 50-foot public right of way (ROW), with approximately 30 feet of pavement adjacent to the project site. Buffalo Grass Road is a 40' public ROW, with approximately 18' of pavement and sidewalks. The Applicant will construct curb, gutter, and sidewalk along their property on the east side of Geo Lane

and the west side of Buffalo Grass Road, dedicating any necessary ROW for the improvements. The Applicant has also expressed a willingness to extend both of these sidewalks north to connect with existing Airport Road sidewalks. This amounts to approximately 900' of off-site sidewalk improvements that would improve pedestrian safety for existing and future residents.

The Applicant has obtained approval from the City Traffic Engineer to reconfigure the curbing on the left turn bay island on Airport Road, as requested by the Commission. This off-site improvement will increase the queuing for west bound left turns onto Geo Lane by approximately 25 feet, which will allow for approximately one more vehicle to queue for left turns during busy times. This will correspondingly reduce the left turn queuing for traffic traveling east by one vehicle as well. The queuing analysis in the TIA indicated that this would contain the 95th percentile queue at this intersection. Observational data obtained for the supplemental traffic data showed that the east bound turn lane rarely had more than one vehicle in it. This change should improve left turn safety onto Geo Lane, and is hoped to discourage U-turns at the signaled intersection or Paseo del Sol.

As requested at the February 6 hearing, the Applicant collected crash data for the intersections of Airport Road at Paseo del Sol and Geo Lane. While traffic modeling indicated that the proposed new Geo Lane subdivision was expected to increase the number of crashes by less than one crash per year (0.71) collectively for both intersections, the crash data indicated that there were approximately 18 more crashes at these intersections than modeling would predict. The Applicant did not go into individual crash reports to verify that all these accidents truly did occur in traffic motions at these intersections, nor to confirm if the intersections were used as general reference points. A rear-end collision due to stopped traffic at Paseo del Sol, 40 feet back from the intersection, for example, might be filed as an accident at Paseo, but was not necessarily caused by left turn or U-turn motions. Therefore, the crash data collected is inconclusive.

The developer did not present a trip generation analysis that could be used as comparable data for residential traffic in the area of Airport Road. The Public Works Department provided the developer with traffic counts that could be used to represent traffic generation in this area. As of the date of this memo, Public Works has not received the analysis of this data. Therefore, the Traffic Division Director does not have recommendations to present regarding the accuracy of traffic counts. The Geo Lane Supplemental Traffic Impact Analysis, included as Exhibit D(3).

The original TIA performed for the original R-6 proposal measured traffic movements at the intersections of Airport Road and South Meadows Road, Paseo del Sol, Geo Lane, and Buffalo Grass Road. For all of these intersections, the Level of Service (LOS) grades did not change with the additional traffic anticipated to be generated by the new subdivision. Specifically, the intersections of Geo Lane and Buffalo Grass Road currently operate at level of service "B" at both morning and evening peaks, and this level of service does not change with traffic from the new subdivision. All three entrances to the proposed subdivision on Geo Lane and Buffalo Grass Road are expected to operate at level of service "A". While there may be a perception that these are very busy roads, they currently operate at the highest LOS, and the effect of the new subdivision does not change the LOS for these roads.

Cars and Parking:
There was significant discussion of whether vehicles of residents of the new development would spill out onto Geo Lane or Buffalo Grass Road. Each lot within the subdivision will provide the required two off street parking spaces. Furthermore, three out of four primary streets within the subdivision will be 50-foot public ROWs, which are wide enough to accommodate parking on one side of the street. It should be noted that even if there is overflow parking, Geo Lane and Buffalo Grass Road are both public streets. Geo Lane has a 50-foot ROW which can accommodate parking on one side.

Park:
After consideration of the discussion about the park at the last hearing, the Applicant has decided to withdraw his offer to dedicate a park and instead will pay park impact fees. The quarter acre that had been intended for the park has been absorbed into lots in the subdivision. A letter from the Applicant addressing this topic is included as Exhibit D(4).

KSK Temple & Dorms:
At the February 6 Hearing, KSK members expressed appreciation for the increased setbacks and offer of the open space areas adjacent to the dorms, but also requested a wall adjacent to the dorms to provide a better buffer. In subsequent discussions with KSK, representatives expressed concern over maintaining the open space parcel. The Applicant is now planning to perform a lot line adjustment with the subdivision, deeding over ten feet of land to KSK and will build a six-foot wall along this new property line. This donation, along with the standard rear yard setback of 15 feet, will ensure at least 25 feet between the KSK dorms and any new houses. A letter from the Applicant addressing this topic is included as Exhibit D(4).

Homeowners Association (HOA) Covenants Regarding Manufactured Homes:
The Applicant agreed at the February 6 Hearing to expressly prohibit guest houses in the subdivision's HOA covenants. Staff will not condition this, but supports the Applicant's willingness to honor the neighbors' wishes. The Planning Commission does have the authority to include this as a condition of approval. The Applicant will include a guest house prohibition in the covenants for consideration at final subdivision. There are also provisions regarding the age, type, and foundation requirements for any manufactured homes placed within the subdivision.

VI. REZONE APPROVAL CRITERIA

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:

Criterion 1 [14-3.5(C)(1)(a)]: one or more of the following conditions exist:	**Criterion Met:** (Yes/No)
(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;** **(iii) a different use category is more advantageous to the**	**YES**

community, as articulated in the General Plan or other adopted city plans;	
(i) Not Applicable (ii) The surrounding area has evolved over the past few decades, evolving from semi-rural open areas to predominately residential neighborhoods. Residential developments are currently established on three sides of the property, along with one institutional use to the north. A mixture of live/work and light commercial establishments are to the east and south on the other side of Buffalo Grass Road. (iii) R-5 zoning would be more advantageous to the community than the existing R-1 in terms of providing much needed buildable lots at lower prices than one acre lots could be offered. The Commission has already recommended changing the future land use designation from Institutional to Low Density Residential, recognizing the abundance of land designated Institutional in this area, and consistency with the Southwest Area Master Plan (SWAMP) and with guidelines articulated in various sections of the General Plan.	
Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;	**Criterion Met:** (Yes/No) **YES**
The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.	
Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;	**Criterion Met:** (Yes/No) **YES**
The proposed rezone is consistent with the Commission's previous recommendation to change the future land use designation from Institutional to Low Density Residential. The Southwest Area Master Plan (SWAMP) serves as the general plan for this area, and the SWAMP is essentially neutral about residential housing at this density in this area. Low density residential is an appropriate land use with the general Mixed Use intent of this area. In the general plan amendment case (2019-19), the Commission found housing at this location "would promote the general welfare and contribute to the harmonious development of Santa Fe as long as the resulting density and design proposal are appropriate for the surrounding area."	
Criterion 4 [14-3.5(C)(1)(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;	**Criterion Met:** (Yes/No) **YES**
The proposed rezoning exceeds the two acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)), and is consistent with the General Plan in terms of use and density.	
Criterion 5 [14-3.5(C)(1)(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.	**Criterion Met:** (Yes/No) **YES**

A traffic impact analysis was previously performed to assess the impact of the additional traffic anticipated to be generated by the proposed development, based on R-6 density, higher than the R-5 now proposed. Levels of service did not change at any of the intersections studied. The Applicant will make road improvements to his property, as well as significant off-site sidewalk improvements. Water and sewer service lines are readily available in both Geo Lane and Buffalo Grass Road. Full DRT review indicated that infrastructure would be able to absorb the impacts of the proposed development. Existing infrastructure can accommodate the development, and the Applicant is making improvements to the west bound turn bay on Airport Road.	
Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to: **(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;** **(b) affect an area of less than two acres, unless adjusting boundaries between districts;** **(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.**	**Criterion Met:** (Yes/No) **YES**
(a) The proposed change in use will result in a new single family, detached home development which will be consistent with the prevailing use and character in the area. (b) The proposed rezoning is well over the two acre threshold. (c) The proposed subdivision is for 42 lots, and includes the dedication of land to the KSK Buddhist Center. The average lot size is over 5,800 square feet, well over the minimum lot size of 4,000 square feet. The proposed subdivision includes several roads wide enough to allow for on-street parking, so resident and visitor parking should be confined to the subdivision. The developer is willing to build 900 feet of off-site sidewalk improvements. Given all this, the development does not come at the expense of the general public.	
Criterion 7 [14-3.5(D)(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;	**Criterion Met:** (Yes/No) **YES**
DRT review indicated that road and utility infrastructure would be able to handle the proposed use and density. The Applicant will make road improvements to their property as required by Chapter 14, reconfigure the left turn lane onto geo Lane on Airport Road, as well as make extensive off-site sidewalk improvements in the neighborhood.	
Criterion 8 [14-3.5(D)(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.	**Criterion Met:** (Yes/No) **YES**

The Applicant will make road improvements to the property, as well as extensive off-site sidewalk improvements. The developer will cooperate and participate wholly or in part with any applicable costs of construction in addition to impact fees.

VII. PRELIMINARY SUBDIVISION PLAT

SFCC Section14-3.7 governs the authority, procedures and restrictions for the division of land. SFCC Subsection 14-3.7(B)(3)(d) states that "The Planning Commission shall review the preliminary plat and other materials submitted for conformity to this article, consider the Land Use Director report and recommendations and require any changes deemed advisable and the kind and extent of improvements to be made by the subdivider."

The criteria for approval of a Preliminary Subdivision are detailed below:

Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and *structures*, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.	**Criterion Met:** (Yes/No) **YES**
Archaeological clearance was not required for this proposal. There is minimal vegetation on the site, and there are no significant natural features, water courses, or historical sites.	
Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *platting* and *development* purposes of the kind proposed. Land subject to *flooding* and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be *platted* for *residential* occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate *erosion* or *flood* hazard. Such land shall be set aside within the *plat* for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).	**Criterion Met:** (Yes/No) **YES**
There are no water courses or FEMA designated flood plains on or near this property. There is minimal slope to the property, with less than 20 feet elevation loss between the north and south boundaries of the property. The retention basin is located at the southeast corner of the property, where it will take full advantage of natural drainage patterns.	
Criterion 3: All *plats* shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).	**Criterion Met:** (Yes/No) **YES**
The Development Review Team (DRT) has reviewed the Applicant's proposed subdivision design. The DRT includes the following City Divisions: Traffic, Technical Review, Water, Sewer, Fire and Land Use. Review comments and conditions from the DRT provide necessary changes to the proposal to meet City Code standards for public health, safety or welfare. The engineering design for terrain management, roads and utilities complies with all requirements of Chapter 14. Sewer will gravity flow for all lots within the subdivision. The water line will be capable of providing the fire flow	

standards of the International Fire Code.	
Criterion 4: A *plat* shall not be approved that creates nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any variances with this proposal.	
Criterion 5: A *plat* shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the *plat*.	**Criterion Met:** (Yes/No/N/A) **YES**
No existing nonconformities are increased, nor are any nonconformities created by the approval of this subdivision. The applicant is not requesting any exceptions with this proposal.	

VIII. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held for the original application, consisting of general plan amendment and R-6 rezoning requests, on January 31, 2019. Approximately ten members of the public attended. An ENN for the amended application, consisting of an R-5 rezoning request along with preliminary subdivision approval, was held on November 6, 2019. Four residents signed in. Additionally, another informal meeting for neighbors was held on November 12, 2019 as an additional opportunity for neighbor input, which was attended by two residents and one member of the press. Concerns voiced at all meetings were largely the same, and the Applicant's efforts to address these concerns are detailed in the Background Section of this report.

IX. EXPIRATION

According to SFCC Subsection14-3.19(B)(2) "Approval of a preliminary subdivision plat … shall expire three years after final action approving it unless the final plat … is approved." Should the Commission approve the preliminary subdivision plat and adopt the recommended Findings of Fact at this hearing, the expiration date would be June 4, 2023.

The rezoning request is a recommendation, rather than a final decision. Therefore, there is no expiration date provision in our code.

X. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2019-20
3. Draft Findings of Fact/Conclusions of Law Case #2019-1520
4. Staff Report February 6, 2020
5. Planning Commission Meeting Minutes February 6, 2020

EXHIBIT B: Development Review Team Memoranda

1. Traffic Review
2. Fire Review
3. Technical Review
4. Wastewater Division Review
5. Water Engineering Division Review
6. Landscape Review

EXHIBIT C: Maps and Photos

EXHIBIT D: Applicant Materials

1. Applicant Letter
2. Traffic Impact Analysis Summary
3. Supplemental Traffic Memo
4. Draft Covenants
5. Proposed Subdivision

APPROVED BY:

Title	Name	Initials
Land Use Director	Eli Isaacson	
Land Use Planner Manager	Noah Berke	
Land Use Department Case Manager	Lee Logston	

City of Santa Fe, New Mexico

Exhibit D

Applicant Materials

1. Applicant Letter
2. Traffic Impact Analysis Summary
3. Supplemental Traffic Memo
4. Draft Covenants
5. Proposed Subdivision

EXHIBIT B3

To: City of Santa Fe Land Use Planning, Planning Commission Chairman and Members, and Others Whom it may concern:

From: Geo Park, LLC Members

Re: Open Space

Regarding our previous proposal to donate approximately one-quarter acre open space for a public park as a part of our proposal for GEO PARK SUBDIVISION, we respectfully request the withdrawal of offered donation due to neighboorhood and Commission Member concerns about the future maintenance and upkeep of the proposed park. In reviewing the minutes from the February 6th, 2020 Planning Commission meeting, which required 30 pages to transcribe, the proposed park was discussed at length on at least 5 of those pages, including the public testimony portion and then the question and answer as well. There was much skepticism regarding the City Parks Department ability to manage any added maintenance to its workload and the suggestion of a "low maintenance" park without grass and landscaping was also not favorably received. Therefore, we have revised our proposed subdivision layout and have added the area of the proposed park to the nearby Lots, making those Lots a little larger than before.

Regarding the other open space area adjacent to the KSK Buddist Center we have also revised that proposed donation. In discussions with representatives of the center a preference for greater privacy was expressed rather than the donation of an open space area that would likely require maintenance and create an expense. Instead, we now propose to donate a 10 foot wide strip along the current shared property boundary, build an 8 foot high block wall on the adjusted property line, and also create a 10 foot setback from the wall for any home built on the Lots adjoining the adjusted property line. This combination will result in the 20 foot separation from the center's dormitory, as was previously proposed, and also offer more privacy for the whole center. The remainder of the open space area will be added to nearby Lots, as with the others, making those Lots a bit larger.

EXHIBIT B3

Terry O. Brown P.E.

Geo Lane Park Subdivision

(Airport Rd. / Geo Lane)

Traffic Impact Study

April 26, 2019

D R A F T



Presented to:

City of Santa Fe
Traffic Engineering Department

Prepared for:

Terry O. Brown P.E.
P.O. Box 92051
Albuquerque, NM 87199
505 · 883 · 8807

Geo Lane Park Subdivision
(Airport Rd. / Geo Lane)
Traffic Impact Study

Executive Summary

The purpose of this study is to evaluate the transportation conditions before and after implementation of the proposed Geo Lane Park Subdivision, determine the impact of the development on the adjacent transportation system and recommend mitigation measures where necessary. The subdivision can be developed based on a proposed zone change from I-1 (Church) to R-6 (Residential – 6 DU's per acre). This study is prepared to meet the requirements of the City of Santa Fe Traffic Engineering Department associated with its review of the Geo Lane Park Subdivision.

The proposed development is located near the southeast corner of Airport Rd. / Geo Lane. The study area includes the intersections of Airport Rd. / S. Meadows Rd., Airport Rd. / Paseo del Sol, Airport Rd. / Geo Lane and Airport Rd. / Buffalo Grass Rd. as well as the three proposed driveways for the project. Following is a vicinity map showing location of the project:

The proposed development is to be developed as a 48 unit single-family detached housing subdivision. The anticipated implementation year for this site is the year 2022. According to the Institute of Traffic Engineers' (ITE) trip generation rates, the weekday AM Peak Hour period is anticipated to generate approximately 10 entering trips and 29 exiting trips. During the weekday PM Peak Hour period, it is anticipated that it will generate approximately 32 entering trips and 19 exiting trips.

The development will be accessed via three proposed driveways for this parcel of land, two on Geo Ln. and one on Buffalo Grass Rd.

Analysis results by analysis year are included in the following tables:

			2022 Conditions	
Intersection No. / Name	Signalization	Case	AM Peak	PM Peak
1 - Airport Rd. / S. Meadows Rd.	Signalized	NO BUILD	C - 32.5	C - 20.8
		BUILD	C - 33.5	C - 21.0
2 - Airport Rd. / Paseo del Sol	Signalized	NO BUILD	B - 19.5	B - 12.3
		BUILD	B - 19.6	B - 12.4
3 - Airport Rd. / Geo Lane	Unsignalized	NO BUILD	B - 12.3	B - 10.9
		BUILD	B - 12.5	B - 11.0
4 - Airport Rd. / Buffalo Grass Rd.	Unsignalized	NO BUILD	B - 11.4	B - 10.6
		BUILD	B - 11.6	B - 10.7
5 - Driveway"A" / Buffalo Grass Rd.	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 8.7	A- 8.7
6 - Driveway"B" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 9.1
7 - Driveway"C" / Geo Lane	Unsignalized	NO BUILD	N/A	N/A
		BUILD	A - 9.0	A- 8.9

In summary, the proposed development does not have a significant adverse impact to the adjacent transportation system and the minimal impact to the transportation system can be mitigated by the recommended measures described in this report and summarized in the table above. In summary, the recommendations of this study are:

Recommendations

Project should be accessed via three full access driveways:

- **Driveway "A" / Buffalo Grass Rd.** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "A" is located approximately 120 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "A").
- **Driveway "B" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "B" is located approximately 230 feet north of the south boundary of the subdivision (boundary line to centerline of Driveway "B").
- **Driveway "C" / Geo Lane** – should be designed and constructed with one entering lane and one exiting lane minimum. Driveway "C" is located approximately 250 feet north of Driveway "B" (centerline to centerline).

Driveways shall be designed and constructed to preserve adequate sight distances as required by the City of Santa Fe Traffic Engineer.

Driveways should be designed and constructed to intersection Geo Lane and Buffalo Grass Rd. at a 90-degree angle plus or minus 10 degrees.

EXHIBIT B3

Terry O. Brown P.E.
Civil / Transportation Engineering

Monday, May 11, 2020

John J. Romero, P.E.
City of Santa Fe
P. O. Box 909
Santa Fe, NM 87504

Re: Geo Lane Subdivision – Supplemental Letter

Dear Mr. Romero:

This supplemental letter is a companion to the Traffic Impact Study address certain issues raised at a recent public hearing for the project. Those issues are listed as follows:

1) Crash rates for Airport Rd. / Geo Lane and Airport Rd. / Paseo del Sol
2) Queuing for westbound left turn movement off of Airport Rd. into Geo Lane southbound
3) Residential trip generation rates – validity in applying to this project

In order to address the three areas of concern, the following actions are taken:

1) A crash analysis was performed for the Airport Rd. / Geo Lane and Airport Rd. / Paseo del Sol corridor (including the two intersections) using the HCS7 (Highway Capacity Software, Version 7) HSS (Highway Safety Software) module base on the Highway Safety Manual (See attached). The HSS evaluation is attached for review. In summary the HSS analysis indicates that the implementation of the proposed new Geo Lane Subdivision is expected to increase the number of crashes along Airport Rd. from Geo Lane to Paseo del Sol (inclusive) by less than one crash per year. Therefore, the impact to the crash rate along Airport Rd. is insignificant. The implementation of Geo Lane Park Subdivision does not present a significant adverse impact to the adjacent transportation system.
2) The queuing analysis in the Traffic Impact Study demonstrates that the existing westbound left turn lane on Airport Rd. at Geo Lane is sufficient to contain the 95th Percentile Queue at the intersection. The current westbound left turn lane on Airport Rd. at Geo Lane is approximately 65 feet long. Therefore, it can hold about three passenger cars before there is a spillover into the adjacent thru lane. The complimentary eastbound left turn lane on Airport Rd. at the east entrance to the Esplanade Shopping Center is approximately 80 feet long. Neither the westbound left turn lane nor the eastbound left turn lane were observed to spill over during the traffic count period for this Study. However, it was noted that the westbound left turn lane at Geo Lane would queue two to three vehicles occasionally while the

Terry O. Brown • tobe@swcp.com • P.O. Box 92051 • Albuquerque, NM 87199 • 505 - 883 - 8807

3) complimentary eastbound left turn lane rarely queued more than one vehicle. Therefore, it is concluded that the westbound left turn lane on Airport Rd. at Geo Lane could be extended by 25 feet to allow for one more vehicle to queue westbound to turn lane into Geo Lane, thus reducing the complimentary eastbound left turn lane length by 25 feet.
4) The trip generation rate for the proposed Geo Lane Park Subdivision was calculated using ITE Trip Generation equations published in the ITE Trip Generation Manual, 10th Edition. The trip generation rates for Single-Family Detached Housing Units for Daily, AM Peak Hour of Adjacent Street Traffic, and PM Peak Hour of Adjacent Street Traffic were established based on well of 150 nationwide studies of residential developments comprised of single-family detached homes. While trip generation rate calculation is not an exact science, the equations for Single-Family Detached Housing in the ITE Trip Generation Manual has a high degree of correlation with real trip generation rates (i.e., the R^2 Value is at least 0.89). The ITE Trip Generation Manual (10th Edition) states the following regarding ITE Land Use 210 (Single-Family Detached Housing):
   - *"...Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision..."*
   - *"...The number of vehicles and residents had a high correlation with average weekday vehicle trip ends. The use of these variables was limited, however, because the number of vehicles and residents was often difficult to obtain or predict. The number of dwelling units was generally used as the independent variable of choice because it was usually readily available, easy to project and had a high correlation with average weekday vehicle trip ends..."*
   - *"...This land use included data from a wide variety of units with different sizes, price ranges, locations, and ages. Consequently, there was a wide variation in trips generated within this category. Other factors, such as geographic location and type of adjacent and nearby development, may also have had an effect on the site trip generation..."*
   - *"...Single-family detached units had the highest trip generation rate per dwelling unit of all residential uses because they were the largest units in size and had more residents and more vehicles per unit than other residential land uses; they were generally located farther away from shopping centers, employment areas and other trip attractors than other residential land uses; and they generally had fewer alternative modes of transportation available because they were typically not as concentrated as other residential land uses..."*
   - *"...The peak hour of the generator typically coincided with the peak hour of the adjacent street traffic..."*

John J. Romero, P.E.
Monday, May 11, 2020

Re: Geo Lane Subdivision – Supplemental Letter

There are three independent variables available for projecting trip generations, the number of residents, the number of vehicles, and the total number of dwelling units. For this analysis, the number of dwelling units variable was used. The projected traffic generated by this land use is presented in the following Table. The Trip Generation Calculations are presented in the Traffic Impact Study.

SUMMARY OF TRIP GENERATION RATES LAND USE 210 – SINGLE-FAMILY DETACHED HOUSING) (GENERAL URBAN / SUBURBAN)	
Peak Hour of Adjacent Street Traffic	**Geo Lane Park Subd.**
A.M. Peak Hour Entering	10
A.M. Peak Hour Exiting	29
A.M. Peak Hour Total	39
P.M. Peak Hour Entering	32
P.M. Peak Hour Exiting	19
P.M. Peak Hour Total	51

Source: Institute of Transportation Engineers
Trip Generation, 10th Edition, 2017

The two entrances to the existing Estancia Primera subdivision were counted to obtain an actual rate. The existing Estancia Primera subdivision consists of approximately 177 single-family dwelling units. The actual traffic generated by Estancia Primera is significantly less than the traffic produced by ITE. This could be due to the demographics of Estancia Primera. For conservative analysis, the ITE rates will be used for this analysis.

I believe this letter should address the three concerns raised at previous public hearings.

Please call me if you have questions.

Best Regards,

Terry O. Brown, P.E.

attachments as noted

cc: John Reider,

Crash Analysis

A traffic and safety analysis using HCS7 Highway Safety Software (HSS) was performed to assess the safety performance of one signalized intersection (Paseo Del Sol & Airport Rd.) and one unsignalized intersection (Geo Lane & Airport Rd.) in the study area for existing (No Build) and developed (Build) conditions. The intersections were located sequentially along the Airport Rd. corridor which is classified as regional principal arterial. The Paseo Del Sol & Airport Rd. intersection has adequate lighting and a combination of permissive and protected/permissive left-turn phasing, and medium to low pedestrian activity level. The Geo Lane intersection has only one light on the north side of the intersection, so no credit was given for lighting in the analysis. The map below illustrates the intersections and segments analyzed in each corridor.



The total number of observed crashes from 2016 through 2018 (inclusive) at each intersection and segments between intersections was provided by the New Mexico Department of Transportation, Traffic Safety Division (Traffic Records). The HSS *predicted crash frequency* is calculated using site-based crash frequency estimates at other similar sites and the predictive model found in Part C of the HSM. The HSS model calculates *expected crash frequency* using the Empirical Bayes (EB) methodology which adjusts the *predicted crash frequency* using the observed crash frequency at the site. So, when the observed crashes are higher than the predicted crashes, the expected crash frequency is also higher. A summary of the crash

frequencies for the "No Build" and "Build" Conditions is presented in the Crash Analysis Summary Table below. More detailed HSS results for the No Build and Build conditions are presented in the tables in Appendix A-129 through A-166.

As shown in the Crash Analysis Summary Table, the impact on the crash rate due to the new development is minimal given that the crash rate at each analyzed intersection is increased by significantly less than one crash per year. A more notable concern is the total average number of observed crashes per year (23), compared to the predicted crashes (5.18) and expected crashes (14.193) for existing (or NO BUILD) conditions. The historic crash rate is an indicator of issues related to existing design and existing conditions and is not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there may be intersection design issues and / or regional driver characteristic issues that may need to be considered. The HSM modelling requires a regional adjustment factor which has not been applied in this case. The State of New Mexico (i.e., the NM DOT) has not determined regional adjustment factors. Neither has the City of Santa Fe.

The findings of this crash analysis conclude that the expected increase in crashes as a result of implementation of the proposed Geo Lane Park Subdivision is an increase of less than 1 crash per year collectively for the two intersections of Airport Rd. / Paseo Del Sol and Airport Blvd. / Geo Lane. Therefore, there is no significant impact on the adjacent transportation system.

CRASH ANALYSIS
Summary Table

TERRY O. BROWN, P.E.

Highway Safety Software Facility Report

Project Information
Analyst: J. Becker, P.E.
Date: 3/17/2020
Jurisdiction: City of Santa Fe
Analysis Year: 2020
Project Description: Geo Lane Park Subdivision

SECT. No.	FACILITY TYPE	MODEL TYPE	NAME	AADT MAJOR STREET		AADT MINOR STREET		LENGTH	AVERAGE OBSERVED CRASHES per year	PREDICTED CRASHES			EXPECTED CRASHES		
				NO BUILD	BUILD	NO BUILD	BUILD	(MI)		NO BUILD	BUILD	INCREASE	NO BUILD	BUILD	INCREASE
1	URBAN	4SG	Paseo Del Sol/ Airp	22,097	24,597	8,800	9,000		15	3.434	3.829	0.395	9.578	10.107	0.529
2	URBAN	3ST	Geo Ln/Airport	22,097	24,597	1,700	2,000		8	1.746	2.061	0.315	4.615	4.997	0.382
								TOTAL	23	5.18	5.89	0.71	14.193	15.104	0.911

EXHIBIT B3

GEO PARK SUBDIVISION

LYING AND BEING SITUATED WITHIN PROJECTED SECTION 12, T. 16 N., R. 8 E., N.M.P.M.,
CITY OF SANTA FE, NEW MEXICO

EXHIBIT B3



BOUNDARY DATA CHART

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD
C1	31.83'	N53°27'46"W	25.00'	72°57'16"	29.73'
C2	27.26'	S70°50'55"W	54.00'	28°55'24"	26.97'
C3	11.90'	S72°36'52"W	21.00'	32°27'24"	11.74'
L1	28.10'	N89°56'54"W			
C4	43.04'	N71°51'26"W	54.00'	45°39'54"	41.91'
C5	37.44'	N29°09'45"W	54.00'	39°43'31"	36.69'
L2	18.70'	N20°16'24"W			
C6	12.34'	N03°26'12"W	21.00'	33°40'25"	12.16'
C7	21.39'	N02°03'05"E	54.00'	22°42'00"	21.25'
C8	39.25'	S24°44'44"W	25.00'	89°57'44"	35.34'
C9	39.26'	N65°16'51"W	25.00'	89°59'07"	35.35'
L3	26.97'	N20°16'24"W			
L4	27.04'	N20°17'10"W			
C10	39.27'	N24°43'36"E	25.00'	90°00'00"	35.36'
C11	39.29'	S65°15'16"E	25.00'	90°02'16"	35.37'
C12	13.75'	N08°34'46"W	45.00'	17°30'26"	13.70'
L5	41.59'	N20°16'08"W			
L6	34.00'	N55°19'09"W			
C13	27.12'	N17°26'29"E	45.00'	34°32'04"	26.71'
C14	40.04'	N60°12'09"E	45.00'	50°59'17"	38.73'
C15	22.41'	N53°34'46"E	48.00'	26°45'08"	22.21'
C16	24.36'	N65°07'49"E	28.00'	49°51'15"	23.60'
L7	27.00'	S89°56'33"E			
C17	73.61'	S69°06'35"E	48.00'	87°52'11"	66.61'
C18	36.61'	S03°19'31"E	48.00'	43°41'56"	35.73'
C19	46.71'	N36°32'15"E	25.00'	107°02'46"	40.20'
C20	27.39'	S34°52'15"W	48.00'	32°41'37"	27.02'
C21	67.66'	N88°24'05"W	48.00'	80°45'44"	62.20'
L8	37.53'	N89°56'33"W			
C22	24.36'	N65°00'56"W	28.00'	49°51'15"	23.60'
C23	6.64'	N44°03'17"W	48.00'	7°55'55"	6.64'
C24	30.49'	S55°00'12"E	25.00'	69°52'21"	28.63'
L9	33.35'	S20°04'01"E			
C25	48.05'	S34°59'43"W	25.00'	110°07'28"	40.99'
L10	41.39'	N89°56'22"W			
C26	31.83'	N53°27'45"W	25.00'	72°57'14"	29.72'
C27	46.69'	N36°31'22"E	25.00'	107°01'00"	40.20'
L11	66.96'	S89°58'23"E			
L12	72.19'	N89°56'06"W			
L13	55.98'	N89°56'16"W			
L14	16.81'	N89°56'03"W			
L15	52.77'	N89°56'16"W			
L16	20.02'	N89°56'06"W			
L17	49.56'	N89°56'16"W			
L18	23.23'	N89°56'09"W			
L19	46.36'	N89°56'15"W			
L20	26.44'	N89°56'10"W			
L21	43.08'	S89°56'22"E			
C28	30.40'	S55°06'14"E	25.01'	69°39'40"	28.57'
L22	30.64'	N89°56'12"W			
C29	47.93'	S34°39'18"W	25.00'	109°51'00"	40.92'
L23	13.99'	N88°47'41"E			
L24	10.79'	S01°20'34"E			
L25	43.75'	N88°05'22"E			
L26	57.73'	N89°05'15"E			
L27	57.98'	N88°39'26"E			
L28	65.06'	N88°39'26"E			
L29	99.82'	N88°39'26"E			
L30	11.66'	S29°37'19"W			

LEGEND:

- FOUND MONUMENT AS NOTED
- CALCULATED POINT, NOT SET
- CONTROL MONUMENT SFC 1007
- UTILITY POLE
- ANCHOR GUY
- CHAINLINK FENCE
- E — AERIAL ELECTRIC LINE
- ADJOINER BOUNDARY
- AERIAL TELEPHONE LINE
- TELEPHONE JUNCTION BOX
- POLE BOLLARD
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- WELL
- WELL HOUSE
- SPIGOT
- WIRE FENCE FALLING DOWN
- ABANDONED TELEPHONE JUNCTION BOX

INDEXING INFORMATION FOR COUNTY CLERK

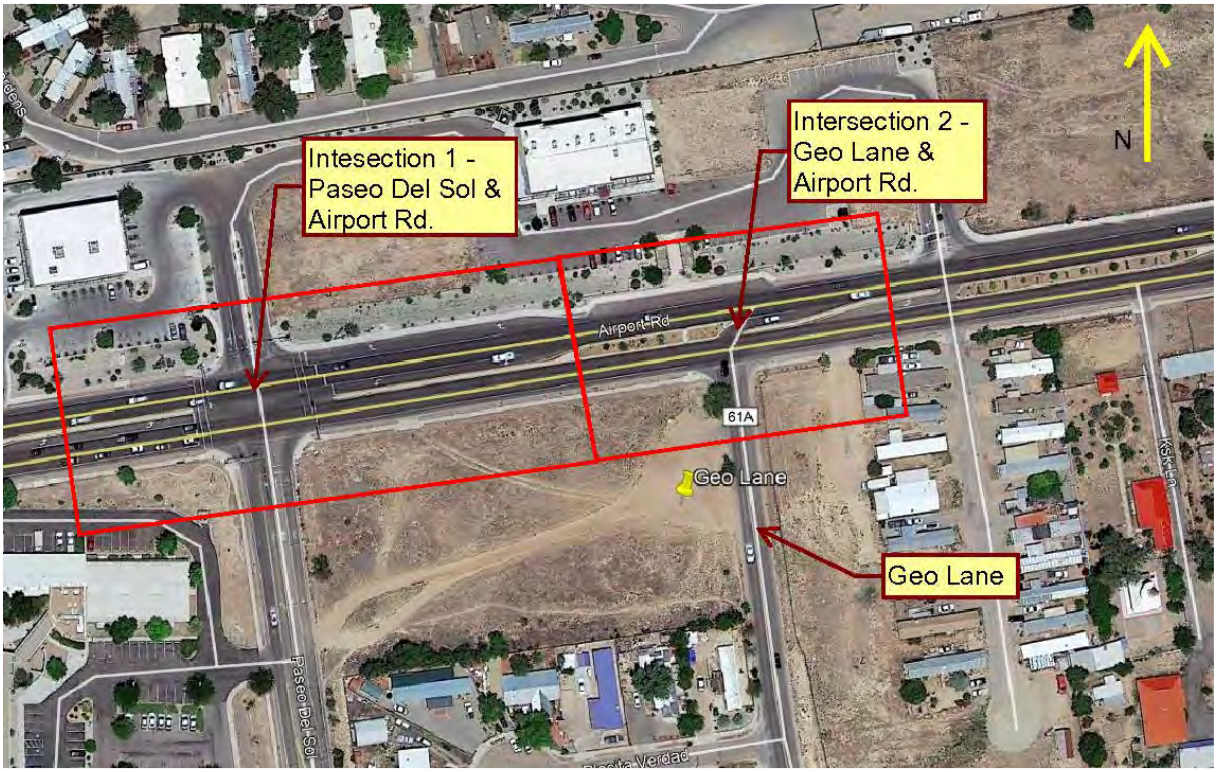
UPC:	1-048-095-388-368 & 1-048-095-397-338
OWNER:	LUIS OLIVAS, JOHN REEDER, & HASSAN SALAM
FILED:	INSTRUMENT #1873943
SUBDIVISION:	N/A
SECTIONS:	SECTION 12, T. 16 N., R. 8 E., N.M.P.M.

SOUTHWEST MOUNTAIN SURVEYS
1114 HICKOX ST., SANTA FE, N.M. 87501
(505) 982-9429 FAX (505) 986-3413

DATE (S): 8/4/19 | DRAWN BY: DKR | PROJECT No.: C-2922A

Crash Analysis

A traffic and safety analysis using HCS7 Highway Safety Software (HSS) was performed to assess the safety performance of one signalized intersection (Paseo Del Sol & Airport Rd.) and one unsignalized intersection (Geo Lane & Airport Rd.) in the study area for existing (No Build) and developed (Build) conditions. The intersections were located sequentially along the Airport Rd. corridor which is classified as regional principal arterial. The Paseo Del Sol & Airport Rd. intersection has adequate lighting and a combination of permissive and protected/permissive left-turn phasing, and medium to low pedestrian activity level. The Geo Lane intersection has only one light on the north side of the intersection, so no credit was given for lighting in the analysis. The map below illustrates the intersections and segments analyzed in each corridor.



The total number of observed crashes from 2016 through 2018 (inclusive) at each intersection and segments between intersections was provided by the New Mexico Department of Transportation, Traffic Safety Division (Traffic Records). The HSS *predicted crash frequency* is calculated using site-based crash frequency estimates at other similar sites and the predictive model found in Part C of the HSM. The HSS model calculates *expected crash frequency* using the Empirical Bayes (EB) methodology which adjusts the *predicted crash frequency* using the observed crash frequency at the site. So, when the observed crashes are higher than the predicted crashes, the expected crash frequency is also higher. A summary of the crash

frequencies for the "No Build" and "Build" Conditions is presented in the Crash Analysis Summary Table below. More detailed HSS results for the No Build and Build conditions are presented in the reports at the end of this document.

As shown in the Crash Analysis Summary Table, the impact on the crash rate due to the new development is minimal given that the crash rate at each analyzed intersection is increased by significantly less than one crash per year (about 0.69 crashes per year). A more notable concern is the total average number of observed crashes per year (10.0) for the intersections of Airport Rd. / Paseo Del Sol and Airport Rd. / Geo Lane, compared to the predicted crashes (5.199) and expected crashes (7.442) for existing (or NO BUILD) conditions. The historic crash rate is an indicator of issues **possibly** related to existing design and existing conditions and is not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there **may** be intersection design issues and / or regional driver characteristic issues that may need to be considered. The HSM modelling requires a regional adjustment factor which has not been applied in this case. The State of New Mexico (i.e., the NM DOT) has not determined regional adjustment factors. Neither has the City of Santa Fe.

It should be noted that the Highway Safety Manual is a relatively new and developing document (there is currently only a 1st Edition). The stated purpose of the Highway Safety Manual (Page xxiii of Volume 1) reads as follows:

> *The Highway Safety Manual (HSM) is a resource that provides safety knowledge and tools in a useful form to facilitate improved decision making. The HSM assembles currently available information and methodologies on measuring, estimating and evaluating roadways in terms of crash frequency (number of crashes per year) and crash severity (level of injuries due to crashes). The HSM presents tools and methodologies for consideration of "safely" across the range of highway activity: planning, programming, project development, construction, operations, and maintenance. The purpose is to convey present knowledge regarding highway safety information for use by a broad array of transportation professionals.*

The stated purpose above seems to lead the transportation professional to believe that the Highway Safety Manual can be a tool to forecast reliable crash frequency rates. However, there is subsequent language in the HSM that qualifies the data derived from the Manual. Following are some of the excerpts of the Highway Safety Manual that qualify the output:

> *C.8. LIMITATIONS OF THE HSM PREDICTIVE METHOD*
> *The predictive method is based on research using available data describing geometric and traffic characteristics of road systems in the United States. The predictive models incorporate the effects of many, but not all, geometric designs and traffic control features of potential interest. The absence of a factor from the predictive models does not necessarily mean that the factor has no effect on crash frequency; it may merely indicate*

that the effect is not fully known or has not been quantified at this time. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page C-19)

12.8 CALIBRATION OF THE SPFS TO LOCAL CONDITIONS

… Crash frequencies, even for nominally similar roadway segments or intersections, can vary widely from one jurisdiction to another. Geographic regions differ markedly in climate, animal population, driver populations, crash reporting threshold, and crash reporting practices. These variations may result in some jurisdictions experiencing a different number of reported traffic crashes on urban and suburban arterial highways than others. Calibration factors are included in the methodology to allow highway agencies to adjust the SPF's to match actual local conditions. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page 12-47; also see Volume 1, Page 3-23, 3.5.4 - Calibration)

… Calibration factors provide one method of incorporating local data to improve estimated crash frequencies for individual agencies or locations. (from Highway Safety Manual, 1st Edition, 2010, Volume 2, Page 12-47)

Expected average crash frequency – the estimate of long-term expected average crash frequency of a site, facility, or network under a given set of geometric conditions and traffic volumes (AADT) in a given period of years. In the Empiracal Bayes (EB) methodology, this frequency is calculated from observed crash frequency at the site and predicted crash frequency at the site based on crash frequency estimates at other similar sites.

Regression-to-the-Mean Bias

Crash frequencies naturally fluctuate up and down over time at any given site. As a result, a short-term average crash frequency may vary significantly from the long-term average crash frequency. The randomness of crash occurrence indicates that short-term crash frequencies alone are not a reliable estimator of long-term crash frequency. If a three-year period of crashes were to be used as a sample to estimate crash frequency, it would be difficult to know if this three-year period represents a high, average, or low crash frequency at the site compared to previous years.

When a period with a comparatively high crash frequency is observed, it is statistically probable that a lower crash frequency will be observed in the following period. This tendency is known as regression-to-the-mean (RTM), and also applies to the statistical probability that a comparatively low crash frequency period will be followed by a higher crash frequency period. (from Highway Safety Manual, 1st Edition, 2010, Volume 1, Page 4-8)

The preceding language seems to qualify that the crash rates obtained from the HSM should be considered as long-term average crash rates and that those crash rates can vary from one region

to the next based on various factors including climate and driver population. To adjust for such factors, calibration factors should be developed for each unique region to obtain more reliable results. Neither he City of Santa Fe nor the State of New Mexico have developed the calibration factors necessary to adjust the results obtained from the HSM to result in more reliable results.

Additionally, the HSM states that a short-term crash analysis (i.e., three-year study period) would be insufficient to provide reliable forecasts of crash data. It also states that a short period analysis showing a higher or lower rate than predicted would result in a Regression-to-the-Mean where the Study to be extended to cover a longer period of time. However, there seems to be no language in the HSM that states how long the study period should be.

A previous crash study (2014 Crash Analysis Report – Airport Road: Country Club Rd. to Cerrillos Rd.) seems to confirm the Regression-to-the Means concept in that the 2014 Report showed significantly less crashes than would be predicted. However, the data acquired for the 2014 Study was not well-defined in the study so was not utilized in this report. The study period for the 2014 report was also three years (2012 through 2014).

In conclusion, a reliable crash frequency analysis cannot be performed using the Highway Safety Manual procedures unless a longer period analysis is performed that takes into account a local calibration factor. Since a local calibration factor does not exist, this task is impossible at this time. However, it can be determined from the HSM analysis that the increase in the number of crashes as a result of the development of the Geo Lane Subdivision will be in the range of about ½ crashes per year (or about 1 crash every two years). Therefore, there is no significant impact on the adjacent transportation system.

Attached to this report are Collision Diagrams for the intersections of Airport Rd. / Paseo del Sol and Airport Rd. / Geo Lane. There are a couple of conclusions that can be derived from the two Collision Diagrams. First, there are a high frequency of rear-end collisions eastbound and westbound on Airport Rd. at the signalized intersection of Paseo Del Sol. There were 9 westbound rear-end collisions (one involved alcohol) and four eastbound read-end collisions. These are primarily due to driver inattentiveness. Secondly, there were 4 crashes that involved alcohol / drugs (one at Paseo Del Sol and 3 at Geo Lane). If the DWI crashes and the rear-end collision crashes were eliminated from the study, the number of crashes would be reduced substantially. (NOTE: Newer model vehicles often have crash alert systems which would tend to help reduce the number of rear-end collisions at signalized intersections. Thus, over time as more drivers drive the newer vehicles, these types of crashes should be reduced.)

CRASH ANALYSIS
Summary Table

TERRY O. BROWN, P.E.

Highway Safety Software Facility Report

Project Information
Analyst: J. Becker, P.E.
Date: 3/25/2020
Jurisdiction: City of Santa Fe
Analysis Year: 2022
Project Description: Geo Lane Park Subdivision

SECT. No.	FACILITY TYPE	MODEL TYPE	NAME	AADT MAJOR STREET		AADT MINOR STREET		AVERAGE OBSERVED CRASHES per year	PREDICTED CRASHES			EXPECTED CRASHES		
				NO BUILD	BUILD	NO BUILD	BUILD		NO BUILD	BUILD	INCREASE	NO BUILD	BUILD	INCREASE
1	URBAN	4SG	Paseo Del Sol/ Airport	22,097	24,597	8,800	9,000	7.7	3.453	3.829	0.376	5.522	5.806	0.284
2	URBAN	3ST	Geo Ln/Airport	22,097	24,597	1,700	2,000	2.3	1.746	2.061	0.315	1.92	2.07	0.15
								10.0	5.199	5.890	0.691	7.442	7.876	0.434

EXHIBIT B3

EXHIBIT B3

ITEM # 20-0260

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

Case #2019-20
4000 and 4100 Geo Lane Rezoning

Owner's/Applicant's Name - Geo Park, LLC
Agent's Name - John Reeder

THIS MATTER came before the Planning Commission (Commission) for public hearing on June 4, 2020 (Hearing) upon the application (Application) of John Reeder as agent for Geo Park, LLC (Applicant).

The Application pertains to two properties located at 4000 and 4100 Geo Lane totaling approximately 8.59 acres (Property). The Applicant requests approval of a rezoning from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre). At a hearing held concurrently with this hearing in related Case #2019-1520, the Applicant requested approval of a preliminary subdivision plat for a 42-lot residential subdivision (Project).

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

FINDINGS OF FACT

Background

1. On June 6, 2019, the Commission considered two applications for the Property, including a request to amend the General Plan by changing the future land use designation from Institutional to Low Density Residential (Case #2019-19) and a request to rezone the Property from R-1 (Residential-one dwelling unit per acre) to R-6 (Residential-six dwelling units per acre) (Case #2019-20).
2. On June 6, 2019, the Commission voted to recommend that the Governing Body grant the request to change the future land use designation for the Property from Institutional to Low Density Residential (Case #2019-19). The Governing Body has not yet considered the request to change the future land use designation.
3. On June 6, 2019, the Commission tabled consideration of the rezoning request to permit the Applicant to address concerns expressed by both Commissioners and members of the public about density and Project design.
4. The Applicant has since amended the rezoning request from R-6 (Residential-six dwelling units per acre) to R-5 (Residential-five dwelling units per acre) and has made other revisions to the Project to address the concerns that were raised.
5. On February 6, 2020, the Applicant returned to the Commission with an amended rezoning application, requesting to rezone the Property from R-1 (Residential-one dwelling unit per acre) to R-5 (Residential-five dwelling units per acre) (Case #2019-20). The Applicant also requested preliminary subdivision approval for 42 residential lots (Case #2020-1520).

6. At the hearing, the Commission discussed density, traffic generation, and traffic safety on Airport Road at length. In particular, westbound, left-turn queuing for Geo Lane was discussed at length.
7. At the hearing, the Commission again postponed a decision on the rezoning request and requested that the Applicant 1) provide more data on crash statistics on Airport Road, 2) seek approval from the City Traffic Engineer to modify the left turn bay for westbound left turns onto Geo Lane, and 3) clarify the validity of residential trip generation rates as they applied to the Project.

General

8. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
9. Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.l(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
10. Pre-application conferences were held on December 27, 2018 and December 9, 2019 in accordance with SFCC Section 14-3.l(E).
11. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meetings was properly given.
12. Pursuant to SFCC Section 14-3.1(F), two ENN meetings were held on the Application, on January 31, 2019, and November 6, 2019. The most recent ENN meeting was held at the Southside Library, 6599 Jaguar Drive, Santa Fe, New Mexico 87507. The ENN meeting was attended by the Applicant, one member of City staff, and four members of the public. Residents expressed concerns about traffic, pedestrian safety, manufactured homes, and general quality of life.
13. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
14. Staff recommended that the Commission should recommend that the Governing Body approve of the rezoning.

Rezoning

15. Pursuant to SFCC Sections 14-2.3(C)(7)(c) and 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
16. Santa Fe City Code (SFCC) Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
17. Pursuant to SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by Chapter 14 and any other necessary information requested by the land use director.

18. SFCC Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
19. Pursuant to SFCC Section14-3.5(C)(1)(a)(ii), the Commission finds that the rezoning is justified because the proposed density is consistent with surrounding residential neighborhood, additional housing would be more advantageous to the city than additional institutional land uses, and the rezoning is consistent with the Southwest Area Master Plan (SWAMP).
20. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Commission finds that all the rezoning requirements of Chapter 14 have been met.
21. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Commission finds that the proposed rezoning is consistent with the applicable policies of the general plan and the SWAMP. R-5 zoning is consistent with the recommended future land use map designation of Residential Low Density (3-7 dwelling units per acre).
22. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Commission finds that the property is of sufficient size for rezoning, is located in an area that was annexed to provide for future growth, and that rezoning the property to accommodate residential infill is consistent with city policies regarding the provision of urban land sufficient to meet the growth needs of the city.
23. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed infrastructure will be able to accommodate the impacts of the proposed development. Furthermore, the Applicant is making improvements to the westbound left-turn bay to improve left turn safety onto Geo Lane.
24. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Commission finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density.
25. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Commission finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
26. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Commission finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public.
27. Pursuant to SFCC Section 14-3.5(D), the Commission finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.

Rezoning

2. The Applicant has the right under the SFCC to propose the rezoning of the Property.

3. 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.
4. The Commission should recommend approval of proposed rezoning because all applicable code requirements and criteria for recommendation of approval of the proposed rezoning have been met.
5. The Applicant cannot obtain approval of a final subdivision plat or develop the Property at the proposed density unless and until the Governing Body has approved both the request to amend the General Plan by changing the future land use designation and the request for rezoning.

WHEREFORE, IT IS ORDERED ON THE 4th DAY OF JUNE 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the Commission recommends that the Governing Body approve the Applicant's request for a rezoning.

John B. Hiatt
Chairperson

6/5/20
Date

FILED:

Yolanda Y. Vigil
City Clerk

6/8/20
Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

June 4, 2020
Date

SUMMARY INDEX
PLANNING COMMISSION MINUTES
JUNE 4, 2020

ITEM	ACTION TAKEN	PAGE(S)
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes May 07, 2020	Approved	2
E. Old Business:		
1) Case # 2019-20. 4000 and 4100 Geo Ln.		
Rezoning	Approved	2-21
Findings/Conclusions	Approved	20
2) Case #2019-2015 4000 and 4100 Geo Ln.		
Preliminary Subdivision	Approved with conditions	2-21
Findings/Conclusions	Approved	20
F. New Business		
1) Case #2020-1936.		
Sangre Azul Case	Approved with conditions	21-35
Findings/Conclusions	Approved	35
G. Staff Communications	Comments	35-36
H. Matters from the Commission	Comments	36-40
I. Adjournment	Adjourned at 10:06 pm	40

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, June 4, 2020 - 6:00pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
(One Vacancy)

Others Present:
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Commissioner Faulkner asked for a moment of silence to recognize the life of George Floyd and acknowledge what is happening in the world. She asked that they reflect on the words in the Pledge of Allegiance and for people of the country and the Leadership to challenge each other and rise to the occasion, offer shelter to each other and a call to action when social injustice is present.

C. APPROVAL OF AGENDA

MOTION: Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 7, 2020

MOTION: Commissioner Faulkner moved, seconded by Commissioner Hogan to approve the Minutes of May 7, 2020 as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS:

1. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov , 955-6136). (POSTPONED FROM FEBRUARY 6, 2020)

2. **Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136). (POSTPONED FROM FEBRUARY 6, 2020)

Chair Hiatt said his intention is to focus only on the three traffic issues left over from the previous meeting that includes two traffic studies. The public comment will be limited to those three issues.

Staff Report

Mr. Lee Logston shared his screen and highlighted a few things from his staff report on the rezoning case and preliminary subdivision plat. The General Plan amendment originally received a positive recommendation by the Commission in June 2019. The applicant was asked to work on the rezoning request and the case was heard again in February 2020. The applicant revised the request for zoning to R-5, reduced the number of lots by 6 for a total of 42 and added a preliminary subdivision component.

The traffic issues were discussed considerably in February and the applicant was asked to do three things: collect more accident data to determine the dangerous intersections that would be impacted by traffic; follow up with the City Traffic Engineer John Romero on whether there could be more queuing for left turns onto Geo Lane; and validate the accuracy of the ITE trip generation rates.

Things that were changed in the application are that the applicant withdrew his park dedication and KSK Temple did not want the open space Mr. Reeder offered to dedicate. Instead KSK asked for a wall and a buffer of land and setback. The applicant accommodated that.

Staff recommends the Planning Commission recommend approval of both the rezoning and the preliminary subdivision plat, subject to rezoning. Four motions would be required.

Applicant's Presentation

John D. Reeder, 824 Gonzales Road, was sworn. He stated they revised the plan to try to accommodate various requests. They lowered density and accommodated the neighbors. As mentioned, they withdrew their offer to dedicate the park. Most of the discussion at the last meeting indicated it was not well received. The neighbors did not want a low maintenance park and the City Parks staff were not receptive to additional maintenance for a grass-type park. Instead all of the lots were made bigger and better.

In addition, the KSK Buddhist Center did not want open space. They were more concerned about privacy and the applicant has offered to build a wall. That is now shown on the proposed plat and there will be a 10-foot-wide strip where the property adjoins. In addition, there is a Code required setback of 10-15 feet.

Mr. Logston confirmed that the requirement is 15 feet.

Mr. Reeder added that will be a total of 25 feet from KSK's building and KSK is an agreement.

Chair Hiatt confirmed that Mr. Romero would be present to answer questions. He also thought helpful if Mr. Reeder had his traffic engineer available.

Mr. Reeder indicated he was prepared to respond to traffic inquiries. He said in February he was asked by Chairman Hiatt if two months was enough time. It has been four months and that wasn't quite enough, and the engineer did not get all the data to Mr. Romero until after the deadline. Mr. Romero now has the complete information.

The Commission packet references 23 crashes in one year which was not correct. The 23 crashes occurred at the intersection of Paseo del Sol and Airport Road over a *three-year* period. He apologized for the tardiness of the data. He said the reference has been corrected. The engineer's report indicates the left turn lane is not a problem and can be extended by 25 feet. That adds an additional car length to the queue making it a total of four cars. Although it shortens the complementary lane by one car length, it made sense to extend the queuing lane (westbound of Airport) onto Geo. The crash reports were very extensive with a number of crashes out of the 40+ that were not applicable. The intersection of Airport and Paseo del Sol had a total of 23 crashes; Geo Lane and Airport Road had seven, most were minor. Most crashes were due to driver inattention or following too close, four crashes due to not yielding, three single vehicle accidents, and one alcohol/drug involved accident. Three of the seven at Geo Lane and Airport Road were alcohol/drug related, two were following too close/driver inattention, and one was a pedestrian and failure to yield.

Chair Hiatt explained the process for the public hearing and that speakers would have three minutes to give their testimony. Comments were limited to the three issues and could include the changes to the park and KSK. Ms. Paez kept the time.

Public Hearing

Kim Shanahan, 51 Herrada Road, was sworn. He said John Reeder is a local developer who has bent over backwards and had expected a pat on the back when he brought the project to the Commission over a year ago. He was bringing home ownership with five lots per acre with twenty percent that was affordable. Mr. Shanahan reminded the Commission regarding the traffic issue, the Commission had also approved one of, if not the highest, density multi-family apartment projects in the City. It is about R-40 per acre and has 15% in affordable in rentals.

Mr. Shanahan said there was shock by everyone at the last Commission meeting when the Commission asked Mr. Reeder to spend more money on a traffic study that had essentially already had been completed. There have been no real changes other than adding one more car length on the left turn lane. It begs the question; can they just move this forward to the City Council. A vote is necessary tonight and if it is down, he thought Mr. Reeder should just take his chances with City Council. Mr. Shanahan said he hopes

the Commission will support a local developer trying to do what is best for his properties on the south side.

Debra Snyderman, 3810 KSK Lane, was sworn. She was in opposition to GEO Lane Park based on density of population and a concentration of poverty. Mayor Weber told her last summer that poverty around Airport Road is concentrated in trailer parks. The affordable housing development/trailer park on Buffalo Grass and Airport Road established 2 years ago, is a small-scale example of what Mr. Reeder is trying to create. She asked the Commission to come and see what has happened in that development. The community of five lots now has eight trailers on it. The two trailers behind her property are uninhabited and in a state of disrepair. The residents couldn't afford to connect to utilities. Geo Lane Park is a large-scale plan for another impoverished, densely populated neighborhood, within a larger community consisting of trailer parks, but many more modest, but well-kept homes.

She said Mr. Reeder had stated at the last meeting this would cost about $300,000 to establish the project. A modest, well-kept home can be purchased in Tierra Contenta for $300,000 that is in a well-designed neighborhood, has decent walking trails and the beautiful Southside Library. It has street options to get to and from your home without having to make U-turns. In this time of the Covid crisis and with no clear end in sight, and no school since mid-March or plan for them to reopen in the fall, why would Santa Fe approve another densely populated impoverished neighborhood. Everyone sees the latest development at Buffalo Grass and Airport Road that each lot has two manufactured/trailer homes on it and knows there is no way to stop that. Many health professionals believe there will be a second wave of Covid 19 in the fall. Crowded homes in crowded neighborhoods are a recipe for disaster for the virus. That may or may not concern the Commission, but she thought it would concern Governor Lujan-Grisham. Secondly she objects to the dangerous traffic and has concerns that adding 42 lots in the Geo Lane Park has the potential for 84-86 manufactured homes. She reminded the Commission that the property can only be entered/exited, one or the other, by a U-turn on Airport Road.

Patricia Padilla, 6274 Airport Road, Shalom Mobile Home Park was sworn. She said she owns the mobile home park. Her big concern is the traffic is unreal on Airport Road and the crime is usually from West Meadows. She heard the back area was going to be a church but was turned down. She thought the project is not right for the people that live in the area already and Mr. Reeder should take everything into consideration. There will be a lot more accidents on Airport Road and more crime in the southwest area. She hoped they would look hard at how people would be living, if this project is constructed.

Mr. Berke indicated Joshua Haggard wanted to speak and Ms. Snyderman had requested to speak again.

Joshua Haggard, Buffalo Grass Road, was sworn. He stood behind Ms. Snyderman's comments, which are also his concerns. He was glad that someone had asked the questions he wanted to ask.

Chair Hiatt said he was not inclined to open the discussion again to Ms. Snyderman. He asked if any of the Commissioners objected. There were no objections.

There were no other speakers and public comment was closed.

Commission Discussion

Chair Hiatt started with the left turn lane. He asked Commissioner Gutierrez, whom he thought seemed most concerned about the issue, if he was satisfied with the left turn lane now.

Commissioner Gutierrez replied it appeared staff, Mr. John Romero, and Mr. Reeder were in agreement to extend the left turn lane 25 feet and add one more car to the queue. He addressed Mr. Reeder about the approval obtained to reconfigure the curbing to the left-turn by 25 feet. He asked what *"The queuing analysis in this TIA indicated that it would contain the 95th percentile at this intersection"* means.

Mr. Reeder explained that meant that 95% of the time the queue of four cars would be adequate and a fifth car would not spill into traffic. That could happen during the heaviest traffic peak hours but that is a very good rating.

Chair Hiatt asked if Commissioner Gutierrez was satisfied with an extension of one car length.

Mr. Gutierrez said yes, it was an improvement.

Chair Hiatt read from the second report on page 2, *"The historic crash rate is an indicator of issues possibly related to existing design and existing conditions, not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there may be intersection design issues and/or regional driver characteristic issues that may need to be considered."*

Chair Hiatt said taking that, in addition to Mr. Reeder's testimony was that he took each of the crashes and divided them up. The number, 23, struck him at the beginning but reading this more and hearing from Mr. Reeder he was less concerned about that.

He added it also talked about the Highway Safety Manual and whether that should even be used as an analysis tool. He wanted to disregard that personally but it would be up to the Commission if they want to do that. He found it interesting reading through the report again, that the additional traffic from this development indicates Geo Lane

possibilities for additional accidents could be in the vicinity of .4 or .6 per year. He thought that sounded minimal.

Commissioner Garcia said the Commission focus has mostly been the three issues: intersection, traffic study and trip generation. The density in the area is R-12, toward the southwest and R-6 and then the community to the east is R-12. He thought with all the amenities for the property the density is high. He confirmed the Commission would vote to recommend to the Governing Body zoning go from R-1 to R-5.

He asked if possible even if the dwelling units were part of the HOA and there were covenants, for people to double up on the properties basically making it R10. He asked if anyone else was concerned this is 42 lots on the property that could potentially be doubled.

Mr. Logston asked to address the idea that R5 is crowded; it is a common zone in the City. Many of the neighborhoods, Casa Solana, Casa Allegre, Pueblo Allegre are R5 and Las Acequias is R7. He thought it incorrect to characterize R5 as crowded. If perhaps compared to R1, but how many R1s are there in the City. He pointed out in his staff report both in the last meeting and this one, he made it clear that Mr. Reeder agreed to put in the covenants that there could only be one home on each lot. There can be no casitas, or accessory dwelling units and that is well established.

He said the chatter on the Q&A is that there will be twice as many homes. That is not true in this case and Mr. Reeder committed to this. Another comment was that they were splitting hairs about the difference between a trailer and a manufactured home. The Federal Government regulates manufactured homes and Mr. Reeder is not allowed to prohibit them. For some people that is their only opportunity to own a home and as Mr. Shanahan noted, Mr. Reeder is providing an opportunity for people to buy lots. They assume everything will be a manufactured home. They don't know that. Mr. Reeder has been in touch with the Housing Trust and other entities to find other options, so the notion that there will be two manufactured homes on each lot is false.

Mr. Burke said returning to the original question, R5 is not that dense. Short of putting a covenant to regulate guest houses or doubling the density, Land Use looks at that differently. A guest house is different than a primary dwelling unit. The primary dwelling unit counts toward the density, guest houses don't. The developer offered to include that covenant and it is legally enforceable and part of the HOA. If guest houses started happening, the City cannot impose that covenant, however, property owners in an HOA can enforce private covenants.

He said there was chatter in the Q&A and Helen Chavez feels she wanted to speak but missed the window before. That would be up to the Chair and Commissioners if they want to open public comment back up.

Mr. Reeder commented on the guest house and referred Commissioners to page 98 in the packet of draft covenants. They state specifically that accessory dwelling units or guest houses will not be allowed on any of the lots. That language will be included on the plat and when the final plat is recorded, the covenants will be there for everyone to see. Any application for a permit will show that accessory dwelling units are prohibited. Mr. Reeder said everything possible was done to ensure that remains the case. They promised they would do that, and they have addressed it in this manner.

Chair Hiatt asked Mr. Berke about a question on the Q & A.

Mr. Berke explained Deborah Snyderman was saying she had a resident at her house who did not have access to speak, Helen Chavez.

Ms. Paez clarified further that Ms. Snyderman had a couple of people at her house who did not have access to the virtual meeting but would like to speak.

Chair Hiatt asked if the Commissioners objected hearing from the two. There were no objections.

Chair Hiatt opened the public hearing limiting it to the two requests.

Helen Ann Chavez, 214 Calle Lima, was sworn. She stated there was a horrific single car accident on May 26th where people died. Also, the school is out and the kids from West Meadows are using Geo Lane to ride their bicycles up and down, and after 2 a.m. cars are drag racing on Geo Lane.

She said she would like to ask Mr. Reeder some questions. She was told by Chair Hiatt to address the questions to him and he would ask Mr. Reeder.

Ms. Chavez said Geo Lane is pitch dark from one end to the other and has no lights. With the Covid, this is congesting more people together; children together, and the Governor wants them to distance and wear masks. And when construction starts Geo Lane and Buffalo Grass will have large trucks and tractors. She said she couldn't understand from Mr. Reeder; he started with homes and the second letter was a package deal. Now she guessed it is mobile home lots. She added she is really worried about Covid because they will get a second wave. She knows because she is in the medical field. She said we do not need another mobile home park, they have too many back to back. West Meadows is huge, and it is not fair that West Meadows gets all the impact.

Daryl McCown, 6077 Quatro Vientos Road, was sworn. He indicated his biggest concern is the traffic, which is very complicated. When he leaves in the morning for work he has to go west when he needs to go east. There are accidents even at 6 a.m. at Paseo del Sol even when school is not in session. When turning into the turn lane four cars will fit, but the last car sticks out into the middle lane of Airport Road. He is concerned

about the lack of lighting and the kids playing on Airport Road. Bringing in all of those mobile homes will impact the traffic flow by at least two people per residence. That could be 80 or 90 more cars per day. He is concerned about the development and the affordability. The lots are too expensive to be called affordable. And he never makes a U-turn there, he has tried, and it is not safe, and he never goes west to make a U-turn. There are just too many accidents.

Chair Hiatt closed the public hearing at this time.

Commissioner Faulkner said the Commission has discussed and leans heavily on the effectiveness of HOAs to prevent concerns becoming realities. The covenants are only as good as the HOA and that the HOA will somehow protect this from becoming R10 is not comforting. More probable is that the HOA could decide at some point it is okay to have auxiliary dwellings. She understands that is the only recourse for the developer to address people's concerns, but the developer has no control over what the HOA's do once the developer is done.

Secondly, Mr. Shanahan mentioned the Commission had approved a dense apartment complex on South Meadows. Had she been allowed to vote on that, she would have been consistent. She is consistent that density on Airport Road has to be slowed, not continued or increased. A primary concern is that there are not enough amenities for the existing population, including access to healthy food. In addition, the City, State, County and Federal Government are all facing budgetary issues. They don't have enough resources now and will be facing a decrease in resources. She said they should pump the brakes. She assured them she would have voted against the apartment complex, just like she votes against more density on Airport Road.

Vice Chair Hogan said there is another option besides covenants, there is a deed restriction and the owner of the property can do that. A deed restriction runs with the property and does not have to rely on a covenant.

He addressed Mr. Logston and said an expectation is that housing on the opposite side of Jaramillo Lane is indicative of what people would see with this project. He was curious if the mobile homes, etc. on Jaramillo was an approved development. He asked for staff to clarify what they see to the south.

Mr. Logston said he understood the property to the south is non-conforming as to density and has been for a long time. He said he would be clear that the Commissioners and residents are what will prevent this from being another Buffalo Grass Circle. The covenant also states that homes can be no older than five years from the date the lot is purchased. An old manufactured home would not be permitted.

Mr. Berke explained the area was annexed from the County and some development to the south may have been approved by the County Planning Board. The

City and County agreed in the annexation agreement to take any existing developments, including existing nonconforming developments. Today it would have to meet City Code and manufactured homes would have to be 1976 or newer, and mobile homes would not be allowed without a special use permit.

Commissioner Hogan asked to confirm that there would be no reason someone should expect that what they see on Jaramillo Circle will be in the Geo Park development.

Mr. Logston said he understood that fear, but that simply cannot happen. He pointed out that West Meadows is R5 and R6 and saying Geo Lane will be too crowded; is next door too crowded.

Mr. Berke noted when the City annexed the County land they awarded density to areas as it was built the best they could. A lot of zoning was the County's and if built at R12, that was the density awarded. The applicant is not requesting R12 zoning, and they could not build R12 density.

Commissioner Hogan asked John Romero to weigh in on Airport Road as well as the intersection at Geo Lane.

Traffic Engineer John Romero said he met yesterday with the project traffic engineer and discussed the traffic study provided. The crash reports show seven crashes according to the study and only four in that period pertained to that intersection. Two crashes were rear ends caused by a queuing traffic from the Cielo signal. One was a DWI in the vicinity of the area that did not involve the intersection.

He discussed with the traffic engineer that he wanted to compare the predictive crashes at that intersection based on national empirical data provided by the Highway Safety Manual, with the actual crashes. The study showed predictive crashes at the intersection should be 2.3 crashes a year. There were four crashes there over a three-year period, or 1.3 per year. Geo Lane has a lower crash rate.

Mr. Romero said although they didn't ask about Paseo del Sol, it is related. There is a large perception that U-turns as they relate to adding crashes, are a problem at Airport Road. The studies done have not shown that to be true. He has provided the Commission with crash analysis before and after controlled access for Airport Road. The analysis shows a significant increase in safety and a significant reduction in crashes. The analysis shows the majority of crashes at Paseo del Sol were rear end crashes.

He asked the traffic engineer to compare the predictive crashes versus actual for both intersections. The rear end crashes are typically less severe, and he saw no indication of a crash problem at these two intersections caused by U-turns. The rear end crashes are mostly people in a hurry. They completed a timing plan analysis for all of Airport Road corridor and are currently entering the data into their controlled signals.

They hope to have that running in the next couple of weeks. The model shows it will have a positive impact on traffic flow. He thought it will reduce rear end crashes.

Mr. Romero said regarding the 95% queue. Mr. Reeder did a good job defining it and it is the industry standard of how they estimate it. It is the calculation method and not that 5% of the planned traffic will queue past the turn lane. The existing lane can maintain the existing 95% queue. They are adding one more car to the queue and that intersection should not have any issues of cars queuing into Airport Road. He substantiated that in his discussion with the traffic engineer.

When they do counts at the intersection they use camera style equipment and he watched the videos used to do the counts. Never at any point was the intersection close to queuing up into Airport Road. One main reason is because a signal downstream meters the traffic and provides sufficient gaps to make left turns.

Commissioner Hogan said in regard to the additional traffic generated by the project the added queue lane seemed to be an appropriate response. He thought it also would benefit others using Geo Lane, not just people coming out of the development.

Mr. Romero agreed. In addition to giving more room in the event there is a large influx of traffic, it also provides an additional area for people to get off the road. They don't have to slow down completely in the through lane so it will definitely have a positive effect.

Commissioner Hogan added and could reduce some of the rear end crashes.

He noted that the housing opportunity is also a significant issue in this case. They need housing and housing that is affordable. He thought this project filled an important void.

Commissioner Hogan asked staff to comment on the niche the project is filling.

Alexandra Ladd, with City Housing said this project could be classified as naturally occurring, affordable housing, meaning it is a response to a market demand. It is creating product to meet the demand at moderately priced housing. They continually try to find ways to make that more possible. Given the high cost of land, labor and materials and an arduous land use approval process, expense for water, etc., the developers have no incentive not to maximize the value with the building. They take a lot of risks and want to be sure they get something out of it. She said seeing a project that is not maximizing value but is trying to respond to a specific need in market, is always good.

Commissioner Clow said she has stated before the need for affordable housing. Twenty percent of this project is affordable housing and the whole project is more affordable than a lot of other housing in the City. They meet the criteria in terms of zoning and traffic safety. And the developer has painfully addressed issues raised by neighbors

and the concerns of the Planning Commission. There have been a lot of concessions and all of the criteria has been met. She thought it would be difficult to vote against the project based on the need of the City and that the criteria have been met. The applicant has agreed ancillary buildings/guesthouses would not be allowed, which is significant and that it could be put on the plat. As Vice Chair Hogan mentioned, it could also be a deed restriction. Commissioner Clow said she is in favor of the project and thought it should move forward.

Commissioner Faulkner said she would reflect on the decisions made by the Commission in other districts related to housing. In one case a family wanted to divide a one-acre lot into 4 and it was considered too much, and that district had nowhere near the same density as this district. Density along Airport Road is a lot and it is a food desert. And now the park that was proposed has been taken from the community. She was not thrilled that the neighbors of the proposed development requested removing the park from the development. Especially a development with children in it and that is targeting families. She said everyone thinks it is fine to build, build, build but they need to think holistically, not reactionary.

Commissioner Faulkner said she is most bothered that when the Commission is looking at cases they take them out of the context of the area that the development will happen. They just added a 250-apartment complex 1/4 of a mile away and the Commission green lighted multiple developments along Airport Road. But they have never received an answer on the amount of traffic that will be generated by a total of all the proposed projects. And the total amount of draw all of those will have on resources at the end of their build-out.

She said she would not be comfortable with a development on Airport Road until she gets that answer from staff. There are not enough resources to manage the population they have and in the next 2-5 years they will be facing a resource shortage. This community is a lot of affordable and a lot of middle class and will be one of the primary communities to draw on resources. She said to rubberstamp anything that comes across their decision-making process because it met conditions; the conditions are wrong. The Commission has already allowed certain parts of the City to become overpopulated given the amenities available. That there is already this kind of zoning, and a higher zoning around the proposed development, is a detriment to the developer. She didn't see this as a positive. It is one more reason not to support it, it is already too dense.

Commissioner Gutierrez asked Mr. Reeder if he would be willing to put a deed restriction on the plat regarding accessory dwelling units not being allowed.

Mr. Reeder said he was not familiar with the legal details, but his intent is not to allow accessory dwelling units and if the deed restriction helps, he is definitely willing. he will include it as a covenant in architectural standards on the plat so anyone pulling a permit will see it there. He offered to do anything else needed because that is his intent.

Commissioner Gutierrez asked if his intention was to place homes, or if he would sell lots, or do a combination.

Mr. Reeder said it would be a combination of both. "Trailer park" continues to come up but they are not proposing a trailer park. They are proposing detached, single family homes, some of which may be manufactured but will be anchored to a permanent masonry foundation and finished to match the unit's finish. Skirting will not be allowed and that is also in the covenant. The intent is to create a nice subdivision and more upscale than what is surrounding now. They want to provide opportunity for home ownership with pride of homeownership in an area people want to live in and can be proud to live in.

Commissioner Gutierrez asked Ms. Paez if a deed restriction is placed, would that give the City more legal authority to avoid a second home being put on the lot.

Ms. Paez said a deed restriction is on equal footing with private covenants, but it cannot be amended the same. The City cannot enforce deed restrictions because they are a private restriction, the restriction would have to be enforced by the neighbors.

She thought a cross reference could be added to the covenants on the plat and that would alert the City to the restriction. But there is a legal right under the Zoning Code to have an accessory dwelling unit. The City has discretion to honor private agreements when issuing permits, but they usually don't. The more evidence of a valid restriction like that, the more likely employees will take it to heart and not issue a permit. But, typically, they do leave those to other private parties to enforce.

Mr. Berke added that an applicant applying for a building permit has to sign at the bottom they are complying with all City regulations, and provided all information needed to obtain a permit. The property owner could appeal the permit if a deed restriction or covenant on the property isn't followed. The City could possibly deny a permit if a deed restriction prohibits a second unit on the property.

Commissioner Gutierrez asked Ms. Ladd how it works for Mr. Reeder to sell lots or homes.

Ms. Ladd explained the inclusionary zoning program has a lot price and 20% has to be sold in an affordable price range. They are the same three price ranges and the lot is estimated to be sold at about one third the price of the finished house.

Commissioner Gutierrez asked if there is a method to determine what the 20% would be if 21 of the lots are a complete buildout and 21 lots are without.

Ms. Ladd said the obligation transfers with the title and the agreement is recorded. When the new owner takes over the property they are bound to the same conditions as the original owner unless all of the conditions have been frontloaded and satisfied.

Commissioner Gutierrez indicated the packets include improvements and sidewalks up to Airport Road. He asked if Mr. Reeder was willing to do that on both Geo Lane and Buffalo Grass.

Mr. Reeder said that had been promised since the beginning and they are still willing to do that.

Commissioner Gutierrez wanted to discuss the zoning change they were tasked with because it mentioned repeatedly in the packet that this is to recommend a low density residential. He asked Mr. Logston what low density residential means.

Mr. Logston explained it encompasses a range from three to seven units an acre.

Commissioner Gutierrez asked when this changed from institutional to low density residential if there was a commitment to what zone the residential should be.

Mr. Logston said he has the minutes available, but to his recollection the Commission did not suggest a specific number range. The original R6 was too dense.

Commissioner Garcia yielded but said he will have more questions later.

Chair Hiatt asked Mr. Berke if there are other Q&As.

Mr. Berke said there are but are not really questions. They are comments.

Chair Hiatt said he wasn't sure whether to dismiss those. He asked Mr. Burke about who presented them.

Mr. Berke said all are people who had already spoken that were trying to provide additional comment. He added they do not erase the comments.

Chair Hiatt asked if the Commission objected to just including the comments into the record as additional comments received beyond the time period.

Commissioner Faulkner said for philosophical purposes, this could be an opportunity to hear them, with the new technology. On the other hand, if they were in Chambers that would not be allowed.

Commissioner Gutierrez said he didn't object but wanted to know if he could get answers to the questions without a problem.

Chair Hiatt replied if it was to that level and his curiosity was piqued and the questions were left in the record. Commissioner Gutierrez could have a staff member or Mr. Reeder answer.

Commissioner Garcia said he did not object to the Chair's ruling.

Chair Hiatt said he would let his ruling stand. The Commission will not hear the comments. The public had three minutes to comment and this is the way the Commission conducts the meeting when in person and appears to be the process they should operate under now.

Ms. Paez agreed the Commission should appear as close to possible to the normal public hearing process. She indicated the Q&A function is most helpful to overcome procedural hurdles for technical difficulties, etc.

Chair Hiatt returned to questions and answers from the Commissioners.

Commissioner Gutierrez confirmed after the motion there would be discussion.

MOTION: In Case # 2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Garcia moved, seconded by Commissioner Faulkner to recommend approval to the Governing Body for R3 rezoning and that accessory dwelling units be prohibited.

Commissioner Garcia said he appreciated Mr. Reeder and his colleagues and the work they have done. He explained he had asked for R3 zoning because of the density of this project in addition to Country Club Gardens across the street, South Meadows and the two communities in the front and back.

Chair Hiatt asked Mr. Reeder if this project would be financially viable if R3 density was approved by the Commission and City Council.

Mr. Reeder replied it would not be at that density. The houses or lots would be priced out of the market for the area and R3 would not work.

Ms. Paez said staff's recommendation is to recommend R5 zoning with no accessory dwellings.

Chair Hiatt said he understood that was staff's recommendation.

Commissioner Garcia said the Commission had discussed and concluded people could buy a lot and petition the City to add a dwelling. He thought

that would be very possible to do and once the HOA and the covenants go away, people would do that. He called the question.

Chair Hiatt said he wanted to comment. He said the Commission is betting on the future, both in terms of how many people are going to live on Airport Road and increase traffic and any other issues there may be. They shouldn't be betting on whether an HOA can make it or not. Every HOA is dependent on the people in it who participate and whether it is aggressive or not.

Chair Hiatt said he also thought to petition the City was not the way it works. Someone may try to get a permit, but every staff member said they are not likely to receive one. The restriction will be noted on the plat and Mr. Berke had commented that they are affirming on the documentation that they are bringing in all relevant information.

He agreed the Commission should vote.

Commissioner Faulkner argued that evidence shows that HOAs don't hold and they could also decide to do something outside the original covenant. She indicated that has happened all over the south side.

She said she heard from Ms. Paez that staff doesn't by process prohibit permits based on covenants. This is very predictable and there is evidence to show this is a likely outcome; at least 60% likely. She thought it wouldn't be hard to convince anyone to put multiple dwellings on their property if big enough and it helped pay their mortgage.

Commissioner Faulkner said her neighborhood has covenants that say you cannot do that, however many of them are currently considering it. She said as they get close to retirement age it would fast-track their mortgages by renting their detached garages. From her experience that happens, there is evidence it can happen, and it is likely it will happen. Especially when resources are limited, and populations have limited access to resources. They will find a way to make it work for their family. That is one of her concerns.

Ms. Paez noted that in addition to an HOA, individual neighbors have a right to enforce the private deed restrictions and would be an advantage to only having it in a covenant. The City and the Planning Commission have discretion to consider private covenants etc. into agreement when making decisions when approving something the City is not obligated to approve. The City will put itself in the position of being challenged by the owner if they

enforce a private restriction that isn't valid. If they have a lot of evidence that it is a valid restriction for a lot, they are more likely to abide by that.

Commissioner Gutierrez said after listening to Ms. Paez it strengthened his belief that there does need to be a deed restriction in addition to the HOA. He asked Mr. Reeder the breakdown of reasons why R3 wasn't viable.

Mr. Reeder said originally they set out to do not just the affordable units required with the goal to make every unit relatively affordable. That is why initially they requested R6 zoning. They reduced the request to R5 because it will still work although, barely. The less dense they get the less realistic the project becomes, and units have to be priced much higher. Anything under R5 would be out of the affordable category. There is R12 to the north and south and R6 to the west, and the prospect of luring home buyers to pay higher prices for that area is just not realistic.

Commissioner Gutierrez addressed Ms. Ladd and said they talked about density bonuses. He asked if this project qualifies with R3 - R7 zoning.

Mr. Reeder said they would qualify but the applicant waived that request and has not asked to receive it.

Ms. Ladd said the project is entitled to incentives because it has complied with the program. But the density bonus incentive needs to be optional; it is not always given. It can only be provided if all other Land Use Code restrictions can be met.

Commissioner Gutierrez asked at the R3-R7 zonings, what bonus the applicant would receive.

Ms. Ladd said 15% would be added to the base zoning to get the allowable zoning.

Director Isaacson asked to follow up on the questions raised on the accessory dwelling/guest houses. His experience as the former building permits manager might be helpful. New tools are at their disposal with the InterGov Permitting system in place. They can identify properties and put alerts/notifications etc. on certain properties alerting staff to covenants or deed restrictions in place.

They can safeguard issuing a permit in error for an additional guest house in this area. The system allows them to no longer have to rely on staff's memory or doing a paper chase through agreements and deed restrictions. Parcels with restrictions can be identified so that anyone reviewing the

permit application knows exactly what restrictions are placed. If the Commission wanted and the applicant agreed, they could ensure the guest houses would not be allowed.

Commissioner Faulkner asked Mr. Reeder the price point difference between an R3 and R5 per lot.

Mr. Reeder replied it is 30-35% difference. A $300,000 house becomes a $400,000 house, or more.

Chair Hiatt proceeded to the vote reminding the Commissioners a vote in the affirmative is to recommend to Council the R3 rezoning.

VOTE: The motion failed by majority roll call vote with Commissioners Clow, Hogan, Lawrence, Sategna and Gutierrez voting against and Commissioners Faulkner and Garcia voting in favor.

Commissioner Gutierrez noted they didn't discuss if conditions such as deed restrictions were needed and how the applicant would handle the sidewalk from the end of the development to Airport Road. He asked if that should be done before the vote.

Chair Hiatt explained this is simply a vote on rezoning.

Commissioner Gutierrez voted no for that reason.

MOTION: Case #2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Hogan to recommend to the Governing Body to approve the rezoning request from R1 to R5.

Commissioner Faulkner asked if they could settle on R4.

Chairman Hiatt explained the vote is for R5 and she could try to amend to R4. He recommended they vote on R5 and take up R4 if it fails.

Commissioner Faulkner offered R4 zoning as a friendly amendment.

Commissioner Clow said she did not accept the amendment as friendly.

Ms. Paez suggested voting on the motion on the table that has a second.

Commissioner Sategna said he understood their emotions were high regarding the concerns on the level of density in the area and the amount of resources. However, he had serious concerns about trying to force an

applicant who has crunched the numbers to drop from R5, or to negotiate towards the end to make a recommendation to the Governing Body, without considering the viability of the profit for the applicant.

Secondly he expressed concern for trying to use tactics and enforce covenants on plats or imply deed restrictions, especially when emotions are running high. He was worried about setting a precedent of trying to modify or make a decision. He didn't believe that while some Commissioners might disagree with what is on the table for a vote, that was the best way. To make changes right at the end. When discussing the rezoning and honoring the original zoning is the time to discuss if they should change it to residential.

Commissioner Sategna said as this stands, this is zoned for residential and the request is just for an increase in residential to provide housing.

VOTE: The motion was approved by majority roll call vote with Commissioners Clow, Hogan, Gutierrez, Lawrence and Sategna voting in favor and Commissioners Faulkner and Garcia voting in against.

Commissioner Faulkner explained her vote had nothing to do with the applicant's development and was more a principal about the area and the challenges of the area. She thanked everyone for the debate because that is necessary for the Commission to do their job.

Commissioner Garcia said his vote was as Commissioner Faulkner stated, nothing against the applicant and the developer. The issue is just the area. He said he appreciated their hard work.

Commissioner Gutierrez said like Commissioners Garcia and Faulkner he doesn't represent District 3 and they have voted no. They probably know something more than the rest. He hoped by the time this goes to Council the issues will be resolved. He responded to Commissioner Sategna and said his emotions are neutral. He is just trying to do what is best.

MOTION: In Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved, seconded by Commissioner Gutierrez to approve the preliminary subdivision subject to rezoning approval by the Governing Body with the conditions of approval and technical corrections as outlined in the report; and based on the agreement of the applicant that he will allow a deed restriction and for the project's covenants to contain restrictions that prohibit ancillary guest units. And, in addition, the applicant agrees as part of the covenant's provisions to the age, type and foundation requirements for manufactured homes.

Chair Hiatt asked if the motion could also include the agreements by the applicant for the sidewalks out to Airport Road.

Commissioner Clow agreed to the amendment and thought that was already part of the conditions of approval.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Commissioner Faulkner explained her vote. Since they couldn't find zoning that met the concerns of Commissioner Garcia and herself, adding these additions to the approval is a step in the direction to protect the community.

Commissioner Garcia said his vote was in favor as long as accessory dwelling units are not allowed and the property is developed in the proper manner and good for the community.

MOTION: In Case # 2019-20, 4000 and 4100 Geo Lane Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law rezoning in Exhibit A2.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case # 2019-1520. 4000 and 4100 Geo Lane Finds of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law on the preliminary subdivision with the additions of the deed restrictions and the covenants that no ancillary guest units be allowed, and that the applicant agrees to those restrictions, and that the applicant agrees with the relationship to the age, type, and foundation of the manufactured homes and relationship to the sidewalk extension.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt thanked the Commissioners, especially those from District 3. He understands their points of view and shares their concerns over density, traffic, the food desert and the variety of other issues they righteously raised. Part of the problem is the

Commission doesn't have the wherewithal by Statute or Ordinance or resources to try and change those things at the Planning Commission level. However, he does agree those are issues the City Council needs to address, and he hopes they do.

Secondly, he thought everyone was aware that the City is projecting a 100 million dollar loss in the budget due to the economic collapse after the pandemic. For that reason, he didn't feel the Commission could look at the City for much in the future. But, that shouldn't necessarily change how they approach cases. He thought they need to rely on the Ordinance until City Council considers these issues and tells them to stop approving and provides the Commission with more direction.

He said he appreciated the Commissioners who raised the issues. He said he also appreciated Mr. Reeder and he thanked him for his effort over this year and the effort which will come after this and for his perseverance with the Commission. He wished Mr. Reeder the best on the project.

Mr. Reeder thanked Chairman Hiatt and the Commission for their perseverance with him to get the project over the hump. They look forward to creating a project that everyone can be proud of.

Chair Hiatt replied the Commission looks forward to that as well.

F. NEW BUSINESS

1. **Case #2020-1936. Sangre Azul, Preliminary Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, Agent, for Roddy & Sherry Leeder, Owner, request preliminary subdivision plat approval for 23 residential lots on approximately 4.04 acres of vacant land. The Agent is also requesting approval to build gravel roads meeting private lane standards pursuant to Subsection 14-9.2(C)(7). The property is zoned R-5 (Residential- five dwelling units per acre) and is located at 2670 and 2690 Kates Way. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325)

Commissioner Clow recused herself due to a conflict of interest. Mr. Berke offered to email her when it was okay for her to return to the meeting.

Staff Report

Ms. Wynant said the agent is requesting a subdivision plat approval of 23 residential lots on 4.04 acres. The agent also request approval to build gravel roads, i.e., private lane standard roads, per code. The property is zoned R5, residential dwelling units of five per acre.

policy focus things coming up on the agenda. Also, they are looking at having at least two meetings a month through July and possibly through August.

Commissioner Gutierrez said if Covid has an effect and things start slowing down, and there is a slowdown in Land Use workload, the Director could report to them on policy status. Then the Commission could focus on a policymaking plan and making decisions. In the meantime, they will just go with what they have.

Commissioner Sategna asked staff what Commissioners could do to support them.

Director Isaacson answered that advocating for the Land Use Department is important. He never passes up an opportunity to tell people how their workload has not decreased since Covid. The construction industry has been working steadily and is an important part of their economy. And the work of the Planning Commission turns into work they do with building permits that eventually happen in the field with the contractors. This is part and parcel to an important part of Santa Fe and vitality to the community. The more that can be stressed, the better off they will be with budgets, staff, and hours, etc.

Commissioner Faulkner asked if they could submit a letter to City Council.

Director Isaacson said yes, everyone could talk to their respective Councilors and let them know the type of work being done at the meetings and that the pipeline is full. They are approving apartment buildings and subdivisions, and large-scale projects. Those bring a lot of revenue to the City via taxes or permit fees, etc. etc. Anything they could do to advocate for the work they do is good.

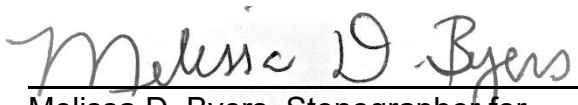
Chair Hiatt said he designated Commissioner Faulkner to draft that.

He said he would end on a positive note as the president of Tierra Contenta Board of Directors and the vice president of the Housing Trust. They were concerned whether people who got houses and mortgages through them were going to be able to sustain those. He said they were surprised to find that a significant number of people who received their mortgages through them are actually refinancing. The education they did to prepare homeowners before giving those mortgages paid off. These people did not have that kind of education when they started and were trained to look for opportunities. They realized that mortgage rates are at the lowest point since World War II and are refinancing and paying off their mortgages. He said he didn't expect that, and is really pleased.

I. ADJOURNMENT

There being no further business before the Planning Commission, Chair Hiatt adjourned the meeting at 10:06 p.m.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair

From: Debra Snyderman <santafedebra@gmail.com>
Sent: Thursday, July 23, 2020 1:40 PM
To: Debra Snyderman
Cc: Mayors Office
Subject: Geo Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Members of City Council:

This meeting is my last chance to try and impact the proposed development of Geo Park off of Airport Road between Buffalo Grass Road and Geo Lane. I live on KSK Lane which is off of Airport Road between these 2 streets. This is where the Tibetan Buddhist Temple is located. I have lived here since buying my little adobe house on a 1/3 of an acre in 1988. So much of my life has happened here. I love my home but no longer love this neighborhood. My biggest issue is noise.

My opposition to Geo Park is based on the following concerns:

1. Density of population / concentration of poverty

In discussions with Mayor Webber last summer 2019 regarding concerns for my neighborhood, he told me the poverty around Airport Road is concentrated in Trailer Parks. In 2018, a Trailer "Park" (but worse because people own the land) was "developed" on Airport and Buffalo Grass Road, part of it directly behind my house. (For 30 years there was nothing but an interesting little sculpture garden there.) The A and BG Roads community consists of 5 lots and it now has 8 trailers on it. You can count on a minimum of 2 vehicles per trailer. At one of the hearings on Geo Park, some of the city commissioners apologized for the "Mistake" that became the "development" at A and BG Roads. This is a small scale example of what I believe Mr. Reeder is going to create with 42 lots.

After 3 Zoning Commission hearings in the course of a year, Geo Park was approved with R5 zoning on June 4, 2020. The 2 southside commissioners strongly opposed the R5 zoning (they requested R3.) Mr. Reeder said that he will limit each lot to 1 "manufactured home" and that the city could deny permits for the additional structure. Tell me who will request a permit for the 2nd "manufactured home" on their land and who will do something about it when that 2nd structure appears? Mr. Reeder also talked about an HOA but we learned from some of the city commissioners that HOA's can fall apart at any time and it takes money to pay for an attorney to enforce any regulations. 42 lots have the potential to become 84 "manufactured homes." Unfortunately, the commissioners who do not live on the southside do not understand our reality but they have the power to make decisions that will have consequences that they do not feel responsible for. Their decision will significantly impact the remaining safety and quality of life here.

It was stated in the Santa Fe Reporter, July 17-23, 2019 in a story by Katherine Lewin titled "Free Meals for Kids":

" The Airport Road area of Santa Fe has one of the highest rates of people living in poverty and poor health and the highest number of children on free and reduced lunch in the entire country. According to the Community Health Needs Assessment, 22.9% of people in the Airport Road area earn less than the poverty level - that's over 4,000 people."

A year later and in the midst of the Covid 19 crisis, this zip code of 87507 is the fastest growing area of positive Covid 19 cases in the city of Santa Fe. At this time, with no clear end in sight, no school since mid-March, and no clear idea when schools can reopen, why on earth would the city of Santa Fe approve another densely populated impoverished community? (Online education is of little value in homes without parent support and parent support is shaped strongly by economic factors.)

2. Dangerous traffic concerns:

The area between Buffalo Grass Road and Geo Lane requires the making of U turns to either enter or exit homes. There is a median in the middle of Airport Road to control traffic that does not allow direct access depending whether you are heading east or west. You can only turn east when exiting Buffalo Grass Road, KSK Lane, and Geo Lane. The designated road for U turning when heading east is a turning lane across from the entrance to Country Club Gardens which is a high danger zone for serious traffic accidents. When heading west, Geo Lane has a turning lane but that lane can fit a maximum of 5 vehicles so additional vehicles will also have to U turn during heavy traffic times. The designated road for U turns when heading west is Paseo del Sol where vehicles making right turns on red lights have right of way.

The traffic study seemed to also ignore the fact that there are 5 public schools in close proximity to Geo Park, all on the southside of Airport Road. Those schools are Sweeney Elementary, Ortiz Middle School, Cesar Chavez Elementary, Capital High, and Nina Otero Community School. Granted there is no school in session since mid-March which greatly reduces this traffic issue. But maybe someday schools will reopen. At that time, there will be a large number of children, some with parents, walking along and crossing Airport Road as well as many high school students driving to school. Traffic during morning rush hour is frequently backed up by car accidents and emergency vehicles. Crossing Airport Road is dangerous and when you add right turns for cars at red lights, there is an additional level of danger. Drivers often quickly check for vehicles coming down Airport Road before turning right at red lights but sometimes neglect to notice children and adults attempting to cross the street from the opposite side of Airport Road, not always walking in the poorly marked crosswalks. I have seen and heard about many "close calls."

I urge you to please take these concerns seriously and respect the heartfelt requests on behalf of this area to preserve what is left of quality of life on the southside of Santa Fe. I realize this is not the usual response to developers, particularly on the southside. Perhaps this time, you might choose to do the right thing.

Thank you for your attention,

Sincerely,

Debra Snyderman,
retired teacher and clinical social worker from the Santa Fe Public Schools and active volunteer in many community organizations and events in Santa Fe before and hopefully after the Covid 19 crisis

-----Original Message-----
From: Dierdre Dennis-McCullough <devildancer13@icloud.com>
Sent: Thursday, July 16, 2020 4:41 PM
To: WHEELER, REGINA A. <rawheeler@santafenm.gov>
Subject: Geo Lane Trailer Park

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We wish to join those that DO NOT want to see another Trailer Park, or Low Income Housing Units, developed in Terra Contenta, Southside, Santa Fe, NM.
Both Trailer Parks, and Low Income Units now in place, are a constant source of trouble for our Community.
Thank You for forwarding our remarks.
The McCullough / Vuelta Dorado / Santa Fe, NM

From: Rosemary Thompson <rt@sfwwp.com>
Sent: Thursday, July 16, 2020 3:05:56 PM
To: WHEELER, REGINA A. <rawheeler@santafenm.gov>
Subject: GEO Lane Subdivision..NO

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regina,

I'm trying to convey, although I can't get through to the public comment....
I understand that there is a City Council mtg on July 29th, on You Tube re: GEO Lane Mobile Home Subdivision, 64 lots.
off Airport Road. No notice posted on City of Santa Fe website????

I believe I speak for 99.9% of residents on the Southside...ENOUGH IS ENOUGH of mobile home parks on the SOUTHSIDE! Try anywhere else in Santa Fe!! Good luck with that!!

NO MORE!!!

Please copy...every decision maker on this insane & unfair development on the SOUTHSIDE!!!

Thank you,
Rosemary Thompson
Santa Fe Wild West Real Estate
505-690-1150

Sent from my iPhone

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

MEMORANDUM

To: **Members of the Governing Body**

From: **Sally A. Paez, Assistant City Attorney**

Via: **Erin K. McSherry, City Attorney**

Re: **Appeal No. 2020-2175-APPL of Case No. 2020-1732-HDRB.** Appeal by Christina Halaburka of the May 12, 2020 decision of the Historic Districts Review Board to deny a request to demolish thirteen (13) horizontal feet of a wall located at 868 East Alameda, which has been designated as a contributing structure in the Downtown and Eastside Historic District.

Date: **July 17, 2020; for the August 12, 2020 Meeting of the Governing Body**

Owner Christina Halaburka ("Appellant"), through agent Dolores Vigil of Liaison Planning Services, challenges the Historic Districts Review Board's ("Board") decision to deny a request to demolish thirteen (13) horizontal feet of a wall at 868 East Alameda Street. The wall has been designated as a contributing structure in the Downtown and Eastside Historic District.

Appellant argues that Board's decision should be reversed because (1) the portion of the wall in question has been knocked down by a vehicle, and it would be expensive to rebuild it; (2) demolition of the portion of the wall is necessary to comply with the code provisions concerning the visibility of driveways; and (3) demolition of the portion of the wall is necessary to comply with the code provisions concerning minimum parking requirements. In this "de novo" appeal, the Governing Body should independently determine whether to uphold or reverse the decision of the Board. "De novo" means that the Governing Body conducts a new hearing for the case and makes an independent application of the law to the facts and evidence presented. The Governing Body is not required to defer to the underlying decision of the Board.

I. BACKGROUND & PROCEDURAL HISTORY

This case involves a wall that runs parallel to the public right of way at 868 and 868 ½ East Alameda Street. The lower portion of the wall is constructed from river rocks set in concrete mortar, and the upper portion of the wall is constructed from adobe brick finished with stucco. **[Ex. I, 03/10/20 Staff Report, p. 121 of 152]** The wall measures approximately sixty-two (62) feet in length and six (6) feet tall, and it parallels nearly the entire west elevation of the house. **[*Id.*]** The southern end of the wall terminates at a gravel driveway, which leads to a one-car garage. **[*Id.*]** The wall is penetrated by two pedestrian gate openings and one window opening. **[*Id.*]**

An architectural survey concluded that a wall has existed in this location since 1958 and has had openings in the present locations since at least 1966, although it appears that the wall may have originally been lower in height. **[*Id.*]** The wall at its current height dates back at least to 1985, when it was photographed in a survey. **[*Id.*]**

At a hearing held March 10, 2020, the Board reviewed the historic status of the wall and voted to designate the wall as a contributing structure in the Downtown and Eastside Historic District. **[Ex. G, 4/28/20 FOF & COL, p. 103 of 152, at FOF #7-8]** The Santa Fe City Code ("SFCC") Section 14-12.1 defines a "contributing structure" as follows:

> A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

In designating the wall as contributing, the Board highlighted the wall's distinctive character and importance to the surrounding streetscape. **[Ex. H, 03/10/20 Minutes, at pp. 112-15 of 152]**

At a subsequent hearing held April 28, 2020, the Board considered Appellant's application to make the following proposed changes to the wall:

1. Demolish thirteen (13) feet of the wall at the southern end;
2. Remove the upper, stuccoed portion of the wall along its length;
3. Replace the upper, stuccoed portion with coyote fencing to a height of 5 feet;
4. Remove a corner from the wall on the opposite (south) side of the driveway; and
5. Add a coyote fence inside and perpendicular to the wall.

[Ex. F, 04/28/20 Staff Report, at 70 of 152]

The only item at issue on appeal is Item #1, the demolition of thirteen (13) feet of the wall at the southern end. Appellant wants to create a second parking space and to improve safety and vehicular access to the driveway. **[*Id.*]** This portion of the wall is not currently standing. After Appellant filed her application but before the Board heard the case, a roofing contractor backed a vehicle into the wall and knocked over a portion approximately equivalent to that which the owner

proposes to demolish. **[*Id.*]** The river rocks from the knocked-down portion of the wall remain intact and on-site. **[Ex. B, 4/28/20 FOF & COL, p. 36 of 152, at FOF #24]**

HPD staff reviewed the application and presented a report to the Board to facilitate its review. **[Ex. F, 04/28/20 Staff Report, pp. 68-100 of 152]** As part of the analysis, HPD staff explained that, prior to being knocked down, the southern end of the wall was a "legal nonconforming structure." **[Ex. B, 4/28/20 FOF & COL, p. 35 of 152, at FOF #9]** The SFCC Section 14-12.1 defines a "legal nonconforming structure" as follows:

> A structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lot . . . as a consequence of adoption of or amendments to Chapter 14.

The southern portion of the wall was "nonconforming" because it prevented Appellant from complying with the driveway visibility standards and parking requirements currently set forth in Chapter 14. Although the southern portion of the wall prevents the property owner from complying with current code, the City treats the wall as a "legal" structure because the wall was constructed prior to the adoption of the current code requirements.

In the staff report, HPD staff noted that the wall is historically important and an essential part of a unique street section. **[Ex. F, 04/28/20 Staff Report, p. 71 of 152]** Despite the importance of the wall, HPD staff suggested that removal of the southern portion of the wall might be a reasonable accommodation to increase safety and parking for the property owner, without any significant negative impact. **[*Id.*]** HPD staff deferred to the Board to determine whether Appellant had met the code requirements for approval of Item #1. **[*Id.*]**

At the April 28, 2020 hearing, the Board voted unanimously to deny the demolition of the southern portion of the wall, as set forth in Item #1. **[Ex. E, 04/28/20 Minutes, p. 65 of 152]** On May 12, 2020, the Board adopted written findings of fact and conclusions of law reflecting its decision. **[Ex. C, 05/12/20 FOF & COL, pp. 34- of 152]** The decision requires Appellant to "repair and restore the southern end of the wall by rebuilding the knocked-over portion of the wall in-kind to its original height, using the existing river rocks, and by using grout on the rebuilt portions of the wall that matches the original grout color." **[*Id.* at COL #10]** Appellant timely appealed the Board's denial of the demolition, as requested in Item #1. **[Ex. A, Petition, pp. 18-26 of 152]**

II. GROUNDS FOR APPEAL TO THE GOVERNING BODY

Under the SFCC Section 14-3.17(A)(2), an appeal of a Board decision may be filed for one or more of the following reasons only:

(1) The Board's final action does not comply with SFCC Chapter 14 or the Zoning Enabling Act, NMSA 1978, Sections 3-21-1 to -14;
(2) The Board misapplied SFCC Chapter 14; or
(3) The Board's decision is not supported by substantial evidence.

III. ISSUES RAISED ON APPEAL

Appellant raises the following issues on appeal:

1. The Board misapplied SFCC Chapter 14 by requiring Appellant to rebuild a wall that blocks the visibility site triangle, contrary to SFCC Section 14-7.1(F)(2) (Visibility of Driveways).
2. The Board misapplied SFCC Chapter 14 by requiring Appellant to rebuild a wall that prevents Appellant from complying with SFCC Section 14-8.6 (Establishing Off-Street Parking Requirements).
3. The Board's action does not comply with SFCC Section 14-10.1(A), which provides that the intent of Chapter 14 is "to limit nonconforming structures so they are not allowed to be . . . reconstructed after major damage."

[Ex. A, Petition, pp. 22-24 of 152]

Appellant argues that she cannot rebuild the wall in conformity with Chapter 14 because the rebuilt portion of the wall will block driveway visibility, violate federal sight triangle requirements, and prevent Appellant from providing a parking space required by code. Appellant relies on the opinion of a City traffic technician who determined that the southern portion of the wall blocked visibility and suggested that thirteen (13) horizontal feet of the wall should be removed for safety. **[*Id.* at 22]** Appellant also relies on the stated purpose of the code provisions that govern legal nonconforming structures, as follows: "to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival. . . . It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage." SFCC § 14-10.1(A).

IV. ANALYSIS

The City Attorney's Office recommends that the Governing Body use the following three-step framework for resolving the issues raised on appeal.

A. Step 1: Does the Code Permit Appellant to Rebuild the Legal Nonconforming Portion of the Wall Under the Facts and Circumstances of this Case?

As noted above, the southern portion of Appellant's wall (prior to being knocked down) was a legal nonconforming structure. Resolving this appeal requires the Governing Body to evaluate whether the Board correctly applied the SFCC provisions that concern the rebuilding of a legal nonconforming structure to the facts and circumstances of this case.[1]

[1] The evidence before the Board was that a roofing contractor accidentally knocked down a portion of the wall. No evidence suggested that Appellant intentionally demolished the wall. In a case where a property owner intentionally destroys or alters an historic structure in violation of the Historic Districts Ordinance, the City would have additional remedies for requiring the property owner to restore the historic structure. *See* SFCC § 14-11 (Land Use Enforcement Ordinance). Those remedies are not at issue in this case.

Two provisions are especially relevant:

1. SFCC Section 14-10.3(B): "A legal nonconforming structure that is modified in such a way as to eliminate or to reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with Chapter 14."
2. SFCC Section 14-10.3(C): "If a legal nonconforming structure is destroyed by any means to an extent of more than sixty-six and two-thirds percent of the existing building structure and shell (exterior skin and framing, excluding window assemblies and exterior wall and roof coverings), it shall not be reconstructed except in conformity with the provisions of Chapter 14."

The Board relied on staff's recommendation to determine that the wall could be rebuilt pursuant to Section 14-10.3(C) because less than two-thirds of the wall had been knocked down. **[Ex. E, 04/28/20 Minutes, pp. 58-59 of 152]** The Board further reasoned that it is appropriate to require the wall to be reconstructed because the Historic Districts Ordinance mandates the preservation of a structure's contributing status and requires a property owner to repair and maintain a contributing structure. **[Ex. B, 5/12/20 FOF & COL, pp. 35-36 of 152, at FOF #16-18]** *See* SFCC §§ 14-5.2(B), 14-5.2(D)(1)(a). The Board did not discuss whether SFCC Section 14-10.3(B) or (C) was the more appropriate provision to apply in this case.

On appeal, the Governing Body should decide whether it agrees with the Board's determination that SFCC Section 14-10.3(C) permits reconstruction of the wall, because less than two-thirds was destroyed, and because the Historic Districts Ordinance requires maintenance of historic structures. Alternatively, the Governing Body could conclude that SFCC Section 14-10.3(B) precludes reconstruction of the nonconforming portion of the wall because one-hundred percent (100%) of the legal nonconforming portion of the wall has been destroyed and cannot be rebuilt in conformance with Chapter 14, including the provisions intended to further safety.

To apply these code provisions to the facts of this case, the Governing Body may rely on several tools of interpretation. First, the Governing Body should apply the plain language of the code and give the words their ordinary meaning. *See Smith v. Bernalillo Cty.*, 2005-NMSC-012, ¶ 18, 137 N.M. 280, 110 P.3d 496. Second, the Governing Body should read related provisions together in a way that gives effect to all of them. *See N.M. Indus. Energy Consumers v. PRC,* 2007-NMSC-053, ¶ 20, 142 N.M. 533, 168 P.3d 105. This means that the Governing Body should avoid reading the law in a way that would make one provision ineffective or superfluous. Third, when applying two conflicting provisions within Chapter 14, the SFCC provides that "the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated." SFCC § 14-1.7(B). Thus, if one provision would require Appellant to meet a higher standard, that provision should control.

Finally, and most importantly, the Governing Body should interpret Chapter 14 in a way that will further the law's purpose and intent. *See New Mexicans for Free Enter. v. City of Santa Fe*, 2006-NMCA-007, ¶ 59, 138 N.M. 785, 126 P.3d 1149. This means that if one reading would further the law's purpose, and another reading would not further the law's purpose, the Governing Body should pick the reading that will further the law's purpose. As noted above, the express

purpose of SFCC Section 14-10 is "to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival." SFCC Section 14-10.1(A). However, this purpose is in potential conflict with the purpose of the Historic Districts Ordinance, which is to ensure that historic structures and features are preserved and maintained. See SFCC § 14-5.2(A)(1). To resolve this potential conflict, the Governing Body should also consider the over-arching purpose of Chapter 14: to "create conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe." SFCC § 14-1.3(B). This includes the proper coordination of streets and traffic. *See id.*

If the Governing Body concludes that SFCC Section 14-10.3(B) should be applied and that the legal nonconforming portion of the wall should not be rebuilt under the circumstances of this case, then the Governing Body should grant the appeal on the ground that the Board misapplied the code. If the Governing Body grants the appeal for this reason, the City would not require Appellant to rebuild the wall, and the Governing Body does not need to proceed to the next steps of the analysis, as described in subsequent sections of this memo.

If the Governing Body concludes that SFCC Section 14-10.3(C) allows the legal nonconforming portion of the wall to be rebuilt, or that the purpose of the Historic Districts Ordinance should override the rule set forth in SFCC Section 14-10.3(B), then the Governing Body should proceed to the next steps of the analysis to determine whether the request for demolition should be granted.

B. Step 2: Should the Governing Body Grant Appellant's Request for Approval of Demolition Based on the Factors Set forth in SFCC Section 14-3.14?

The Board has authority to review and approve or deny all applications for demolition of structures in the historic districts. *See* SFCC §§ 14-2.6(C)(1), 14-5.2(C)(3)(a), 14-3.14. In determining whether to grant the request for demolition, the Board was required to consider and balance the following three factors set forth in SFCC Section 14-3.14(G)(1):

(a) Whether the structure is of historical importance;
(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and
(c) The state of repair and structural stability of the structure under consideration.

With regard to SFCC Section 14-3.14(G)(1)(a), the Board found that the wall has historical significance because it has been in place since at least 1958 and has been designated as a contributing structure in the Downtown and Eastside Historic District. **[Ex. B, 5/12/20 FOF & COL, p. 36 of 152, at FOF #22]** With regard to SFCC Section 14-3.14(G)(1)(b), the Board found that the wall is an essential part of a unique street section, that the historic character of the wall contributes to the streetscape, and that the characteristic vernacular stonework elements of the wall's design are repeated along East Alameda. **[*Id.* at FOF #23]** Finally, with regard to SFCC Section 14-3.14(G)(1)(c), the Board found that the portion of the wall that is still standing is in good repair and retains structural stability, and that the portion of the wall that has been knocked

down can be rebuilt in-kind with sufficient structural stability using the existing river rocks, which remain intact and on-site. **[*Id.* at FOF #24]**

The Board concluded that the request for demolition should be denied and directed Appellant to repair and restore the southern end of the wall by rebuilding the knocked-over portion of the wall to its original height, using the existing river rocks, to match what was there before. **[*Id.* at pp. 37-38, COL #1, 10]** *See generally* SFCC § 14-3.14(F) (providing that if the Board denies an application for demolition, the owner shall be required to immediately conduct the maintenance required by SFCC Section 14-5.2(B) (Minimum Maintenance Requirements)).

On appeal, the Governing Body should consider the demolition factors de novo to determine whether Appellant's request to demolish the southern portion of the wall should be approved based on the balancing test set forth in SFCC Section 14-3.14. In doing so, it may be helpful to consider that the proposed demolition applies only to the southern thirteen (13) feet of the wall, and would not affect the remaining forty-nine (49) feet. If the Governing Body concludes that Appellant's proposed demolition should be denied based on the demolition factors, the Governing Body should deny the appeal. If the Governing Body concludes that Appellant's proposed demolition should be granted based on the demolition factors, the Governing Body should proceed to the next step of the analysis to determine whether Appellant has conclusively demonstrated that an exception should be granted.

C. Step 3: Has Appellant Conclusively Demonstrated that the Governing Body Should Grant an Exception to SFCC Section 14-5.2(D)(1)(a)?

If the Governing Body determines that the Code permits the rebuilding of the wall under the circumstances of this case, and that Appellant has passed the test for demolition under SFCC Section 14-3.14(G)(1), Appellant must also conclusively demonstrate that the proposed demolition meets the criteria for an exception to SFCC Section 14-5.2(D)(1)(a). That Section provides as follows:

> The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

HPD Staff determined that the proposed demolition would require an exception to this provision because demolition of thirteen (13) feet of the wall could jeopardize the contributing status of the wall and would result in the removal of historic materials. **[Ex. F, 04/28/20 Staff Report, pp. 70-71 of 152]** *See generally* SFCC § 14-5.2(C)(5) (explaining that staff is responsible for determining whether an exception is required for approval of an application).

To obtain the exception, Appellant needed to conclusively demonstrate that all three of the exception criteria in SFCC Section 14-5.2(C)(5)(b) had been met, as follows:

(i) Do not damage the character of the district;

(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and

(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

The Board denied the exception request because the Board found that Appellant had failed to meet exception criterion (i), which provides that an exception should not be granted if the exception would damage the character of the historic district. The following table summarizes Appellant's responses to the exception criteria, as set forth in the Application; HPD staff's assessment of those responses, as set forth in the staff report; and the findings made by the Board, as set forth in the Board's written decision. **[Ex. B, 05/12/20 FOF & COL, pp. 36-37 of 152, at FOF #27-29] [Ex. F, 04/28/20 Staff Report, pp. 71-72 of 152]**

.

(i) Does not damage the character of the district.	• Appellant: The exception will not damage the streetscape because Appellant does not seek to demolish the entire wall but only a portion for safety reasons. The small section of wall does not play a major role in defining the streetscape and, therefore, its removal will not harm the streetscape's character. • Staff: Partial demolition of the wall, which extends almost the whole length of the frontage, would damage the streetscape. • Board: Granting the exception would damage the character of the district because the wall has historical significance and is an essential part of the streetscape. Walls that incorporate vernacular stonework and river rock are character-defining elements of the district that are replicated along the street.
(ii) Required to prevent a hardship to the applicant or an injury to the public welfare.	• Appellant: The exception would prevent a hardship by allowing Appellant to remove a section of the wall to bring it into conformity with parking requirements and to provide a safer driveway situation. Denying the request would injure the public welfare because Appellant would not be able to provide parking for an existing residential unit. Partial demolition will advance the property toward legal conformity. • Staff: The demolition would relieve a hardship by allowing a second dwelling unit to conform by having a parking space, and the demolition would improve public safety for automotive traffic. However, these factors should be balanced against the possible loss of a contributing wall. • Board: Permitting the demolition would relieve a hardship by allowing the second dwelling unit to have a parking space and would contribute to the public interest by allowing compliance with federal sight triangle requirements, thereby improving public safety for automotive traffic.
(iii) Will strengthen the unique heterogeneous	• Appellant: The proposed demolition will strengthen the heterogeneous character of the City by providing a required parking space and preserving the openings and character of the

character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.	wall. The removal of the section of wall will result in a property with two conforming parking spaces and two residential units, which provide a full range of housing within the Downtown and Eastside Historic District. • Staff: The demolition would make possible an additional dwelling unit with a parking space and would allow safer automobile access. • Board: The proposed demolition would strengthen the heterogeneous character of the City by providing a parking space and more room to maneuver in and out of the driveway, thereby contributing to a full range of design options for housing within the Downtown and Eastside Historic District.

On appeal, the Governing Body should apply the exception criteria de novo and decide whether Appellant has conclusively demonstrated that all three criteria have been met.

V. CONCLUSION & MOTIONS OPTIONS

In this appeal, the Governing Body should consider the Board's reasoning and Appellant's arguments to determine whether the Governing Body agrees with the Board's decision. In doing so, the Governing Body should consider:

1. Whether the SFCC should be interpreted to allow reconstruction of the legal nonconforming portion of the wall under the circumstances of this case;
   a. If the SFCC allows reconstruction, the Governing Body's analysis continues to questions 2 and 3; and
   b. If the SFCC does not allow reconstruction the Governing Body's analysis is complete, and the wall may not be rebuilt.
2. Whether Appellant's proposed demolition of the southern portion of the wall meets the test for demolition, as set forth in SFCC Section 14-3.14; and
3. Whether Appellant has conclusively demonstrated that an exception should be granted to allow the permanent removal of historic features and materials from the contributing wall.

VI. MOTION OPTIONS

There are two options for motions in this case. Sample motions follow:

Motion 1: *I move to **grant** the appeal and to grant Appellant's request for approval of the demolition of the southern thirteen (13) feet of the wall.*

Motion 2: *I move to **deny** the appeal and affirm the decision of the Board.*

APPENDIX A:

EXCERPTS FROM THE LAND USE CODE

14-1.7 - CONFLICTING PROVISIONS

(B) In the case of a conflict within Chapter 14, or between Chapter 14 and any other ordinance, resolution or regulation, the more restrictive limitation or requirement shall prevail, unless an exception is specifically stated, and the provision shall govern that requires:

(1) the greater width or size of yards, courts or other open spaces;
(2) the lower height of structure or lesser number of stories;
(3) the greater percentage of lot or land to be left unoccupied; or
(4) other higher standards.

14-3.14 - DEMOLITION OF HISTORIC OR LANDMARK STRUCTURE

(F) Denial of Demolition Request

A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under Section 14-5.2(B) (Minimum Maintenance Requirements).

(G) Standards

(1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

14-5.2 - HISTORIC DISTRICTS

(A) General Provisions

(1) General Purpose

In order to promote the economic, cultural, and general welfare of the people of the city and to ensure the harmonious, orderly and efficient growth and development of the city, it is deemed essential by the governing body that the qualities relating to the history of Santa Fe, and a harmonious outward appearance, which preserve property values and attract tourists and residents alike, be preserved, some of these qualities being:

(a) The continued existence and preservation of historical areas and buildings;
(b) The continued construction of buildings in the historic styles; and
(c) A general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design.

(B) Minimum Maintenance Requirements

All buildings and structures in the historic district over which the board has jurisdiction to determine whether a demolition permit should be approved or denied and all landmark structures over which the governing body has such jurisdiction shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have any of the following defects:

(1) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;

(2) Deteriorated or inadequate foundation;

(3) Defective or deteriorated flooring or floor supports or flooring for floor supports of insufficient size to carry imposed loads with safety;

(4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

(5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

(7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration;

(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(10) Deteriorated, crumbling or loose plaster;

(11) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

(12) Defective or lack of weather protection for exterior wall covering, including lack of paint, or weathering due to lack of paint or other protective covering; or

(13) Any fault or default in the building or structure that renders the same structurally unsafe or not properly watertight.

(C) Regulation of Significant and Contributing Structures in the Historic Districts

. . .

(5) Exceptions

Staff shall determine whether an exception to this section is required. The historic board may grant an exception to the regulations set forth in this section provided that such exception does not exceed the underlying zoning.

. . .

(b) Design Standards and Signage

The board may recommend exceptions to Subsections 14-5.2(D) (1-8, 10-11) and 14-5.2(E) through (I) for construction or alterations within the historic district. . . . The applicant for such exceptions shall conclusively demonstrate and the board shall make a positive finding of fact that such exceptions comply with all the criteria listed as follows:

(i) Do not damage the character of the district;

(ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and

(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.

(D) General Design Standards for All H Districts

In any review of proposed additions or alterations to structures that have been declared significant or contributing in any historic district or a landmark in any part of the city, the following standards shall be met:

(1) General

(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

. . .

(5) Windows, Doors, and Other Architectural Features

(b) For all façades of significant, contributing and landmark structures , architectural features, finishes, and details other than doors and windows, shall be repaired rather than replaced. In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence.

14-7.1 - GENERAL RULES OF MEASUREMENT AND EXCEPTIONS

(F) Visibility at Driveways and Yards

(2) Visibility at Driveways

At driveways that provide access to a public or private street, no parking lot, fence, wall or other structure, hedge or planting that will obstruct drivers' views of traffic shall be erected, placed or maintained within a triangular area on either side of the driveway as follows:

. . .

(b) for driveways serving residential uses on streets and roads classified as subcollectors or lanes, obstructions between a height of three (3) feet and six (6) feet are prohibited within the required visibility triangles as determined by the more restrictive of:

(i) measurements of five (5) feet along the edge of the driveway and fifteen (15) feet along the street property line; and

(ii) measurements of fifteen (15) feet back from the nearest travel lane along the edge of the driveway and thirty (30) feet along the travel lane. See Illustration 14-7.1-1.

Illustration 14-7.1-1 Visibility at Driveways on Lanes and Subcollectors.

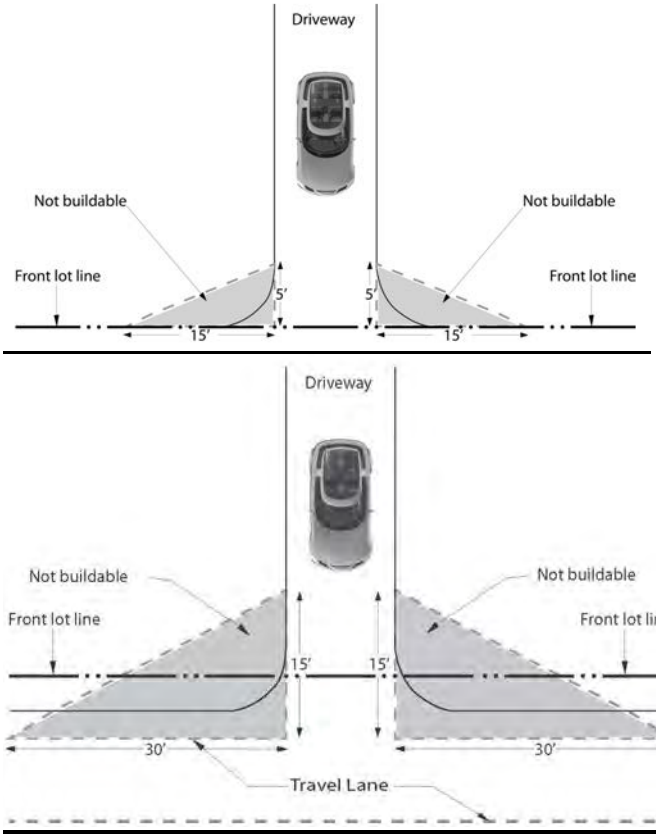


Table 14-8.6-1 Parking and Loading Requirements (Relevant Excerpts)

TABLE 14-8.6-1: Parking and Loading Requirements		
Category	**Specific Use**	**Parking and Loading**
RESIDENTIAL		
	Attached dwelling unit (over 5 units): Less than 800 square feet of heated floor area	1 assigned space and .25 unassigned space per dwelling unit
	Attached dwelling unit (over 5 units): 800-1,200 square feet of heated floor area	1 assigned space and 0.5 unassigned space per dwelling unit

	Attached dwelling unit (over 5 units): More than 1,200 square feet of heated floor area	1 assigned space and 1 unassigned space per dwelling unit
	Detached dwelling unit	2 spaces per dwelling unit
Short-term rental unit (Ord. No. 2008-5 § 4)	One bedroom	One parking space
	Two or more bedrooms	2 parking spaces
ACCESSORY		
Accessory dwelling units	All	One space per unit if the accessory dwelling unit is less than 1,000 square feet, otherwise, two spaces per unit

14-10 – NONCONFORMITIES

14-10.1 - GENERAL PROVISIONS

(A) Purpose and Intent

It is the intent of this article to allow legal nonconforming uses to continue until they are ceased and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival. . . . It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.

. . .

(C) Determination of Nonconformity Status

The land use director determines the status of a nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign. For purposes of this Article 14-10, each sign is treated as a separate structure , including those attached to or painted on buildings.

14-10.3 - LEGAL NONCONFORMING STRUCTURES

Legal nonconforming structures may be maintained subject to the following provisions:

(A) No Increase in Nonconformity

A legal nonconforming structure shall not be enlarged or altered in a way that increases the degree or extent of its nonconformity. This Section 14-10.3 is not intended to prohibit additions or alterations that do not increase the nonconformity.

(B) Reduction in Nonconformity

A legal nonconforming structure that is modified in such a way as to eliminate or to reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with Chapter 14.

(C) Substantial Destruction of Legal Nonconforming Structure

If a legal nonconforming structure is destroyed by any means to an extent of more than sixty-six and two-thirds percent of the existing building structure and shell (exterior skin and framing, excluding window assemblies and exterior wall and roof coverings), it shall not be reconstructed except in conformity with the provisions of Chapter 14 and if any structure containing a legal nonconforming use is similarly destroyed, the legal nonconforming use shall not be resumed.

. . .

(E) Repairs and Alterations

(1) Ordinary repairs and maintenance are allowed, including replacement of exterior wall and roof coverings.

(2) Repair, maintenance or replacement of interior nonstructural elements, fixtures, wiring or plumbing, is allowed.

(3) Alterations to the legally nonconforming portions of the building structure are not allowed except to bring the structure into conformance with the provisions of Chapter 14.

(4) Nothing in Section 14-10 prevents alteration or repairs necessary to ensure the safety of a structure that has been declared to be unsafe by an official charged with protecting public safety, on order of such official.

14-12.1 - DEFINITIONS

CONTRIBUTING STRUCTURE

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

LEGAL NONCONFORMING STRUCTURE

A structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lot as a consequence of annexation of the structure into the city or as a consequence of adoption of or amendments to Chapter 14.

Exhibits to City Attorney's Office Memorandum

Appeal No. 2020-2175-APPL of Case No. 2020-1732-HDRB

868 East Alameda Street, Christina Halaburka

August 12, 2020 Meeting of the Governing Body

A	Verified Appeal Petition	May 25, 2020	pp. 17-32
B	Historic Districts Review Board's Written Findings of Fact (FOF) and Conclusions of Law (COL) (Case #2020-1781-HDRB, wall changes)	May 12, 2020	pp. 33-38
C	Relevant Excerpts from Board Meeting Minutes (amending 4/28/20 minutes and approving written FOF & COL)	May 12, 2020	pp. 39-46
D	Board Action Letter from HPD Staff	Apr. 28, 2020	pp. 47-48
E	Relevant Excerpts from Board Meeting Minutes (voting to deny Case #2020-1781-HDRB in part and to approve Case #2020-1781-HDRB in part)	Apr. 28, 2020	pp. 49-66
F	Historic Preservation Division (HPD) Staff Report and Exhibits (Case #2020-1781-HDRB)	Apr. 28, 2020	pp. 67-100
G	Board's Written FOF and COL (Case #2020-1781-HDRB, historic status review)	Apr. 28, 2020	pp. 101-103
H	Relevant Excerpts from Board Meeting Minutes (voting to designate wall as "contributing structure")	Mar. 10, 2020	pp. 104-117
I	Historic Preservation Division (HPD) Staff Report and Exhibits (Case #2020-1781-HDRB)	Mar. 10, 2020	pp. 118-142
J	Application & Miscellaneous Documents from HPD file	Oct. 11, 2019	pp. 143-150
K	Decision Tree	Aug. 12, 2020	pp. 151-152

EXHIBIT

A

LUD Use Only

Time Filed:_____
Fee paid: $_____
Receipt attached:)

(date stamp)
RECEIVED
MAY 26 2020
BY:_____

VERIFIED APPEAL

PETITION

05/26/20 AHA

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: HALABURKA (Last) CHRISTINA (First) (M.I.)

Address: 868 1/2 ALAMEDA STREET (Street Address) (Suite/Unit #)

SF (City) NM (State) 87501 (ZIP Code)

Phone: (408) 596-0632 E-mail Address: chalaburka@me.com

Additional Appellant Names: N/A

Correspondence Directed to: ☐ Appellant ☐ Agent ☐ Both

Agent Authorization (if applicable)

I/We: CHRISTINA HALABURKA

authorize LIAISON PLANNING SVS. to act as my/our agent to execute this application.

Signed: PLEASE SEE ATTACHED Date: _____

Signed: Date:

Subject of Appeal

Project Name: 868 E. ALAMEDA PARTIAL WALL DEMOLITION)

Applicant or Owner Name: CHRISTINA HALABURKA

Location of Subject Site: 868 1/2 E. ALAMEDA

Case Number: 2020-001752 -HDRB Permit Number (if applicable): N/A

Final Action Appealed:

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☐ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☒ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

THE BASIS FOR THE APPEAL IS TO CONTEST DEMOLITION OF HISTORIC STRUCTURES IN SECTION 14.3.14(G)

Basis for Appeal: ☐ The facts were incorrectly determined ☒ Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

THE FINAL ACTION 4/28/2020 HDRB MEETING

☒ Check here if you have attached a copy of the final action that is being appealed.

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

Please See Attached

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

Please See Attached

Signature and Verification

The signature/s and notarization below occurred during the COVID-19 Public Health Emergency, when the Governor of the State of New Mexico issued Executive Order 2020-015, allowing notarization of documents to be done remotely through video conferencing during the signature of the signer and scanning or faxing to transmit the signed document/s to the notary. Our signatures below affirm that, both the person seeking notarization and the notary are located in New Mexico during this video conference; that the person who is seeking notarization presented satisfactory evidence of identity (e.g., a valid state-issued photo identification) during the video conference; and that the person whose signature is being notarized transmitted by fax or other electronic means provided a legible copy of the signed document directly to any required witnesses and then to the notary on the same day it was signed.

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: _____ Date: _____

Agent Signature: _____ Date: 5/26/20

State of New Mexico)
) ss.
County of Santa Fe)

I/We DOLORES I VIGIL, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Appellant/s:

_____ _____
Signature *Signature*

DOLORES VIGIL _____
Print Name *Print Name*

Subscribed and sworn to before me this 26th day of May, 2020.

OFFICIAL SEAL
Paola Sias
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 05/10/2023

NOTARY PUBLIC

My commission expires:
05/10/2023

https://mail.google.com/mail/u/0/?tab=wm&ogbl#search/chalaburka%40me.com/FMfcgxwGDDgXmVPzGgvHRgzpnTHhBJWQ?projector=1&messagePartId=0.1

5/26/2020

IMG_0358.JPG

January 28, 2020

City of Santa Fe Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Letter of Authorization to Submit Applications for
868 and 868 ½ E. Alameda, Santa Fe, NM

Dear Staff:
This letter shall serve to grant Liaison Planning Services Inc. authorization to act as agent for purposes of submitting an application for Christine Halaburka located at the above referenced addresses.

Sincerely,

Christine Halaburka

1/2

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

May 26, 2020

City of Santa Fe Governing Body
P.O. Box 909
Santa Fe, NM 87504-0909

Re: Petition of Appeal
868 E. Alameda Santa Fe, NM

Dear Councilors,

Please consider this letter as a formal request to approve a Petition of Appeal for the above reference address. The action of the HDRB in Case 2020-1732 HDRB rendered on April 28, 2020, would require that the applicant re-build a demolished portion of a wall on the southern end of the property (please see Exhibit A). After discussions with staff and site visits it was determined by City Traffic Technician, Ladd Lucero that the wall blocked visibility and the sight triangle requirements are not met. He suggested a portion of the wall be removed at least 13' to allow for better visibility when entering and exiting the property. He has signed off on removing this portion of the wall (please see exhibit B). Since, the wall was struck by a roofing contractor's vehicle and a portion of the wall was demolished which supports the need to remove a portion of the wall for safety purposes.

The decision of the HDRB to deny the exception request causes harm not only to the applicant in that she will incur the substantial cost of rebuilding the wall, but to other residents of Santa Fe's Downtown and Eastside Historic District, as it creates a problematic precedent for homeowner's attempting to comply with the mandates of Chapter 14-7.1(F)(2) Visibility at Driveways (Ord. No. 2014-31 § 18) and Section 14-8.6 Establishing Off-street Parking Requirements. Standards set forth in Santa Fe's Land Development Code are publicly available for the purpose of compliance, such that homeowners may read the code, discuss with staff, obtain approval, and comply with adopted land use regulations.

Chapter 14-7.1 (F)(2) states that,

"Visibility at Driveways
(Ord. No. 2014-31 § 18)

> *At driveways that provide access to a public or private street, no parking lot, fence, wall or other structure, hedge or planting that will obstruct drivers' views of traffic shall be erected, placed or maintained within a triangular area on either side of the driveway as follows:*

(a)

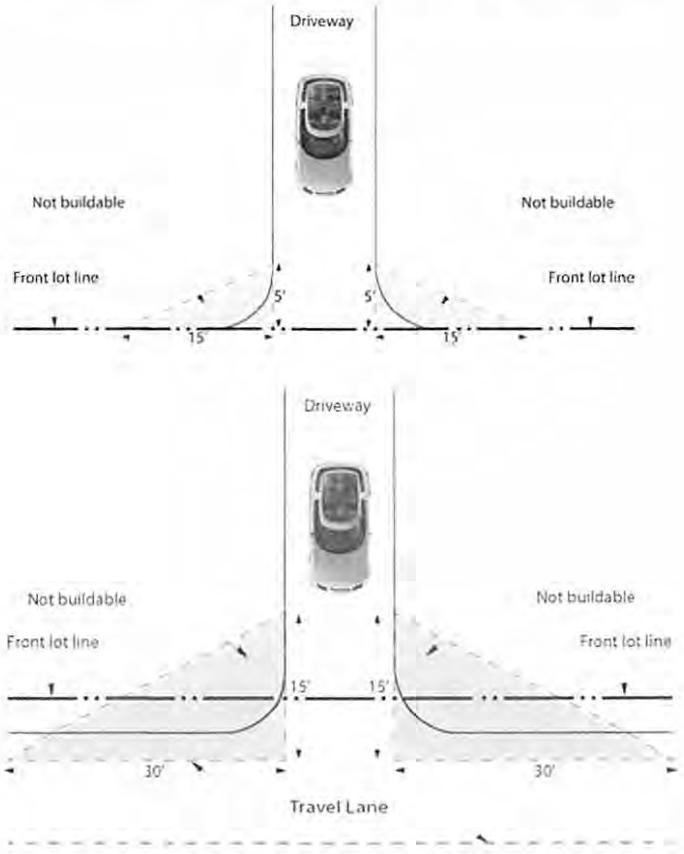
for driveways serving nonresidential uses on all streets and roads and driveways serving residential uses on arterial and collector roads, the required visibility triangles for each driveway are determined by the public works director based on AASHTO standards;

(b)
for driveways serving residential uses on streets and roads classified as subcollectors or lanes, obstructions between a height of three (3) feet and six (6) feet are prohibited within the required visibility triangles as determined by the more restrictive of:

(i)
measurements of five (5) feet along the edge of the driveway and fifteen (15) feet along the street property line; and

(ii)
measurements of fifteen (15) feet back from the nearest travel lane along the edge of the driveway and thirty (30) feet along the travel lane. See Illustration 14-7.1-1.

Illustration 14-7.1-1 Visibility at Driveways on Lanes and Subcollectors



In addition, the applicant has adopted a legal non-conforming situation that involves Section 14-7.1(F) off street parking requirements that require at least 1 parking spaces per unit.

Article 14-10 – Nonconformities states that,

14-10.1- General Provisions

A)

Purpose and Intent

> It is the intent of this article to allow legal nonconforming uses to continue until they are ceased and to allow legal nonconforming structures to be maintained until they are removed, but not to encourage their survival. Nonconforming uses are deemed incompatible with permitted uses. It is further the intent of this article to limit nonconforming structures so they are not allowed to be enlarged, expanded, extended or reconstructed after major damage or used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise allowed by Chapter 14.

The applicant is willing to correct these non-conformities by providing a parking space that meets code and remove a portion of a wall to meet clear site triangle requirements. Your consideration is greatly appreciated. Please contact me if you have any questions or require additional information.

Sincerely,

Dolores I. Vigil

Attachments: Application
Authorization Letter
Photo Exhibit A
City Traffic Technician Approval Exhibit B

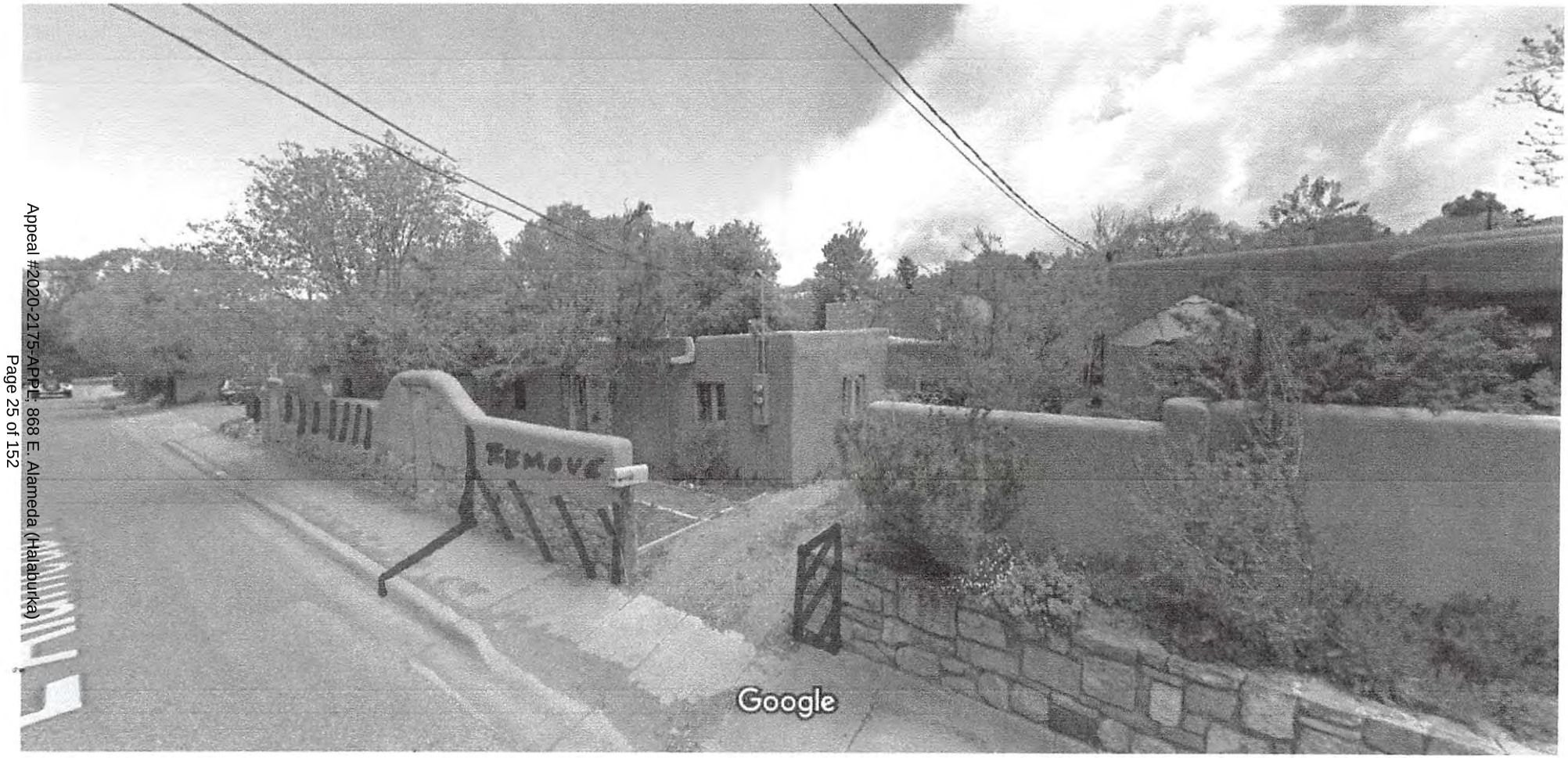


Image capture: May 2019 © 2020 Google

EXHIBIT A

"Approved"
Sight Visibility
1-16-20

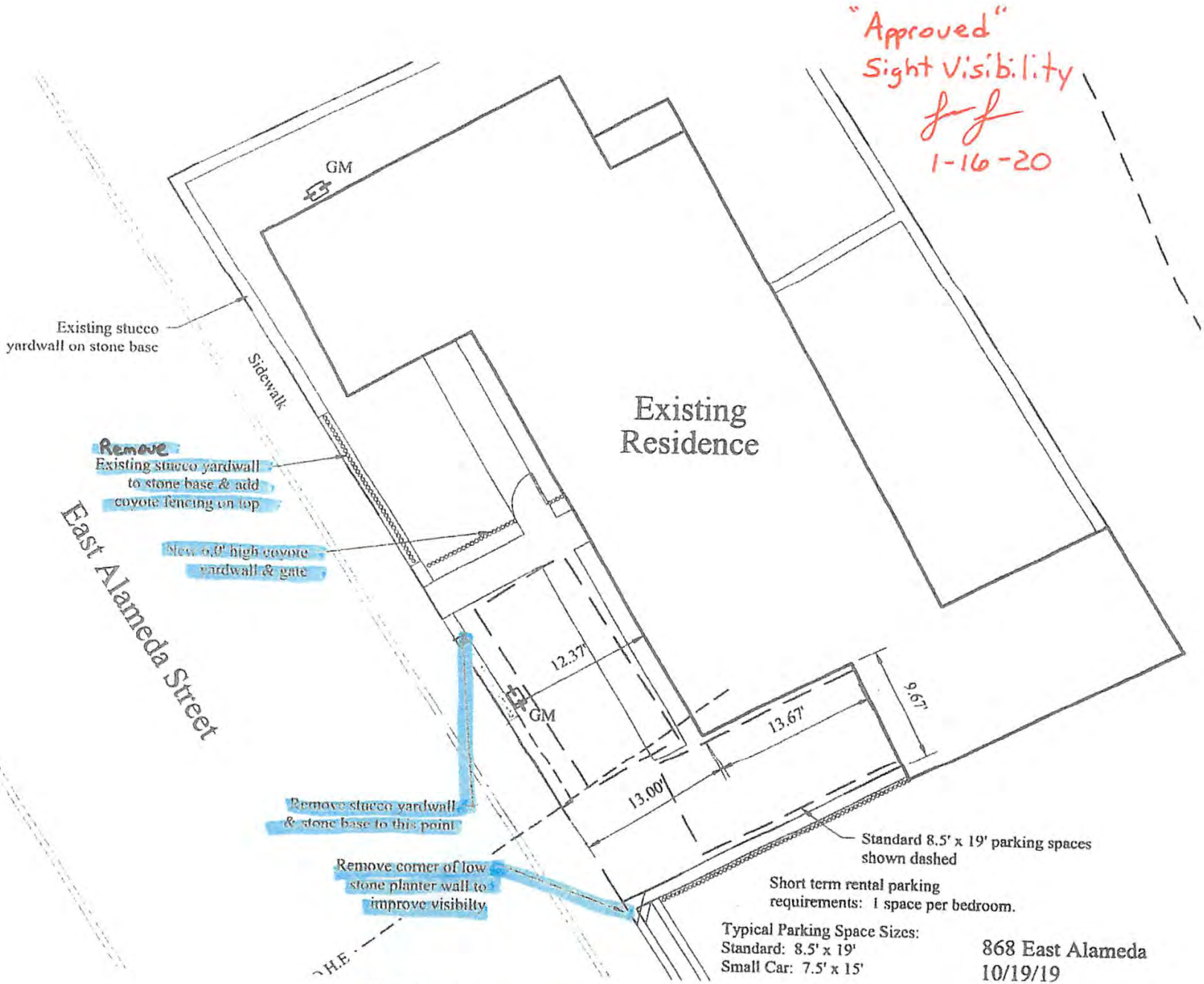


EXHIBIT E

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-1732-HDRB
Address – 868 & 868 ½ East Alameda Street
Agent's Name – Liaison Planning Services
Owner/Applicant's Name – Christina Halaburka

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on April 28, 2020.

BACKGROUND

This case involves a wall that runs parallel to the public right of way at 868 and 868 ½ East Alameda Street. At its hearing on February 25, 2020, the Board designated this wall as a contributing structure in the Downtown and Eastside Historic District due to its distinctive character and importance to the surrounding streetscape. At this hearing, the owner proposed the following:

1. Demolish 13 feet of the wall at the southern end;
2. Remove the upper stuccoed portion of the wall along its length;
3. Replace the upper stuccoed portion with coyote fencing to a height of 5 feet;
4. Remove a wall corner on the opposite (south) side of the driveway; and
5. Add a coyote fence inside and perpendicular to the wall.

The Applicant seeks to make possible a second parking space next to the driveway and to improve vehicular access to the driveway. Recently, a vehicle backed into the wall and knocked over a portion approximately equivalent to that which the owner proposes to demolish. The knocked-over portion constitutes less than 66.6 % of the whole structure.

At this hearing, the Applicant returned to the Board with responses to the exception criteria and the demolition criteria.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Land Use Department Staff conducted a preliminary zoning review ("PZR") and determined that the Application appears to meet underlying zoning standards, as set forth in the Santa Fe City Code ("SFCC").
3. Historic Preservation Division City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe Land Development Code requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the Application.
4. Historic Preservation Division Staff Recommendation: Staff did not make a recommendation regarding approval and deferred to the Board to determine whether the

Applicant had satisfied the exception criteria in SFCC Section 14-5.2(D)(1)(a) and the demolition criteria in SFCC Section 14-3.14(G).

5. The project is subject to requirements of the following sections of the SFCC:
   - Section 14-5.2(D) General Design Standards; and
   - Section 14-5.2(C), Regulation of Significant and Contributing Structures.
6. The property is located in Downtown and Eastside Historic District and is subject to SFCC Section 14-5.2(E).
7. Under SFCC Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."
8. The Staff Report and Application state that City of Santa Fe Traffic Technician Ladd Lucero determined that the wall blocked the sight triangle for the driveway at 868 East Alameda and that to be brought into conformance with federal sight triangle requirements, the southern portion of the wall extending about 13 feet to before the southern-most gate cannot exceed 3 feet in height.
9. At the hearing, Staff explained that the wall constitutes a legal nonconforming structure because the location and height pre-dates current off-site parking and sight-triangle requirements. *See generally* SFCC § 14-7.1(F) (adopting federal sight triangle requirements); § 14-8.6 (establishing off-street parking requirements).
10. SFCC Section 14-12.1 defines a "legal nonconforming structure" as a "structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lot as a consequence of annexation of the structure into the city or as a consequence of adoption of or amendments to Chapter 14."
11. SFCC Section 14-10.1(A) allows "legal nonconforming structures to be maintained until they are removed."
12. SFCC Section 14-10.3(B) provides that "A legal nonconforming structure that is modified in such a way as to eliminate or to reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with Chapter 14."
13. Under SFCC Section 14-10.3(E)(1), an owner is allowed to conduct "[o]rdinary repairs and maintenance" on a legal nonconforming structure.
14. SFCC 14-10.3(E)(4) provides, "Nothing in Section 14-10 prevents alteration or repairs necessary to ensure the safety of a structure that has been declared to be unsafe by an official charged with protecting public safety, on order of such official."
15. SFCC Section 14-10.3(C) provides, "If a legal nonconforming structure is destroyed by any means to an extent of more than sixty-six and two-thirds percent of the existing building structure . . . , it shall not be reconstructed except in conformity with the provisions of Chapter 14."
16. SFCC Section 14-5.2(B) requires an owner to conduct maintenance and repair and provides that "structures in the historic district over which the board has jurisdiction to determine

whether a demolition permit should be approved . . . shall be preserved against decay and deterioration and free from certain structural defects."

17. Under SFCC Section 14-5.2(D)(1)(a), "[t]he status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited."
18. Under SFCC Section 14-5.2(D)(5)(b), the architectural features of a contributing structure shall be repaired rather than replaced" when possible. "In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence." *Id.*
19. Under SFCC Sections 14-2.6(C)(1), 14-5.2(C)(3)(a), and 14-3.14, the Board has authority to review and approve or deny all applications for demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
20. City staff provided to the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
21. Under SFCC Section 14-3.14(G), in determining whether a request for demolition in a historic district should be approved, the Board shall consider whether the structure is of historical importance, whether the structure is an essential part of a unique street section/block front, whether the street section/block front will be reestablished by a proposed new structure, and the state of repair and structural stability of the structure.
22. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the yard wall has historical significance because it has been in place since at least 1958 and has been designated as a contributing structure in the Downtown and Eastside Historic District.
23. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is an essential part of a unique street section/block front. The historic character of the wall contributes to the streetscape, and the characteristic vernacular stonework elements of the wall's design are repeated along East Alameda.
24. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the portion of the wall that is still standing is in good repair and retains structural stability, and that the portion of the wall that has been knocked down can be rebuilt in-kind with sufficient structural stability using the existing river rocks, which remain intact and on-site.
25. Staff determined that the partial demolition of this structure has the potential to jeopardize its contributing status according to SFCC Section 14-5.2(D)(1) and thus that approval of the demolition request would require an exception according to SFCC Section 14-5.2(c)(5)(b).
26. To obtain an exception, the Applicant must conclusively demonstrate that the exception complies with all following criteria: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
27. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district because the wall has historical significance and

is an essential part of the streetscape. Walls that incorporate vernacular stonework and river rock are character-defining elements of the district that are replicated along the street.

28. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds permitting the demolition will relieve a hardship by allowing the second dwelling unit to have a parking space and will contribute to the public interest by allowing compliance with federal sight triangle requirements, thereby improving public safety for automotive traffic.
29. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will strengthen the heterogeneous character of the City within the Historic District by providing a parking space and more room to maneuver in and out of the driveway, thereby contributing to a full range of design options for housing within the Downtown and Eastside Historic District.
30. Under SFCC Sections 14-2.6(C)(1), 14-5.2(C)(3)(a), and 14-3.14, the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed demolition in a historic district in accordance with the standards and procedures set out in SFCC Sections 14-3.14 and 14-5.2.
31. The information contained in the Application, and provided in testimony and evidence at the hearing, establishes that all applicable requirements for Board review have been met.
32. The information contained in the Application, and provided in testimony and evidence at the hearing, establishes that all applicable requirements for Board approval of demolition have not been met.
33. Under SFCC Section 14-3.14(F), "A determination that the structure should not be demolished shall impose a duty on the owner . . . to immediately take the action required under Section 14-5.2(B) (Minimum Maintenance Requirements)."

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. Board denies Items 1-3, including the Applicant's request to demolish a portion of the yard wall, to remove the upper stuccoed portion of the wall along its length, and to replace the upper stuccoed portion with coyote fencing to a height of 5 feet.
3. The Board approves Item 4, subject to the additional condition that the rebuilt wall on the east side of the driveway must have grout or cement that matches the original wall in color and style.
4. The Board approves Item 5, the proposed interior coyote fence situated perpendicular to the wall, with the additional condition that the fence shall not attach to the contributing yard wall and must be attached to a free-standing post.
5. With regard to Item 3, the Applicant failed to conclusively demonstrate that all of the exception criteria have been met.
6. With regard to Item 3, the demolition criteria have not been met.
7. The wall is a legal nonconforming structure.
8. The SFCC permits the rebuilding of the knocked-down portion of the wall because the destroyed portion constitutes less than 66.6% of the legal nonconforming structure, and the SFCC permits maintenance and repair of a legal nonconforming structure.

9. Partial demolition of the wall should be denied because it would result in the removal of historic materials and the alteration of architectural features and spaces that embody the contributing status.
10. The Applicant must repair and restore the southern end of the wall by rebuilding the knocked-over portion of the wall in-kind to its original height, using the existing river rocks, and by using grout on the rebuilt portions of the wall that matches the original grout color.

IT IS SO ORDERED ON THIS 12th DAY OF MAY 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

_____ _____
Chairperson Date

FILED:

_____ _____
Yolanda Y. Vigil Date
City Clerk

APPROVED AS TO FORM:

Sally A. Paez May 12, 2020
Assistant City Attorney Date

Lisa Roach 5/26/2020

Appeal application

1. Award picture
2. Digital Notary
   Remote Notonization

EXHIBIT

B

ITEM # 20-0246

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #2020-1732-HDRB
Address – 868 & 868 ½ East Alameda Street
Agent's Name – Liaison Planning Services
Owner/Applicant's Name – Christina Halaburka

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on April 28, 2020.

BACKGROUND

This case involves a wall that runs parallel to the public right of way at 868 and 868 ½ East Alameda Street. At its hearing on February 25, 2020, the Board designated this wall as a contributing structure in the Downtown and Eastside Historic District due to its distinctive character and importance to the surrounding streetscape. At this hearing, the owner proposed the following:

1. Demolish 13 feet of the wall at the southern end;
2. Remove the upper stuccoed portion of the wall along its length;
3. Replace the upper stuccoed portion with coyote fencing to a height of 5 feet;
4. Remove a wall corner on the opposite (south) side of the driveway; and
5. Add a coyote fence inside and perpendicular to the wall.

The Applicant seeks to make possible a second parking space next to the driveway and to improve vehicular access to the driveway. Recently, a vehicle backed into the wall and knocked over a portion approximately equivalent to that which the owner proposes to demolish. The knocked-over portion constitutes less than 66.6 % of the whole structure.

At this hearing, the Applicant returned to the Board with responses to the exception criteria and the demolition criteria.

FINDINGS OF FACT

1. After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:
2. Land Use Department Staff conducted a preliminary zoning review ("PZR") and determined that the Application appears to meet underlying zoning standards, as set forth in the Santa Fe City Code ("SFCC").
3. Historic Preservation Division City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe Land Development Code requirements and provided the Board with a written report of its findings ("Staff Report"), which evaluates the factors relevant to the Application.
4. Historic Preservation Division Staff Recommendation: Staff did not make a recommendation regarding approval and deferred to the Board to determine whether the

Applicant had satisfied the exception criteria in SFCC Section 14-5.2(D)(1)(a) and the demolition criteria in SFCC Section 14-3.14(G).

5. The project is subject to requirements of the following sections of the SFCC:
    - Section 14-5.2(D) General Design Standards; and
    - Section 14-5.2(C), Regulation of Significant and Contributing Structures.
6. The property is located in Downtown and Eastside Historic District and is subject to SFCC Section 14-5.2(E).
7. Under SFCC Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."
8. The Staff Report and Application state that City of Santa Fe Traffic Technician Ladd Lucero determined that the wall blocked the sight triangle for the driveway at 868 East Alameda and that to be brought into conformance with federal sight triangle requirements, the southern portion of the wall extending about 13 feet to before the southern-most gate cannot exceed 3 feet in height.
9. At the hearing, Staff explained that the wall constitutes a legal nonconforming structure because the location and height pre-dates current off-site parking and sight-triangle requirements. *See generally* SFCC § 14-7.1(F) (adopting federal sight triangle requirements); § 14-8.6 (establishing off-street parking requirements).
10. SFCC Section 14-12.1 defines a "legal nonconforming structure" as a "structure or portion of a structure that was lawfully constructed but that fails to conform to the standards of Chapter 14 for structures, such as restrictions on area, lot coverage, height, required yards or other characteristics of the structure or its location on the lot as a consequence of annexation of the structure into the city or as a consequence of adoption of or amendments to Chapter 14."
11. SFCC Section 14-10.1(A) allows "legal nonconforming structures to be maintained until they are removed."
12. SFCC Section 14-10.3(B) provides that "A legal nonconforming structure that is modified in such a way as to eliminate or to reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with Chapter 14."
13. Under SFCC Section 14-10.3(E)(1), an owner is allowed to conduct "[o]rdinary repairs and maintenance" on a legal nonconforming structure.
14. SFCC 14-10.3(E)(4) provides, "Nothing in Section 14-10 prevents alteration or repairs necessary to ensure the safety of a structure that has been declared to be unsafe by an official charged with protecting public safety, on order of such official."
15. SFCC Section 14-10.3(C) provides, "If a legal nonconforming structure is destroyed by any means to an extent of more than sixty-six and two-thirds percent of the existing building structure . . . , it shall not be reconstructed except in conformity with the provisions of Chapter 14."
16. SFCC Section 14-5.2(B) requires an owner to conduct maintenance and repair and provides that "structures in the historic district over which the board has jurisdiction to determine

whether a demolition permit should be approved . . . shall be preserved against decay and deterioration and free from certain structural defects."

17. Under SFCC Section 14-5.2(D)(1)(a), "[t]he status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited."
18. Under SFCC Section 14-5.2(D)(5)(b), the architectural features of a contributing structure shall be repaired rather than replaced" when possible. "In the event replacement is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Replacement or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence." *Id.*
19. Under SFCC Sections 14-2.6(C)(1), 14-5.2(C)(3)(a), and 14-3.14, the Board has authority to review and approve or deny all applications for demolition of structures in the historic districts in accordance with the standards set forth in SFCC Chapter 14.
20. City staff provided to the Board information on a structure under consideration for demolition, pursuant to SFCC Section 14-3.14(C).
21. Under SFCC Section 14-3.14(G), in determining whether a request for demolition in a historic district should be approved, the Board shall consider whether the structure is of historical importance, whether the structure is an essential part of a unique street section/block front, whether the street section/block front will be reestablished by a proposed new structure, and the state of repair and structural stability of the structure.
22. Pursuant to SFCC Section 14-3.14(G)(1)(a), the Board finds that the yard wall has historical significance because it has been in place since at least 1958 and has been designated as a contributing structure in the Downtown and Eastside Historic District.
23. Pursuant to SFCC Section 14-3.14(G)(1)(b), the Board finds that the structure is an essential part of a unique street section/block front. The historic character of the wall contributes to the streetscape, and the characteristic vernacular stonework elements of the wall's design are repeated along East Alameda.
24. Pursuant to SFCC Section 14-3.14(G)(1)(c), the Board finds that the portion of the wall that is still standing is in good repair and retains structural stability, and that the portion of the wall that has been knocked down can be rebuilt in-kind with sufficient structural stability using the existing river rocks, which remain intact and on-site.
25. Staff determined that the partial demolition of this structure has the potential to jeopardize its contributing status according to SFCC Section 14-5.2(D)(1) and thus that approval of the demolition request would require an exception according to SFCC Section 14-5.2(c)(5)(b).
26. To obtain an exception, the Applicant must conclusively demonstrate that the exception complies with all following criteria: (i) Do not damage the character of the district; (ii) Are required to prevent a hardship to the applicant or an injury to the public welfare; and (iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts.
27. Pursuant to SFCC Section 14-5.2(C)(5)(b)(i), the Board finds that granting the exception would damage the character of the district because the wall has historical significance and

is an essential part of the streetscape. Walls that incorporate vernacular stonework and river rock are character-defining elements of the district that are replicated along the street.

28. Pursuant to SFCC Section 14-5.2(C)(5)(b)(ii), the Board finds permitting the demolition will relieve a hardship by allowing the second dwelling unit to have a parking space and will contribute to the public interest by allowing compliance with federal sight triangle requirements, thereby improving public safety for automotive traffic.
29. Pursuant to SFCC Section 14-5.2(C)(5)(b)(iii), the Board finds that the proposed demolition will strengthen the heterogeneous character of the City within the Historic District by providing a parking space and more room to maneuver in and out of the driveway, thereby contributing to a full range of design options for housing within the Downtown and Eastside Historic District.
30. Under SFCC Sections 14-2.6(C)(1), 14-5.2(C)(3)(a), and 14-3.14, the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed demolition in a historic district in accordance with the standards and procedures set out in SFCC Sections 14-3.14 and 14-5.2.
31. The information contained in the Application, and provided in testimony and evidence at the hearing, establishes that all applicable requirements for Board review have been met.
32. The information contained in the Application, and provided in testimony and evidence at the hearing, establishes that all applicable requirements for Board approval of demolition have not been met.
33. Under SFCC Section 14-3.14(F), "A determination that the structure should not be demolished shall impose a duty on the owner . . . to immediately take the action required under Section 14-5.2(B) (Minimum Maintenance Requirements)."

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approves Item 5, the proposed interior coyote fence situated perpendicular to the wall, with the additional condition that the fence shall not attach to the contributing yard wall and must be attached to a free-standing post.
3. Board denies the Applicant's request to demolish a portion of the yard wall.
4. The Applicant failed to conclusively demonstrate that all of the exception criteria have been met.
5. The demolition criteria have not been met.
6. The wall is a legal nonconforming structure.
7. The SFCC permits the rebuilding of the knocked-down portion of the wall because the destroyed portion constitutes less than 66.6% of the legal nonconforming structure, and the SFCC permits maintenance and repair of a legal nonconforming structure.
8. Partial demolition of the wall should be denied because it would result in the removal of historic materials and the alteration of architectural features and spaces that embody the contributing status.
9. The Applicant must repair and restore the wall by rebuilding the knocked-over portion of the wall in-kind to its original height, using the existing river rocks, and by using grout on the rebuilt portions of the wall that matches the original grout color.

IT IS SO ORDERED ON THIS 12th DAY OF MAY 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chairperson

5/22/20
Date

FILED:

Yolanda Y. Vigil
City Clerk

5/26/20
Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

May 12, 2020
Date

EXHIBIT

C

City of Santa Fe

Agenda

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

*****FIELD TRIP CANCELLED*****

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, May 12, 2020 at 5:30 P.M.

*****AMENDED*****

ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, this meeting will be conducted virtually using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/user/cityofsantafe. The YouTube live stream can be accessed at this address from most computers, mobile devices, and smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number are as follows:

- Zoom link: https://zoom.us/j/96997904817?pwd=czhmQ1NUYkZqUjZ6dXpVaE5xc0hyZz09 (Password: 194109)
- Phone numbers: +1 301 715 8592 or +1 253 215 8782 (Webinar ID: 969 9790 4817)

This information will also be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: https://www.santafenm.gov/events.

Public Comment:

- By video: A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Lani McCulley (505-365-3055, ljmcculley@santafenm.gov) no later than Thursday, April 23, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email (LandUsePublicComment@santafenm.gov) or U.S. Postal Service (City of Santa Fe, ATTN: Lani McCulley, PO Box 909, Santa Fe, NM 87504-0909). Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Thursday, April 23, 2020.

CALL TO ORDER

A. ROLL CALL

B. APPROVAL OF AGENDA

C. APPROVAL OF MINUTES:

1. **HDRB Field Trip minutes:**
2. **HDRB Hearing minutes: April 28, 2020**

D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #2020-001663-HDRB. 512 Agua Fria Street.
Case #2020-001900-HDRB. 410 South Guadalupe Street.
Case #2020-001784-HDRB. 339 and 341 Plaza Balentine.
Case #2019-001553-HDRB. 1292 Lejano Lane.
Case #2020-001664-HDRB. 1204 Canyon Road.
Case #2020-001856-HDRB. 328 Otero Street.

Case #2020-001823-HDRB. 339 and 341 Plaza Balentine.
Case #2020-001820-HDRB. 1027 Camino San Acacio.
Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street.
Case #2020-001817-HDRB. 328 Otero Street.
Case #2020-001910-HDRB. 448 Camino Monte Vista.

E. BUSINESS FROM THE FLOOR
F. COMMUNICATIONS
G. ACTION ITEMS

1. **Case #2020-00001976-HDRB. 807 Abeyta Street. Downtown & Eastside Historic District. Jay Jay Shapiro, owner, proposes to construct additions to a contributing residence. (Daniel Schwab, dnschwab@santafenm.gov, 955-6660)**

2. **Case #2020-001977-HDRB. 502 Apodaca Hill. Downtown & Eastside Historic District. Carol Ware, agent for Pete and Amanda Mendez, owners, proposes to construct a new single-family residence on a vacant lot. (Angela Bordegaray, asbordegaray@santafenm.gov, 955-6605)**

3. **Case #2020-001990-HDRB. 206 McKenzie Street. Downtown and Eastside Historic District. Tom Easterson Bond, agent for FC3 LTD CO, owner, proposes to replace windows, install solar, exterior lighting, a video installation, and replace screening for mechanical equipment on a contrbiuting non-residential structure. (Lisa Roach, lxroach@santafenm.gov, 955-6657)**

4. **Case #2020-001991-HDRB. 494 and 496 West Water Street. Downtown and Eastside Historic District. Harry Perez Dapple, agent for The Orchard, LLC, owner , proposes to construct a multi-unit non-residential structure on a vacant lot. (Lisa Roach)**

5. **Case #2020-001995-HDRB. 610 Paseo de la Cuma. Downtown & Eastside Historic District. Lisa Martinez, agent for The Jill Silberkleit Trust, owner, proposes to install a new roof structure, increase parapet height, and make window and door alterations on a non-contributing residential structure. (Angela Bordegaray)**

6. **Case #2020-002008-HDRB. 535 Douglas. Downtown and Eastside Historic District. Christopher Purvis, agent for Dennis Stortz, owner, requests designation of primary facades for a contributing residence. (Daniel Schwab)**

7. **Case #2020-001997-HDRB. 535 Douglas. Downtown and Eastside Historic District. Christopher Purvis, agent for Dennis Stortz, owner, proposes to replace windows, raise a parapet, add onto a portal and repair stucco at a contributing residence. (Daniel Schwab)**

8. **Case #2020-002009-HDRB. 970 Acequia Madre. Downtown and Eastside Historic District. Christopher Purvis, agent for Charles Schulze, owner, requests designation of primary facades for a contributing residence and status review of a non-statused accessory structure. (Daniel Schwab)**

9. **Case #2020-001998-HDRB. 970 Acequia Madre. Downtown and Eastside Historic District. Christopher Purvis, agent for Charles Schulze, owner, proposes raising a roof, chimney, and parapets, repairing stucco, replacing windows, and constructing a ramada at a contributing residence. (Daniel Schwab)**

H. MATTERS FROM THE BOARD
I. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check https://www.santafenm.gov/historic_districts_review_board for more information regarding cases on this agenda. Persons with disabilities in need of accommodations, contact the Historic Preservation Division office at (505) 955-6605 five (5) working days prior to the meeting date.

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: May 6, 2020
TIME: 8:00 AM

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
May 12, 2020

ITEM	ACTION TAKEN	PAGE(S)
Call to Order	5:30 pm	1
A. Roll Call	Quorum Present	1
B. Approval of Agenda	Approved as Amended	1-2
C. Approval of Minutes April 28, 2020 Hearing	Approved as Amended	2
D. Findings of Fact & Conclusions of Law	Approved as Amended	2-3
E. Business from the Floor	Comments	3-4
F. Communications	Comments about Historic Preservation Awards	4-5
G. Action Items		
1. Case #2020-00001976-HDRB 807 Abeyta Street	Approved with Conditions	5-9
2. Case #2020-001977-HDRB 502 Apodaca Hill	Approved with Conditions	9-14
3. Case #2020-001990-HDRB 206 McKenzie Street	Approved with Conditions	14-22
4. Case #2020-001991-HDRB 494 and 496 West Water Street	Approved with Condition	22-26
5. Case #2020-001995-HDRB 610 Paseo de la Cuma.	Approved	26-28
6. Case #2020-002008-HDRB 535 Douglas	Designated Facades 1, 2, 3, 4 and 5 With Conditions	28-35

7. Case #2020-001997-HDRB 535 DouglasCase	Postponed to May 26, 2020	35-36
8. Case #2020-002009-HDRB 970 Acequia Madre.	Designated Facades 19, 1, 2, 3, 4, 5 And 6 with Conditions	36-40
9. Case #2020-001998-HDRB 970 Acequia Madre	Postponed to May 26, 2020	40-41
H. Matters from the Board	Comments	41-43
I. Adjournment	Adjourned at 10:00 p.m.	43

MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
MAY 12, 2020
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Cecilia Rios, Chair, on the above date at approximately 5:35 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:
Ms. Cecilia Rios, Chairwoman
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. John Bienvenu
Mr. Anthony Guida
Ms. Flynn G. Larson
Mr. Buddy Roybal

MEMBERS EXCUSED:

OTHERS PRESENT:
Ms. Lisa Roach, Planner Manager
Mr. Daniel Schwab, Senior Planner
Angela Bordegaray, Senior Planner
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Preservation Office and available on the City of Santa Fe Website.

B. APPROVAL OF AGENDA

Ms. Paez asked that the two cases for Plaza Balentine that were postponed at the last meeting be removed from consideration under the Findings of Fact and Conclusions of Law.

MOTION: Member Roybal moved, seconded by Member Katz to approve the agenda as amended.

VOTE: The motion passed by unanimous (6-0) roll call vote with Members Biedscheid, Bienvenu, Katz, Guida, Larson and Roybal voting in favor and none voting against.

C. APPROVAL OF MINUTES:

1. HDRB Hearing Minutes April 28, 2020

Member Biedscheid referred to page 25, under questions for applicant, paragraph 3, 2nd sentence should read "*She suggested Mr. Valdez include an elevation drawing of the wall ~~staff approved~~ for possible staff approval*".

Member Bienvenu referred to page 2, under (C)(1) Approval of Minutes. He asked that asked that his name be stricken from the vote and instead state that "*Member Bienvenu abstained*".

Chair Rios referred to:

- Page 10, 5th paragraph starting with "Chair Rios agreed with Ms. Roach. The second sentence should read: "*In the recent past, the Board has not considered financial hardship as a hardship*."

- Page 30, at the top should read: "Chair Rios explained Mr. Valdez had indicated he would be willing to go in as far as he could with the windows and a 3-inch to 6-inch radius. She did not think the Board was designing…" the remainder of the sentence remains unchanged.

MOTION: Member Katz moved, seconded by Member Guida, to approve the HDRB Hearing Minutes of April 28, 2020, as amended.

VOTE: The motion passed by majority (6-0) roll call vote with Members Biedscheid, Bienvenu, Katz, Guida, Larson and Roybal voting in favor and none voting against.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #2020-001663-HDRB. 512 Agua Fria Street.
Case #2019-001553-HDRB. 1292 Lejano Lane.
Case #2020-001900-HDRB. 410 South Guadalupe Street.
Case #2020-001664-HDRB. 1204 Canyon Road.
~~Case #2020-001784-HDRB. 339 and 341 Plaza Balentine.~~
Case #2020-001856-HDRB. 328 Otero Street.

~~Case #2020-001823-HDRB. 339 and 341 Plaza Balentine.~~
Case #2020-001817-HDRB. 328 Otero Street.
Case #2020-001820-HDRB. 1027 Camino San Acacio.
Case #2020-001910-HDRB. 448 Camino Monte Vista.
Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street.

Member Biedscheid suggested a provision for Findings of Fact and Conclusions of Law for Case 2020-1732 HDRB at 868 and 868 ½ E. Alameda St. She did not believe item #4, the rebuilt wall, was addressed, and it doesn't match the minutes and the motion made. She suggested adding a new Conclusion of Law that reads: "The Board approves item #4, subject to the additional condition that the rebuilt wall on the east side of the driveway must have grout or cement that matches the original wall in color and style."

MOTION: Member Katz moved, seconded by Member Roybal, to approve the Findings of Fact and Conclusions of Law, as amended.

VOTE: The motion passed by majority (6-0) roll call vote with Members Biedscheid, Bienvenu, Katz, Guida, Larson and Roybal voting in favor and none voting against.

E. BUSINESS FROM THE FLOOR

Stephanie Beninato noted that the Board was not allowing public participants visual presence at the meetings, but participants and applicants were allowed. She thought public participation is critical and being visual more impactful than a disembodied voice. She urged the Board to start allowing that because of the inequality. She said she is happy the McKenzie Street project was on the Board's agenda tonight. There were a lot of changes and it is an important structure.

Regarding the "so-called" new Santa Fe Style from the last meeting, there should be a formal public discussion of the elements that includes the "postmodern" Santa Fe Style. It is not comprehensive if done piecemeal and could establish a precedence they don't want. A building typical of old Santa Fe Style, is the one off of Old Santa Fe Trail, but she questioned the swimming pool. It was eccentric and incorporated Santa Fe Style elements in a postmodern building. Whereas the pool on Gonzales was more an urban fortress. It is sterile in style and doesn't encapsulate Santa Fe Style at all.

Chair Rios responded to the comment on visual participation. She thought it important but most important was the audio participation. She pointed out that she could clearly hear everything Ms. Beninato had to say. She asked if Ms. Roach would like to comment.

Ms. Roach deferred to the City Attorney because she is not an expert on the Open Meetings Act.

EXHIBIT

D

City of Santa Fe, New Mexico

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

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

PROJECT DESCRIPTION: Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a contributing yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residence. An exception is requested to remove historic material from contributing structure, per Section 14-5.2(D)(1)(a).

Case number: **2020-001732-HDRB**
Project Type: HDRB

PROJECT LOCATION (S): 868 and 868½ East Alameda Street

OW – Christina Halaburka 868½ East Alameda Street Santa Fe, NM 87501
chalaburka@me.com

AP – Liaison Planning Services P.O. Box 1835 Santa Fe, NM 87504
liaisonplanning@gmail.com

BOARD ACTION

This is to certify that the Historic Districts Review Board (HDRB) acted on your request at their hearing on April 28, 2020. The decision of the Board was to deny the application and to require that the wall be restored to its original condition. It was added that grout on the rebuilt wall on east side of driveway must conform to the original. The perpendicular coyote is still permitted if desired, but it should not be attached to the free-standing contributing wall.

For further information, please call 505-955-6605.

Sincerely,

Daniel Schwab
Planner Senior, Historic Preservation Division

NOTE: Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerk's office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. **Please attach copies of this letter to all sets when submitting for construction permits.**

EXHIBIT

E

City of Santa Fe

Agenda

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

*****FIELD TRIP CANCELLED*****

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, April 28, 2020 at 5:30 P.M.

*****AMENDED*****

ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, this meeting will be conducted virtually using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/user/cityofsantafe. The YouTube live stream can be accessed at this address from most computers, mobile devices, and smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number are as follows:

- Zoom link: https://zoom.us/j/184636049?pwd=MDRMRnRlbGgycCtTWGdweEpta3hlZz09 (Password: 229815)
- Phone numbers: +1 301 715 8592 or +1 253 215 8782 (Meeting ID: 184 636 049)

This information will also be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: https://www.santafenm.gov/events.

Public Comment:

- By video: A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Lani McCulley (505-365-3055, ljmcculley@santafenm.gov) no later than Thursday, April 23, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email (LandUsePublicComment@santafenm.gov) or U.S. Postal Service (City of Santa Fe, ATTN: Lani McCulley, PO Box 909, Santa Fe, NM 87504-0909). Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Thursday, April 23, 2020.

CALL TO ORDER

A. ROLL CALL

B. APPROVAL OF AGENDA

C. APPROVAL OF MINUTES:

1. **HDRB Field Trip minutes from February 11, 2020, February 25, 2020 and March 10, 2020**
2. **HDRB Hearing minutes March 10, 2020**

D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #2020-001553-HDRB. 1292 Lejano Road.
Case #2020-001600-HDRB. 113 Washington Avenue.
Case #2020-001736-HDRB. 824 Canyon Road.
Case #2020-001737-HDRB. 325 Paseo de Peralta
Case #2020-001663-HDRB. 908 Old Santa Fe Trail.
Case #2020-001734-HDRB. 225 W. San Francisco St.
Case #2020-001731-HDRB. 492, 494, 496 W. Water St.
Case #2020-001781-HDRB. 868, 868½ E. Alameda St.

E. BUSINESS FROM THE FLOOR
F. COMMUNICATIONS
G. ACTION ITEMS

1. **Case #2020-1663-HDRB. 512 Agua Fria Street. Westside Guadalupe Historic District. Joel Miller, agent for George Wright and Grace Witking-Wright, owners, proposes to demolish a contributing accessory structure. An exception is requested, per Section 14-5.2(D)(1). (Daniel Schwab, dnschwab@santafenm.gov, 955-6660) (POSTPONED FROM 2/25/2020 and FROM 3/25/2020)**

2. **Case #2019-001553-HDRB. 1292 Lejano Lane. Downtown and Eastside Historic District. Thomas Hughes, agent for Linda Carey, owner, proposes to construct a new single-family residence on a vacant lot. An exception is requested to install windows that are greater than 30 inches in any dimension without divides, per Section 14-5.2(E)(2)(e). (Daniel Schwab) (POSTPONED FROM 3/10/2020 and FROM 3/25/2020)**

3. **Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street. Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a contributing yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residence. An exception is requested to remove historic material from contributing structure, per Section 14-5.2(D)(1)(a). (Daniel Schwab) (POSTPONED FROM 3/10/2020 and FROM 3/25/2020)**

4. **Case #2020-001664-HDRB. 1204 Canyon Road. Downtown and Eastside Historic District. Gerald Valdez, agent for Josie and Fred Lucero, owners, proposes to construct additions and to remodel a non-contributing residential structure. (Lisa Roach, lxroach@santafenm.gov, 955-6657) (POSTPONED FROM 3/25/2020)**

5. **Case #2020-001784-HDRB. 339 and 341 Plaza Balentine. Downtown and Eastside Historic District. H.Q. Construction, agent for Elizabeth Beall, owner, requests historic status review with primary façade designation, if applicable, for a contributing residential structure. (Daniel Schwab) (POSTPONED FROM 3/25/2020)**

6. **Case #2020-001823-HDRB. 339 and 341 Plaza Balentine. Downtown and Eastside Historic District. H.Q. Construction, agent for Elizabeth Beall, owner, proposes to replace windows, replace a fence with a yard-wall, restucco and construct an addition. (Daniel Schwab) (POSTPONED FROM 3/25/2020)**

7. **Case #2020-001856-HDRB. 328 Otero Street. Downtown and Eastside Historic District. Jay Jay Shapiro, agent for Georges Fengali, owner, requests an historic status review with primary façade designation, if applicable, for a non-contributing residential structure. (Daniel Schwab) (POSTPONED FROM 3/25/2020)**

8. **Case #2020-001817-HDRB. 328 Otero Street. Downtown & Eastside Historic District. Jay Jay Shapiro, agent for Georges Fengali, owner, proposes to enclose a carport, to construct a new carport with storage, to construct a bathroom addition, to replace windows with doors, to replace a gate, and to extend the existing fence at a contributing residential property. (Daniel Schwab) (POSTPONED FROM 3/25/2020)**

9. **Case #2020-001820-HDRB. 1027 Camino San Acacio. Downtown and Eastside Historic District. Will McDonald, agent for Vicki Rodriguez and Christella Castro, owners, propose to replace windows and doors and to construct two small additions to a contributing residence. An exception is requested to replace historic windows on a primary façade, per Section 14-5.2(D)(5)(a). (Lisa Roach) (POSTPONED FROM 3/25/2020)**

10. **Case #2020-001910-HDRB. 448 Camino Monte Vista. Downtown and Eastside Historic District. Eric Enfield, agent for John Horton, owner, proposes to change windows and doors and to construct additions at a non-historic, non-contributing residence. (Lisa Roach)**

11. **Case #2020-001900-HDRB. 410 South Guadalupe Street. Barbara Felix, agent for the City of Santa Fe, proposes to replace deteriorated windows and doors, to repair damaged architectural features, and to restore historic openings, features, and finishes at the Santa Fe Depot, a landmark structure. (Lisa Roach)**

H. MATTERS FROM THE BOARD

1. **2020 Santa Fe Heritage Preservation Awards – Selection of Winners**

I. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check https://www.santafenm.gov/historic_districts_review_board for more information regarding cases on this agenda. Persons with disabilities in need of accommodations, contact the Historic Preservation Division office at (505) 955-6605 five (5) working days prior to the meeting date.

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: April 22, 2020
TIME: 10:33 AM

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
April 28, 2020

ITEM	ACTION TAKEN	PAGE(S)
Call to Order	5:30 pm	1
A. Roll Call	Quorum Present	1
B. Approval of Agenda	Approved as Amended	1
C. Approval of Minutes		
Field Trip Minutes	Approved	2
March 10, 2020 Hearing	Approved as Amended	2
D. Findings of Fact & Conclusions of Law	Approved	2-3
E. Business from the Floor	Comments	3
F. Communications	None	3
G. Action Items		
1. Case #2020-1663-HDRB 512 Agua Fria Street	Approved	3-7
2. Case #2019-001553-HDRB 1292 Lejano Lane	Approved with Condition	7-12
3. Case #2020-001732-HDRB 868 and 868 ½ East Alameda Street	Denied in Part; Approved in Part	13-23
4. Case #2020-001664-HDRB 1204 Canyon Road	Approved with Conditions	23-30
5. Case #2020-001784-HDRB 339 and 341 Plaza Balentine	Postponed	30-34
6. Case #2020-001823-HDRB 339 and 341 Plaza Balentine	Postponed	34-35
7. Case #2020-001856-HDRB 328 Otero Street	Approved	35-36

8. Case #2020-001817-HDRB 328 Otero Street	Approved	36-38
9. Case #2020-001820-HDRB 1027 Camino San Acacio	Approved	38-42
10. Case #2020-001910-HDRB 448 Camino Monte Vista	Approved with Conditions	42-52
11. Case #2020-001900-HDRB 410 South Guadalupe Street	Approved	52-54
H. Matters from the Board	Comments	54-55
I. Adjournment	Adjourned at 10:50 p.m.	55

MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
APRIL 28, 2020
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Cecilia Rios, Chair, on the above date at approximately 5:30 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:
Ms. Cecilia Rios, Chairwoman
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. John Bienvenu
Mr. Anthony Guida
Ms. Flynn G. Larson
Mr. Buddy Roybal

MEMBERS EXCUSED:

OTHERS PRESENT:
Ms. Lisa Roach, Planner Manager
Mr. Daniel Schwab, Senior Planner
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa Byers, Stenographer

NOTE: **All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Preservation Office and available on the City of Santa Fe Website.**

B. APPROVAL OF AGENDA

MOTION: Member Roybal moved, seconded by Member Katz to approve the agenda.

VOTE: The motion passed by unanimous (6-0) roll call vote with Members Biedscheid, Bienvenu, Katz, Guida, Larson and Roybal voting in favor and none voting against.

3. **Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street.** Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a contributing yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residence. An exception is requested to remove historic material from contributing structure, per Section 14-5.2(D)(1)(a). (Daniel Schwab) (POSTPONED FROM 3/10/2020 and FROM 3/25/2020).

Mr. Schwab presented the staff report as follows:

STAFF REPORT:

This case refers to a wall running parallel to the public right of way at 868 and 868 ½ East Alameda Street. At its hearing on February 25, 2020, the HDRB designated this wall a contributing structure due to its distinctive character and importance to the surrounding streetscape.

The owner proposes demolition of 13 ft. of the wall at the southern end, removal of the upper stuccoed portion of the wall along its length, and replacing it with coyote fencing to a height of 5 ft., as well as removal of a wall corner on the opposite (south) side of the driveway. The purpose of this is to make possible a second parking space next to the driveway and to improve vehicular access to the driveway. This proposal requires an exception and the applicant returns today to the Board with responses to the exception criteria.

The City of Santa Fe Traffic Technician has determined that the wall blocks the sight triangle for the driveway at 868 East Alameda and thus constitutes a legal nonconformity. To be brought into conformance with federal sight triangle requirements, the southern portion of the wall extending about 13 ft. to before the southern-most gate would need to not exceed 3 feet in height.

Recently, a vehicle backed into the wall and knocked over a portion approximately equivalent to that which the owner proposes to demolish. This portion constitutes less than 66.6% of the whole structure, so that it may be rebuilt to its original height exceeding 3 ft. according to Section14-10.3(C) and is not required to be brought into conformance regarding the federal sight triangle requirements.

In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following pursuant to 14-3.14(G)(1):

(a) Whether the structure is of historical importance: *The wall has been in place since at least 1958, making it historically important to the streetscape.*
(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure: *This wall is an essential part of a unique street section on East Alameda Street. The planned demolition does not foresee its*

reestablishment. However, the Board should consider whether removal of a portion of it will substantially impact its contribution to the streetscape.

(c) The state of repair and structural stability of the structure under consideration: *The wall portion was knocked down by a truck. The stones that make up the lower portion of the wall are still intact and are on site. Staff sees no reason why the wall portion cannot be reestablished with sufficient structural stability.*

The demolition of this structure may be considered to have the potential to jeopardize its contributing status according to 14-5.2(D)(1) and thus requires an exception according to Section 14-5.2(c)(5)(b). In deciding whether an exception may be granted, the board must assess the exception criteria. The complete staff and applicant responses to the demolition and exception criteria are included in this report. In short, based on the historic report, staff recommends that the structure is historically important and an essential part of a unique street section. The board should weigh up whether the exception criteria have been met, and whether the demolition of a portion of the wall as well as the replacement of the upper portion of the wall with coyote fencing will degrade its historic status.

The opinion of staff is that reducing the length of the wall to create a parking space could be a reasonable accommodation which would not injure the public welfare or diminish the character of the district and that the exception criteria have been met in this regard. However, removal of the upper stuccoed portion of the wall along its length, and replacing it with coyote fencing would damage the character of the streetscape of which the wall is an essential part because it would constitute a significant change in the character of the contributing wall. Furthermore, this action does not appear to offer any benefit to the public welfare.

STAFF RECOMMENDATION:

Staff deferred to the Board as to whether the exception criteria in Section 14-5.2(D)(1)(a) have been met and whether the Demolition of Historic Structures Standards in Section 14-3.14(G) have been met.

QUESTIONS FOR STAFF

Chair Rios asked to confirm that the upper portion of the wall was built in 1985.

Mr. Schwab replied the historic photo documentation used to determine age was not conclusive on the original height. There is a photo from the 1980s of the wall in its current form and possibly the wall could have been lower before that, but it was impossible to know for sure.

Chair Rios asked the height of the wall and the difference in the height for the coyote fence.

Mr. Schwab explained the wall height varies because of the gates. The drawing states total wall height is 6 feet and the proposed is 5 feet including the coyote fencing.

Chair Rios asked Mr. Schwab his thoughts on the structure if the wall is not rebuilt and didn't have the right-hand portion to the gate and archway.

Mr. Schwab replied structurally whether rebuilt or shortened, it would not be significant to the wall.

Chair Rios asked about that from a design perspective.

Mr. Schwab replied currently it covers most of the length of the streetscape and there would be a sense of a break in streetscape, but not drastic. From a design perspective, it would still be a symmetrical framing of the gate and have an aesthetic value and is not critical to maintain.

APPLICANT'S PRESENTATION

Dolores Vigil, PO Box 1835, Santa Fe, was sworn. She had some questions after looking at the staff report and also wanted to clarify important issues that were not discussed previously. Her hope was that the Board would consider the exception, but also the coyote fence requested to be placed on the other side of the wall. They also requested taking off a portion of a wall on the east side of the opening of the driveway and that is why the application refers to two addresses.

She noted staff's statement in the report, "*reducing the length of the wall to create a parking space could be a reasonable accommodation and would not injure the public welfare or diminish the character of the district."* She said that exception criteria have been met. She thought it was important to focus on that and Mr. Schwab's testimony earlier.

She explained the need to remove the upper stuccoed portion of the wall along its length and replace it with a 4-foot spaced coyote fence, which was recommended from Traffic Engineer Romero. That would allow better visibility when backing in and out of the parking area. She noted the client preference is to keep the wall as is.

Also, she discussed other options with staff. One was placing a mirror at the end, next to the entrance. That does not work because of the curve of the street from Palace West on Alameda. It is a major arterial [road] with people coming and going and there are a lot of construction vehicles. They also looked at the previous opening design. It is difficult to back into the space and the angle is tight and widening the driveway would help. The bottom line is this is a safety issue.

Ms. Vigil thought staff's recommendation for the applicant to rebuild the wall to 3-foot height and replace the river rock where demolished would change the design perspective of the wall. The design would not be in keeping with historic standards if they only replace the river rock back to 3 feet. Removing the wall would not only comply with federal site triangle

requirements but be more visually appealing and it would not degrade the historic status. She asked Ms. Zell to provide an overview of her experience.

Rachel Zell, 2203 Bella Street, was sworn. She represents the homeowner who purchased the home. The home has always been two different apartments. They have had two accidents since August with the current driveway. The curve before the Palace stop sign is a blind spot and dangerous whether backing into the driveway or pulling in. The driveway has proven to be a safety concern in the short time the owner has owned the house. They hope to maintain symmetry with the two gates while providing a view to safely use the driveway.

QUESTIONS FOR APPLICANT

Chair Rios asked Ms. Vigil to clarify that she wanted to keep the existing wall as is.

Ms. Vigil said yes, they want to leave the wall exactly as is except for the removal of the 13 feet of wall.

Member Katz said his understanding is this has always been two houses with one parking space. He asked the City Attorney to what extent rules are grandfathered in for the number of parking spaces in the site triangle.

Ms. Paez explained it depended on whether there is a legal nonconformity. If the parking has less than Code requires and preexisted it would be grandfathered and allowed to retain a single space. If the number of dwelling units were to change at this time, that would trigger an update to meet the required parking. The Planning Division covers that violation.

Ms. Roach added she believed this a legal nonconformity that meets current Code.

Member Katz asked to confirm if asking that the wall be restored to the way it was if there would be a nonconformity issue.

Ms. Paez thought the applicable provision fell under 14-10.3 of Legal Nonconforming Structures. It states, *"A reduction of a legal nonconforming structure that is modified in such a way as to eliminate or reduce the degree or extent of nonconformity, including the demolition or removal of a nonconforming feature for any reason, shall not be reconstructed except in conformance with chapter 14*."

Mr. Schwab said he spoke with Noah Berke who said since less than 66 2/3% of the wall had been knocked down, it could be repaired. That was in line with Code requirements on legal nonconformities.

Ms. Paez indicated that was in the next paragraph C, Substantial Destruction of Legal Nonconforming Structure: "*If a legal nonconforming structure is destroyed by any means to an*

extent of more than 66 2/3% of the existing building structure, it shall not be reconstructed except in conformity with chapter 14."

Chair Rios confirmed since less than 66 2/3% it *can* be constructed as it was.

Member Guida asked Mr. Schwab to clarify what was proposed on the east side of the driveway.

Mr. Schwab explained there was a right-angled wall that would be chopped off for ease of access to make two 45° angles to round the corner.

Member Guida was glad the applicant did not favor the proposed street safe elevation with the coyote fence. He was in favor of keeping the existing stucco wall up to the 13-foot region. He said he was unclear whether that was for safety or a reasonable accommodation of visibility from the one car driveway, versus an opportunity now to create a second parking space. There is plenty of street parking and even if the wall is restored to 3 feet in height, a parked car will be visible. That is uncommon on the streetscape. He thought the west portion of the wall should stay, but whether 13 feet or rebuilt to 9-10 feet seemed unexplored. He wanted more information from staff why the accommodation of the extra parking space should be considered.

Ms. Zell explained originally, the safety concern was not just the driveway prior to the accident. The driveway is narrow and after two accidents they realized the damage provided extra visibility and they could safely operate out of the driveway. And the homeowner has always been interested in having an extra parking space because there is rarely parking on East Alameda for the second unit.

Chair Rios asked what a reasonable size opening is.

Ms. Vigil noted the plan shows a parking space meets the requirements and the 13 feet gives a larger opening to bring cars in and out.

Member Larson thanked the applicant for the explanation. This is challenging because the Board did not have a chance to visit and view the site alongside the plan. She asked if the coyote fence latillas would be spaced to provide more visibility to the street or be close together. She appreciated that the fence differentiates itself from the wall and is not attached. Although not the most aesthetic, it allows visibility of the historic fabric. She wasn't sure coyote fencing was the best option.

Chair Rios noted that the applicant indicated they wanted to keep the wall as is and just rebuild the 13 feet opening.

Member Larson replied that was confusing to her because obviously, the Board prefers that option. But the applicant stressed their need for more visibility and safety. She hoped with

discussion they could determine the best option, or if this would require evaluation from someone in the Historic Preservation Division.

Member Roybal asked staff if they eliminated the damaged part of the wall and did not rebuild it how that would impact the streetscape and the historic value of the property. He was now concerned about the safety factor mentioned.

Mr. Schwab said safety versus historic preservation has to be weighed. Although a small portion, it is an historic wall and some of the fabric will be lost. It would be less of a closed front, but they would gain something in safety.

Member Biedschied said she understood the parking and driveway difficulties on Alameda but she her focus was the wall is designated as contributing. That means it has a distinctive character and contributes to the streetscape. Elements of the wall, the openings with headers, the stone treatments are repeated along East Alameda. She thought weighing this against safety considerations, a contributing status far outweighs that. A parking space cannot strengthen the character as stated in the responses to the exception criteria. She thought this similar to the shed discussed in the earlier case and it is a question of maintenance and repair. She stated this is an opportunity. It is possible to repair the wall, and that is the way to go.

Member Biedscheid noted that the Board saw the property on a field trip when the case was heard previously. She asked on the east portion of the wall on the other side of the driveway, if correct that [removal of the damaged wall] had already been done.

Ms. Vigil said yes. She explained the property owner scraped her car when pulling into the driveway and was unaware of the protocol to remove the wall. Ms. Vigil said she has included it in their request.

Ms. Zell added that the owner had scraped her vehicle three times since August.

Mr. Schwab noted that was the portion that was red tagged.

Member Biedscheid noted the description in the packet described installing a new stone wall and matching existing stone type, size, color, and cement mortar joints. She noted the color is definitely different and doesn't match the portion of the wall not needing repair.

Ms. Vigil explained that was for the wall at 868 E. Alameda not 868 1/2. The report by John Murphy was only for 868 E. Alameda and the retaining wall at 868 1/2 was not included. She clarified the applicant wants to remove the portion at 868 1/2 E. Alameda.

Mr. Schwab explained the application includes the corner on 868 1/2.

Member Biedscheid said her observation is that it appeared not to be completed per the drawing and is noticeably patched.

Ms. Vigil said they would like to remedy that, however possible.

Chair Rios asked Mr. Schwab if he remembered Member Biedscheid's observation. Mr. Schwab replied he did not recall that.

Member Bienvenu asked on the wall that had been removed if there was anything left there at this stage, including the rock elimination, or if that had been removed.

Ms. Paez explained the photograph showed some of the condition of the current wall with a portion that was knocked down and some of the stone masonry at the bottom still remains.

Member Bienvenu asked if that was still the case since the picture was taken.

Ms. Vigil explained the river rocks were preserved and removed from the concrete and were up against the wall. There is no debris left. The rocks are preserved in a pile and the concrete has been thrown away. She asked Ms. Zell to explain why they removed the concrete.

Ms. Zell said the gas line behind the wall was hit when the truck hit the wall. The gas line was relocated to the west side of the property because it did not have a shut off valve. All the debris had to be removed because it was recommended that the gas line be moved 20 feet further west.

Member Katz asked to confirm that the wall rebuilt on the east side was not angled before but is now.

Mr. Schwab said it was to provide more space to enter the driveway, about a foot.

PUBLIC HEARING.

Stefanie Beninato, previously sworn, agreed the wall is an important wall and part of the streetscape and contributing. She said someone had lived in the house for years before this owner and came and went without any accidents. She said taking away the corner on the other side of the opening should help. But an extra parking space did not outweigh the significance of maintaining the contributing wall, as well as the appearance of the house if they see a car sitting there, opposed to seeing a wall. Her hope was that the Board would find the criteria was not met. This does not by federal standards, need to be made safer. There are exceptions when it is an historic wall.

John Eddy, 227 E. Palace Avenue, Suite D, Santa Fe, was sworn. He said he hardily agreed with Member Guida's assessment. He wanted to speak about the streetscape of Alameda which is

one of Santa Fe's most remarkable assets. The dominant aspect of the streetscape is the vernacular stonework, mostly in river rock. He thought that should be protected by any means. The massing of the original wall made the property work architecturally and shielded the house behind it to a large degree. It is unfortunate that the aperture of the driveway was sufficient 30 years ago when there were smaller cars. It is now insufficient and there is a safety hazard. He thought demolishing 13 feet of a contributing wall of such stature and integrity and replacing the image with a parked car is damaging to the streetscape. He urged the Board to postpone the project for a redesign. He applauded the applicant for not wanting to put coyote fencing on, or behind the wall. He thought with redesign the wall could come back 2-3 feet.

Ms. Zell said she wanted to bring their attention to the driveway to the west. They will maintain a lot of the river rock wall for historic preservation. She also questioned the comment of safety versus historic. She said to her it is a big issue and she found it perplexing that historic would outweigh safety. They have a police report of accidents in the past and the applicant's accidents are far from the history of this house. In the curve of East Alameda, accidents far exceed the current homeowners since the purchase of the property.

BOARD DISCUSSION

MOTION: In Case #2020-001732-HDRB, 868 and 868 ½ East Alameda Street, Member Katz moved that the wall be reestablished as it was with river rock below and stucco above, and that it come within 2 feet of its original location to provide an opening 2 feet wider. Member Larson seconded the motion.

Member Guida proposed a friendly amendment to stipulate the reconstruction of the stone portion of the wall match the existing wall, particularly in grout color, and that the same grout color be reapplied to the repair that had been previously made to the east side of the driveway.

Member Katz accepted the friendly amendment.

Member Biedscheid thought the Board should address the exception criteria required for the removal of the wall.

Member Bienvenu asked to clarify if the motion included the coyote fencing the applicant planned inside the wall and the possible gate to get to the front door.

Ms. Vigil confirmed that was in the plan.

Member Katz said absolutely not, the wall is to be rebuilt to exactly the way it was.

Member Bienvenu asked to clarify. He noted even if the wall is rebuilt, the applicant could still have the interior coyote fence as they proposed.

Ms. Roach noted that is a perpendicular section of fence going from the wall to the house.

Member Bienvenu agreed he was referring to the perpendicular fence.

Member Katz said he was not aware of that.

Member Bienvenu explained it was where the front of the car would be if the car was parked in the new space being created.

Chair Rios noted that was a part of the application.

Member Katz thanked Member Bienvenu for pointing that out. He did not object to that because it would not be visible.

Member Bienvenu thought it would be visible.

Chair Rios asked to confirm with Ms. Vigil if the coyote fence would be visible.

Ms. Vigil replied the way in which the Board proposed the wall, just removing two feet, she did not believe the coyote fence would be visible from the road.

Chair Rios asked for clarification that the fence was going to be attached to the wall and perpendicular to the wall.

She was told it is and the fence is in the interior and the location is shown on the site plan. They will see the fence if traveling West on Alameda, but not traveling East, if they remove the 13 feet of the wall.

Member Biedscheid noted the exception criteria have to be met even if they propose only removing two feet of the wall. Also, if the coyote fence is included in this motion, which she was still not clear on, she thought it could not be attached to the contributing wall.

Ms. Vigil said the fence does not have to be attached and the staff report said that the exception criteria have been met.

Ms. Roach explained that was a staff *recommendation* and not the opinion of the Board.

Chair Rios asked to confirm that staff deferred to the Board on whether exception criteria are met. Mr. Schwab confirmed that is correct.

Member Katz said restoring the wall to what it was, except for 2 feet, is a minimal easing of the requirement with minimal damage to the streetscape. He also found the narrowness of the driveway a hardship but did not require the opening be enlarged by 13 feet. He thought two feet sufficient and would strengthen the heterogenous character of the City by providing a full range of design options. The Board should not entirely ignore that there is a safety consideration. An extra two feet on one side and one foot on the other side satisfies that.

Mr. Schwab voiced a concern that by not rebuilding the wall in kind might require the applicant to bring this into conformance.

Member Katz said he would revise his motion for the wall to be rebuilt as it was if the case. He asked the advice of the City Attorney.

Ms. Roach said if the motion is to reduce the wall by 2 feet and rebuild the rest in kind, the motion should be to approve a portion of the request finding that the exception criteria have been met to reduce the wall.

Member Katz said she stated the motion correctly but that was with the understanding that it wouldn't vitiate the legal nonconforming nature. He offered to revise his motion if the attorney believes it will.

Ms. Paez thought if the Board found the exception criteria was met, removing the two feet of historic material and not rebuilding in kind, would not be a problem. She noted if you can repair 13 feet, you can repair 11 feet and grant an exception for 2 feet.

Ms. Roach replied this is more a current planning decision to determine if the wall has to be built back to its original dimensions. She thought if it resulted in nonconformity being reduced, she thought that would then be okay, but it is not her area of expertise.

MOTION: Member Katz moved to withdraw his motion. Member Larson seconded the motion.

VOTE: The motion passed by unanimous (6-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz, Larson and Roybal voting in favor and none voting against.

Chair Rios informed Member Katz he had the floor to make a new motion.

MOTION: Member Katz moved to deny application in so far as the wall along the street and have it restored to its original condition; and to approve the portion of the application that would allow the coyote fence perpendicular to the street fronting wall and the wall should be done in the color and style of the original wall; and the rebuilt wall on the east side of the driveway should conform to that. Member Larson seconded the motion.

Member Biedscheid asked for clarification of the motion and if Member Katz was proposing denial, meaning construction in kind.

Member Katz, absolutely. Construction in kind matching what is there now; what was there before.

Member Biedscheid asked to confirm if the portion of the coyote fence that encloses the courtyard is no longer included in the motion.

Member Katz replied it was fine if they wanted to do that. It is invisible from the street and lower than the wall and would not be visible going either direction.

Member Biedscheid suggested a friendly amendment that the coyote fence not be attached to the contributing wall and instead be attached by a freestanding post.

Member Katz accepted the friendly amendment.

VOTE: The motion passed by unanimous (6-0) roll call vote with Members Biedscheid, Bienvenu, Guida, Katz, Larson and Roybal voting in favor and none voting against.

4. **Case #2020-001664-HDRB. 1204 Canyon Road.** Downtown and Eastside Historic District. Gerald Valdez, agent for Josie and Fred Lucero, owners, proposes to construct additions and to remodel a non-contributing residential structure. (Lisa Roach, lxroach@santafenm.gov, 955-6657) (POSTPONED FROM 3/25/2020)

Gerald Valdez was present for the applicant.

Ms. Roach presented the staff report as follows:

STAFF REPORT

1204 Canyon Road is 1,024 square foot single family residence constructed in 1964 and listed as non-contributing to the Downtown and Eastside Historic District. The footprint of the residence is a simple rectangle sited in the center of a sizable 0.34-acre lot. The residence exhibits some simplified Spanish-Pueblo Revival features, such as rounded stuccoed massing and minimal

1. **2020 Santa Fe Heritage Preservation Awards – Selection of Winners**

Ms. Roach said the Awards Ceremony has been postponed indefinitely and she will be emailing a ballot. The winners will be announced in the HDRB meeting on May 12th. She reminded them that May is Preservation month.

I. ADJOURNMENT

Chair Rios adjourned the meeting at approximately 10:50 p.m.

Approved by:

Cecilia Rios

Cecilia Rios, Chair

Submitted by:

Melissa D Byers

Melissa D. Byers, Stenographer
For Byers Organizational Support Services

EXHIBIT

F

CITY OF SANTA FE, NEW MEXICO

PROJECT DESCRIPTION: Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a contributing yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residence. An exception is requested to remove historic material from contributing structure, per Section 14-5.2(D)(1)(a).

Case number: **2020-001732-HDRB**
Project Type: HDRB

PROJECT LOCATION (S): **868 and 868½ East Alameda Street**

OW – Christina Halaburka 868½ East Alameda Street Santa Fe, NM 87501 chalaburka@me.com

AP – Liaison Planning Services P.O. Box 1835 Santa Fe, NM 87504 liaisonplanning@gmail.com

PROJECT DATA:

HISTORIC DISTRICT

Don Gaspar Area ☐ Downtown and Eastside ☒ Historic Review ☐ Transition ☐ Westside-Guadalupe ☐

HISTORIC BUILDING STATUS

Non-Statused ☐ Non-Contributing ☐ Contributing ☒ Significant ☐ Landmark ☐ N/A ☐

PRIMARY ELEVATIONS: North ☐ South ☐ West ☐ East ☐ N/A ☐

PUBLICLY VISIBLE FACADE-EAST Yes ☐ No ☐

PUBLICLY VISIBLE FACADE-NORTH Yes ☐ No ☐

PUBLICLY VISIBLE FACADE-SOUTH Yes ☐ No ☐

PUBLICLY VISIBLE FACADE-WEST Yes ☐ No ☐

HISTORIC DISTRICT INVENTORY NUMBER _____

YEAR OF CONSTRUCTION _____

PROJECT TYPE

Status ☐ Primary Elevations ☐ Remodel ☐ Demolition ☒ New ☐ Other _____

USE, EXISTING Residential ☐ Non-Residential ☒ Vacant ☐

USE, PROPOSED Residential ☐ Non-Residential ☒

HISTORIC BUILDING NAME _____

City of Santa Fe, New Mexico

memo

DATE: April 28, 2020

TO: Historic Districts Review Board Members

FROM: Daniel Schwab, Senior Planner, Historic Preservation Division

---

Case # 2019-001732-HDRB

Address: 868 & 868 ½ East Alameda Street
Historic Status: Contributing (yardwall)
Historic District: Downtown and Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

____ District Standards & yard wall & fence standards.

____ Historic Inventory Form

____ Zoning Review Sheet

____ Other:

APPLICANT SUBMITTALS

__x__ Proposal Letter

__x__ Site Plan/Floor Plan

__x__ Elevations

__x__ Photographs

__x__ Other:

- Street Wall Research by Architectural History Services
- Sight triangle analysis by City of Santa Fe Traffic Technician
- Applicant responses to exception criteria

STAFF RECOMMENDATION:

Staff defers to the Board as to whether the exception criteria in Section 14-5.2(D)(1)(a) have been met and whether the Demolition of Historic Structures Standards in Section 14-3.14(G) have been met.

BACKGROUND & SUMMARY:

This case refers to a wall running parallel to the public right of way at 868 and 868 ½ East Alameda Street. At its hearing on February 25, 2020, the HDRB designated this wall a contributing structure due to its distinctive character and importance to the surrounding streetscape.

The owner proposes demolition of 13 ft. of the wall at the southern end, removal of the upper stuccoed portion of the wall along its length, and replacing it with coyote fencing to a height of 5 ft., as well as removal of a wall corner on the opposite (south) side of the driveway. The purpose of this is to make possible a second parking space next to the driveway and to improve vehicular access to the driveway. This proposal requires an exception and the applicant returns today to the Board with responses to the exception criteria.

The City of Santa Fe Traffic Technician has determined that the wall blocks the sight triangle for the driveway at 868 East Alameda and thus constitutes a legal nonconformity. To be brought into conformance with federal sight triangle requirements, the southern portion of the wall extending about 13 ft. to before the southern-most gate would need to not exceed 3 feet in height.

Recently, a vehicle backed into the wall and knocked over a portion approximately equivalent to that which the owner proposes to demolish. This portion constitutes less than 66.6 % of the whole structure, so that it may be rebuilt to its original height exceeding 3 ft. according to Section14-10.3(C) and is not required to be brought into conformance regarding the federal sight triangle requirements.

In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following pursuant to 14-3.14(G)(1):

(a) Whether the structure is of historical importance: *The wall has been in place since at least 1958, making it historically important to the streetscape.*
(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure: *This wall is an essential part of a unique street section on East Alameda Street. The planned demolition does not foresee its reestablishment. However, the Board should consider whether removal of a portion of it will substantially impact its contribution to the streetscape.*
(c) The state of repair and structural stability of the structure under consideration: *The wall portion was knocked down by a truck. The stones that make up the lower portion of the wall are still intact and are on site. Staff sees no reason why the wall portion cannot be reestablished with sufficient structural stability.*

The demolition of this structure may be considered to have the potential to jeopardize its contributing status according to 14-5.2(D)(1) and thus requires an exception according to

Section 14-5.2(c)(5)(b). In deciding whether an exception may be granted, the board must assess the exception criteria. The complete staff and applicant responses to the demolition and exception criteria are included in this report. In short, based on the historic report, staff recommends that the structure is historically important and an essential part of a unique street section. The board should weigh up whether the exception criteria have been met, and whether the demolition of a portion of the wall as well as the replacement of the upper portion of the wall with coyote fencing will degrade its historic status.

The opinion of staff is that reducing the length of the wall to create a parking space could be a reasonable accommodation which would not injure the public welfare or diminish the character of the district and that the exception criteria have been met in this regard. However, removal of the upper stuccoed portion of the wall along its length, and replacing it with coyote fencing would damage the character of the streetscape of which the wall is an essential part because it would constitute a significant change in the character of the contributing wall. Furthermore, this action does not appear to offer any benefit to the public welfare.

EXCEPTION CRITERIA:

(i) Do not damage the character of the streetscape
Applicant Response: This request will not damage the streetscape because it is not to demolish the entire wall but only a portion for safety reasons. The small section of wall does not play a major role in defining the streetscape and, therefore, its removal will not harm the streetscape's character.
Staff Response: *Staff sees a partial demolition of the wall, which extends currently almost the whole length of the frontage, as damaging to the streetscape.*

(ii) Prevent a hardship to the applicant or an injury to the public welfare
Applicant Response: A denial to remove a portion of the wall will result in a hardship by preventing the applicant from removing a section of the wall to bring it into conformity with parking requirements and provide a safer driveway situation. This would be an injury to public welfare by not being able to provide an existing residential unit. Partial demolition will advance the property toward legal conformity.
Staff Response: *The demolition will relieve a hardship in allowing a second dwelling unit to conform by having a parking space. It will also improve public safety for automotive traffic. However this should be balanced against the possible loss of a contributing wall in the district.*

(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts
Applicant Response: The proposed removal of a portion of the wall will strengthen the heterogeneous character of the City within the Historic District by providing a required parking space and preserving the openings and character of the wall. The removal of the section of wall will result in a property, with two conforming parking spaces and residential units that provide a full range of housing within the Downtown and Eastside Historic District.

Staff Response: *The design option makes possible an additional dwelling unit and allows safer automobile access. It is not clear to staff whether other design options were exhaustively considered.*

RELEVANT CODE CITATIONS:

Yard Wall Height:

14-5.2(D)(9) Height, Pitch, Scale, Massing and Floor Stepbacks

(c)(ii) In exercising its authority under this section, the board shall limit the height of structures as set forth in this section. Heights of existing structures shall be as set forth on the official map of building heights in the historic districts.

C. Yard walls and fences shall be limited to a height that does not exceed the average of the height of other yard walls and fences in the streetscape.

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

(a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;

(b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;

(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and

(d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

14-12 Primary Façade:

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

14-12 Noncontributing Structure:

A structure, located in an H district, that is less than fifty years ld or that does not exhibit sufficient historic integrity to establish and maintain the character of the H district.

Removal of Historic Material/Demolition:

14-5.2(D) General Design Standards for All H Districts

(1)(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

14-5.2(E) Downtown and Eastside Design Standards

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

(a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;

(b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;

(c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;

(d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

(e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less

than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

(a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

(b) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;

(c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;

(d) No less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;

(e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and

(f) Flat roofs shall have not more than thirty (30) inches overhang.

14-3.14 Demolition of Historic or Landmark Structure

(A) Summary of Procedure

(1) Upon receiving an application for demolition of a structure within the historic districts the HDRB shall, within sixty-five calendar days from the date of application, either grant or deny the application. Ordinarily, the HDRB will act on an application for demolition at its next regular meeting, if the application is submitted in proper form at least seven days before its next regular meeting; however, the HDRB may use the entire sixty-five day time period if the HDRB, on motion duly passed, determines such delay is necessary.

(2) Upon receiving an application for demolition of a landmark structure the HDRB shall, within sixty-five calendar days from the date of application, make a recommendation to the governing body to either grant or deny the application.

(B) Hearing Required

(1) In all applications involving the demolition of a structure, provision shall be made for a hearing, as set forth in the preceding section.

(2) The HDRB or governing body, as applicable, shall restrict its review to a consideration of whether the application will be in conformity with the standards established by this section.

(3) Notice of the time and place for each hearing shall be sent in writing to each applicant.

(4) An agenda of the HDRB shall be sent to all groups requesting notification and copies of meeting agendas, as set forth in the officially adopted neighborhood planning policies.

(5) On-site notice, by a sign of proposed demolition and of the time, date and place of the HDRB or governing body review shall be posted by the city on the affected property fourteen days prior to HDRB or governing body review of application for demolition. Such notice shall be prominently displayed, visible from a public street and securely placed on the property.

(C) Staff Review and Report

Before granting approval or denial to a demolition request, the land use director shall provide the following information on the structure under consideration.

(1) A report on the historic or architectural significance of the structure;

(2) A report from the city building inspector on the state of repair and structural stability of the structure;

(3) If the structure is more than seventy-five years old, and the entire project of which demolition is a part requires an archaeological clearance permit, a report from the land use director on whether the demolition would damage possible archaeological artifacts; and

(4) Other information as requested by the HDRB or governing body.

(F) Denial of Demolition Request

A determination that the structure should not be demolished shall impose a duty on the owner or other persons having legal custody and control to immediately take the action required under Section 14-5.2(B) (Minimum Maintenance Requirements).

(G) Standards

(1) In determining whether a request for demolition in a historic district should be approved or denied, the HDRB shall consider the following:

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

January 29, 2020

City of Santa Fe
Historic Design Review Board
P.O. Box 909
Santa Fe, NM 87504-0909

LETTER OF INTENT

Re: 868 and 868 ½ E. Alameda
Santa Fe, NM

Dear Board Members,

Please consider this letter as a formal request to approve an application for the above reference addresses. The property is located within the Downtown and Eastside Historic District.

This request is to remove portions of the street wall located at 868 E. Alameda which has been damaged by the roofer's vehicle and to remove the stuccoed portion of the wall and replace it with coyote fencing not to exceed the allowable height as shown on the enclosed plans. In addition, the property owner also owns 868 ½ E. Alameda and is requesting to shave off a portion of the retaining wall on the northwest corner of her property in order to widen the driveway (see enclosed plans).

This street wall height and location does not meet City Code regarding clear site on a major arterial and is a safety issue. I have met with Ladd Lucero, City Traffic Technician on site and he confirmed this fact. He recommended that we remove a portion of the entire wall west of the driveway opening to the edge of the arched gate and the stucco part above the river rock past the arch and replace with coyote fence 4" apart. Enclosed is a site plan the he has initialed that supports this request.

The applicant has retained John Murphey of Architectural History Services to determine the age of the wall. His findings and supporting documents are attached.

Please contact me if you have any questions or require additional information.

Sincerely,

Dolores I. Vigil

Attachments: Application
Authorization Letter
Preliminary Zoning Review Worksheet
Vicinity Map
City Traffic Technician Approval
Site Plan
Elevations
Photographs
Historic Assessment Architectural History Services

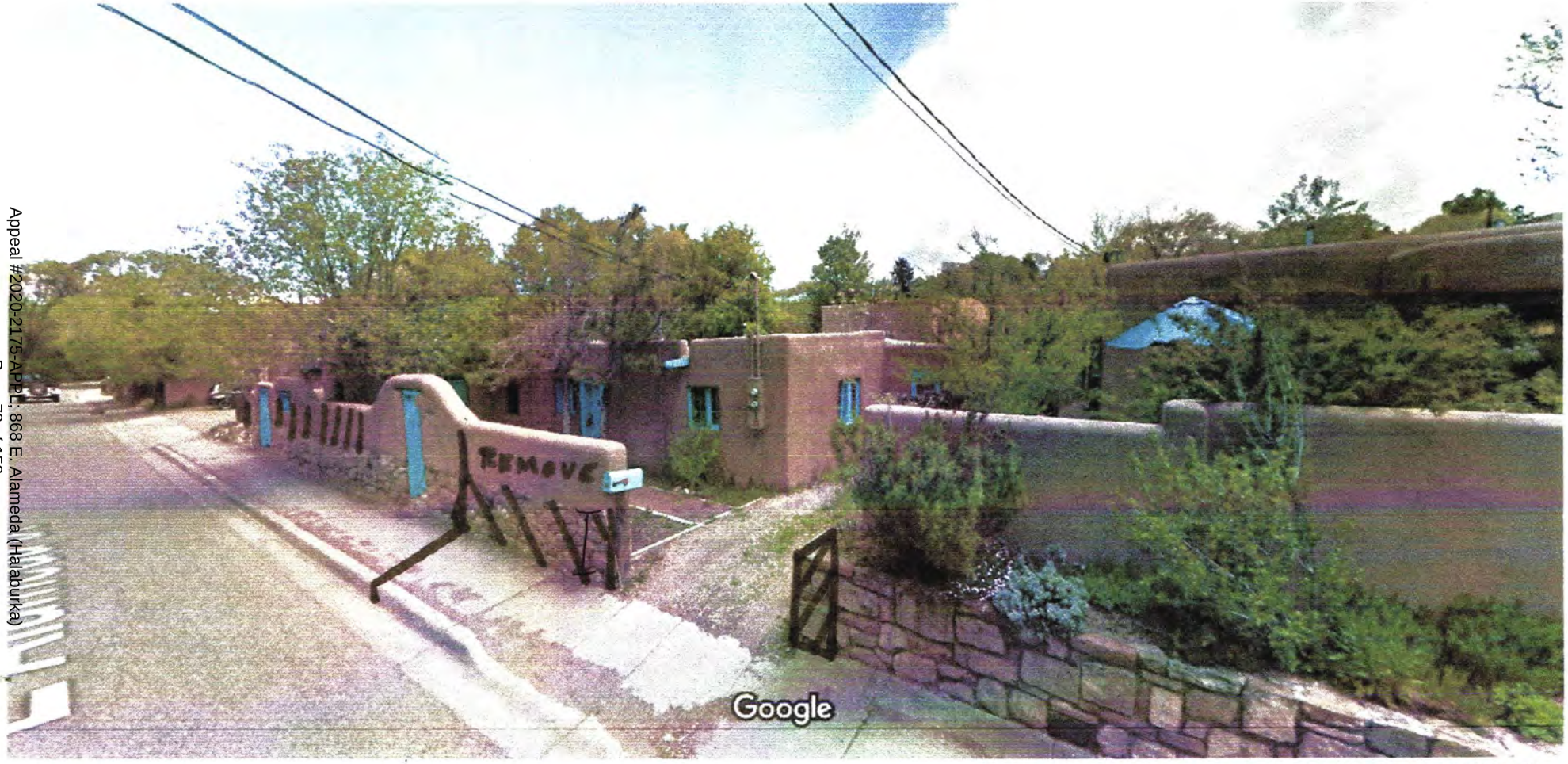


Image capture: May 2019 © 2020 Google

ARCHITECTURAL
History Services

John W. Murphey
Architectural
Historian/Researcher/Planner
Santa Fe, New Mexico
San Francisco Bay Area, California
john@archhistoryservices.com

January 28, 2020

Christine Halaburka
868 East Alameda Street
Santa Fe, New Mexico 87501

RE: 868 East Alameda Street – Street Wall Research

Dear Ms. Halaburka:

Responding to your request, I researched the background of the street wall in front of your home at 868 East Alameda Street. The scope of the work was informed by communication with your consultant, Dolores Vigil, based on guidance given to her by Santa Fe Historic Preservation Division planner Carlos Gemora.

The research consisted of reviewing historical aerial photographs and period maps. It additionally included a limited review of government documents, newspaper accounts, and Santa Fe city directories. The goal of the effort was to determine the wall's era of construction and how it may have evolved over the years. The evaluation included a January 24 site visit, in which the structure was photographed, measured, and analyzed for its construction materials.

In summary, a wall has been in place at least since 1958, situated in the same location as the current structure. The specific design of the earlier wall, as compared to the current structure, is unknown.

Based on shadow projections observed on aerial photographs, the original wall may have been of a lower height. In addition, several stucco coatings exposed by recent damage indicate that the wall has experienced a degree of alteration, at least concerning the design and appearance of its upper portion.

The findings of the site visit and the attendant research follow.

Please feel free to contact me if you have any questions about this report.

Sincerely,

John W. Murphey, Project Historian

Existing Conditions

The subject wall is located in front of a Pueblo Revival adobe duplex at 868 East Alameda Street, in the Downtown and Eastside Historic District. While the house is designated a Contributing resource to the district, the wall is without status.

The structure, approximately 62' in length, parallels nearly the entire west elevation of the house, and is penetrated at three points (Photos 1 & 2). It is terminated at the south by an approximately 9'-8"-wide gravel driveway leading to a one-bay garage. A shorter wall of similar composition continues from the northern terminus at a right angle but is not part of this study. Extracting the entry gate arch, the wall is on average 6' high.

The three openings hold (from north to south): a wood pedestrian gate to a side yard, a section of a wood "window" grille, and a wood door near the center of the wall, providing street access to the house (Photo 2). The focus of the composition -- the center entry -- is a wood board door surmounted by a rounded arch (Photo 3). All wood elements are painted blue.

An approximately 16' section of the wall at the driveway was damaged recently by a roofing truck (Photos 5-7).

Construction

The wall is composed of two distinct sections. Its base is made of stone set in concrete mortar. The tabular and round pink coarse-grained quartz, feldspar, and other native stones are laid in roughly regular courses (Photo 4). No lime mortar, which would suggest older construction, is evident. This section is approximately 3' above the sidewalk. The stone base is slightly wider than the upper portion of the wall.

The upper portion is finished with stucco with the damaged section at the south end exposing its interior construction. The core is made of adobe bricks slathered in concrete mortar (Photo 8). Based on their appearance, it is assumed they are traditional, unamended bricks, although it is possible some may have been enhanced with Portland cement. Even at the core, there was no observable mud plaster or lime mortar, elements indicative of traditional construction.

Overall, the top portion of the wall is approximately 12" wide. In the visible section, its thickness is 9.5" to 10", representing the width of a single adobe course.

The adobes are finished with several different stucco coatings, of likely different periods. These, because of the impact of the collision, are peeled back in areas, revealing a succession of layers (Photo 9).

The layers show what appears to be at least three separate stucco coats, each with a different adhesion system. The arrangement of one layer is unusual in that it does not follow the typical coloration strata of the three-coat system (e.g., typical colors used with the brown, scratch, and finish coats).

Each coating cycle has a distinct reinforcement, beginning with the innermost (and assumed oldest) stucco, which is adhered by chicken wire (Photo 9), followed by metal lath (Photo 10), and finally, the outer layer revealing fiberglass mesh (Photo 11). Pieces of exposed lath and fiberglass mesh along other parts of the wall suggest the entire structure experienced the same chronology of stucco coatings.

The wall is presently finished with a mixture of cementitious and Elastomeric stucco.

Origin of Wall

The only known historical survey for the house (H284, 1985), gives a construction date of 1934 to 1944. This is validated by the limited research conducted for this project, through a 1940 federal census enumeration which identifies a house of the same address occupied by Josephine Benavidez, a widow, and her six children. A brief review of Santa Fe city directories and newspaper accounts shows it was leased for several decades, often with a high turnover of tenants.

The 1985 survey does not mention the street wall as a character-defining element, but it is clearly visible in the accompanying photograph (Figure 1).

The first available aerial photograph from 1958 shows what appears to be a low wall paralleling the sidewalk (Aerial 1). Due to the photograph's poor resolution, it is unclear whether the two pedestrian openings are present. A clearer picture of the structure is found on a 1966 aerial, which definitively reveals a wall punctuated with openings to the side yard and front entry (Aerial 2). Based on the height of its shadow line in comparison with shadows made by the house, the wall seems to be lower than its current 6' height.

Two aerial images from the 1970s show the same basic configuration (Aerials 3 & 4). Looking at the shadow, the wall still appears to be shorter on the 1973 photograph (Aerial 3). This is supported not only by a comparison with the house shadows, but also with shadows cast by a fence or wall across the back yard.

Conclusion

Based on aerial photographs, a linear structure existed in the same position as the current wall since at least 1958. This structure continues to appear, in likely the same basic form, through the 1970s. Shadow lines visible on various aerials seem to indicate it was of a lower height than its current dimension.

The appearance of the "window" might indicate an alteration, as the Board and Historic Preservation Division staff have often required this treatment when a wall is increased in height. The division's master case database, covering the years 1993 forward, was searched for a related project. No wall project for this address was found, though the alteration may have happened prior to these records.

The various stucco coatings register some amount of change to the exterior appearance and relative dimensions of the upper portion of the wall.

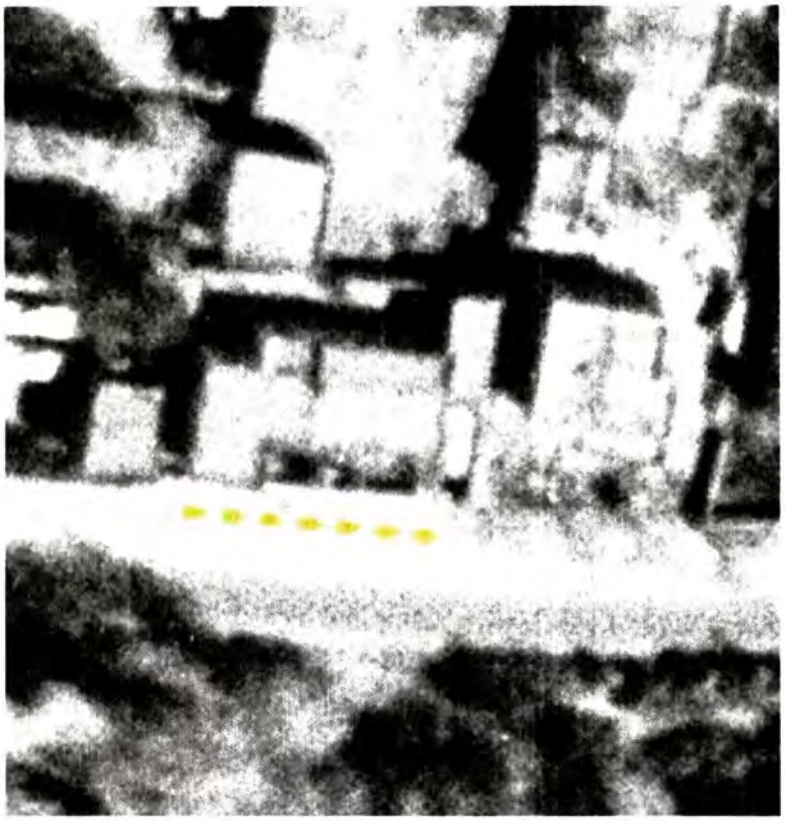
The damaged section of wall allowed almost a forensic investigation of its construction and subsequent layers of stucco. The materials observed did not indicate traditional construction (no lime mortar or adobe plaster), but instead materials and techniques common to the postwar period.

In conclusion, it is likely that a portion of the wall is older -- potentially the structure shown on the 1958 aerial photograph. The origin of its upper half is unclear but was in place by the time of the 1985 survey.



Figure 1: Copy of 1985 survey photograph.
H284, 1985.

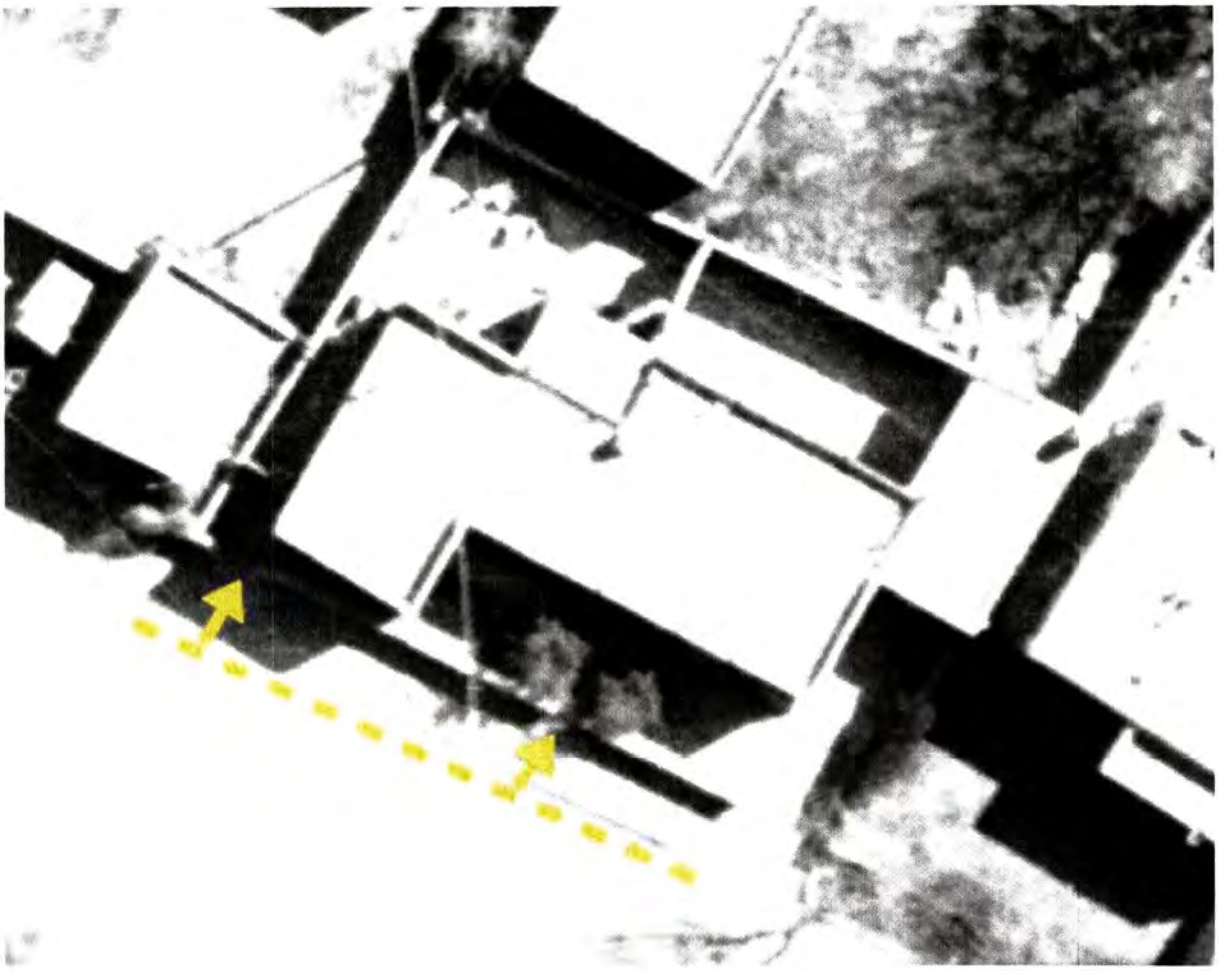
Aerial Photographs



Aerial 1: 1958 aerial photograph.
Presence of a wall is evident.
Courtesy NMDOT: 11-10-58_0001.



Aerial 2: 1966 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 05-02-66_0017.



Aerial 3: 1973 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 05-11-73_0064.



Aerial 4: 1978 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 09-11-78_0074.

Surveys Photographs

(All photographs were taken by Robyn Powell on January 24, 2020).



Photo 1: Street view. Camera facing north.
Damaged section in foreground.

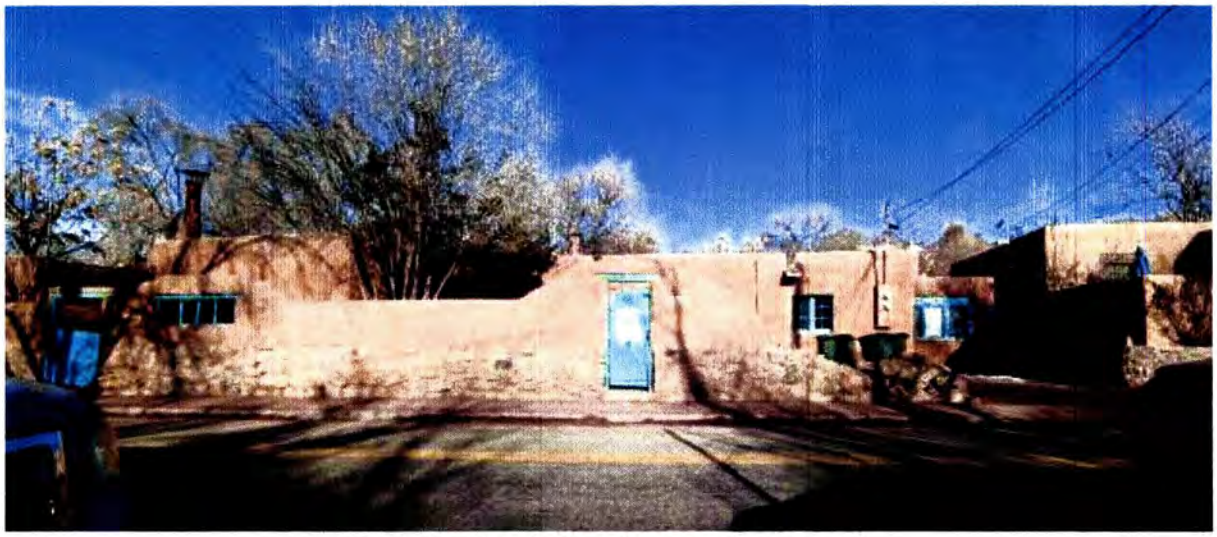


Photo 2: Street view. Camera facing east.
Pedestrian gate to house at center.

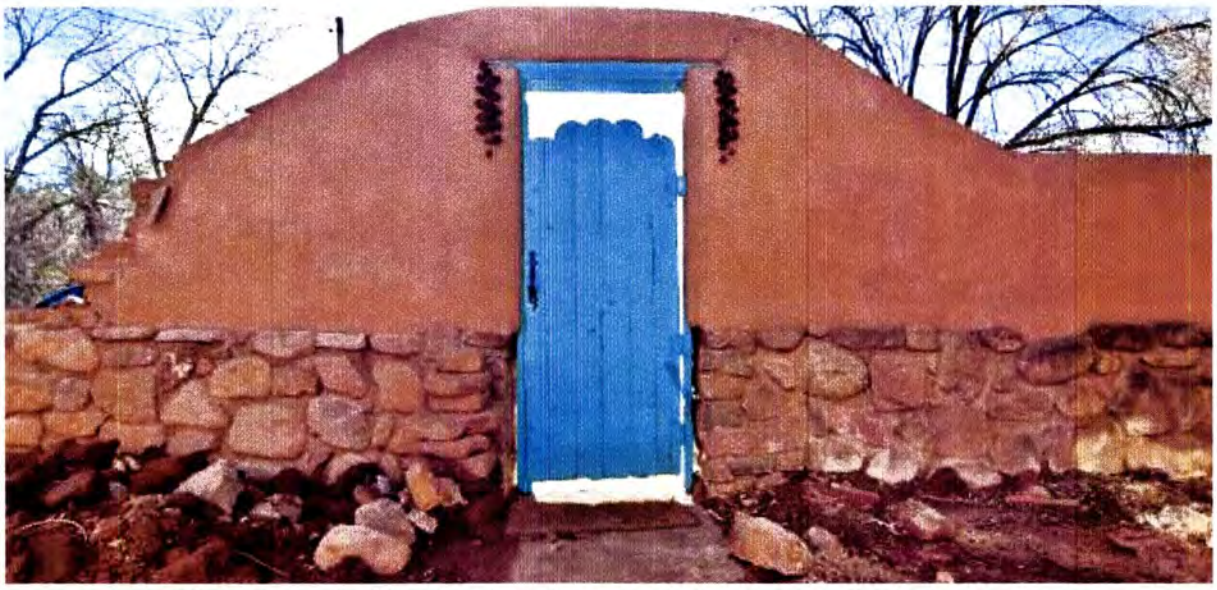


Photo 3: Back side of pedestrian gate to house. Camera facing west.



Photo 4: Undamaged stonework of lower portion of wall.



Photo 5: Damaged section of wall. Camera facing north.



Photo 6: Back side of damaged section. Camera facing northwest.



Photo 7: Damaged section of wall, inside at meter. Camera facing southwest.



Photo 8: Composition of upper portion of damaged section of wall. Camera facing northeast. Note adobe block and layers of stucco.



Photo 9: Back side of portion shown in above photograph. Note layers of stucco and chicken-wire concrete.

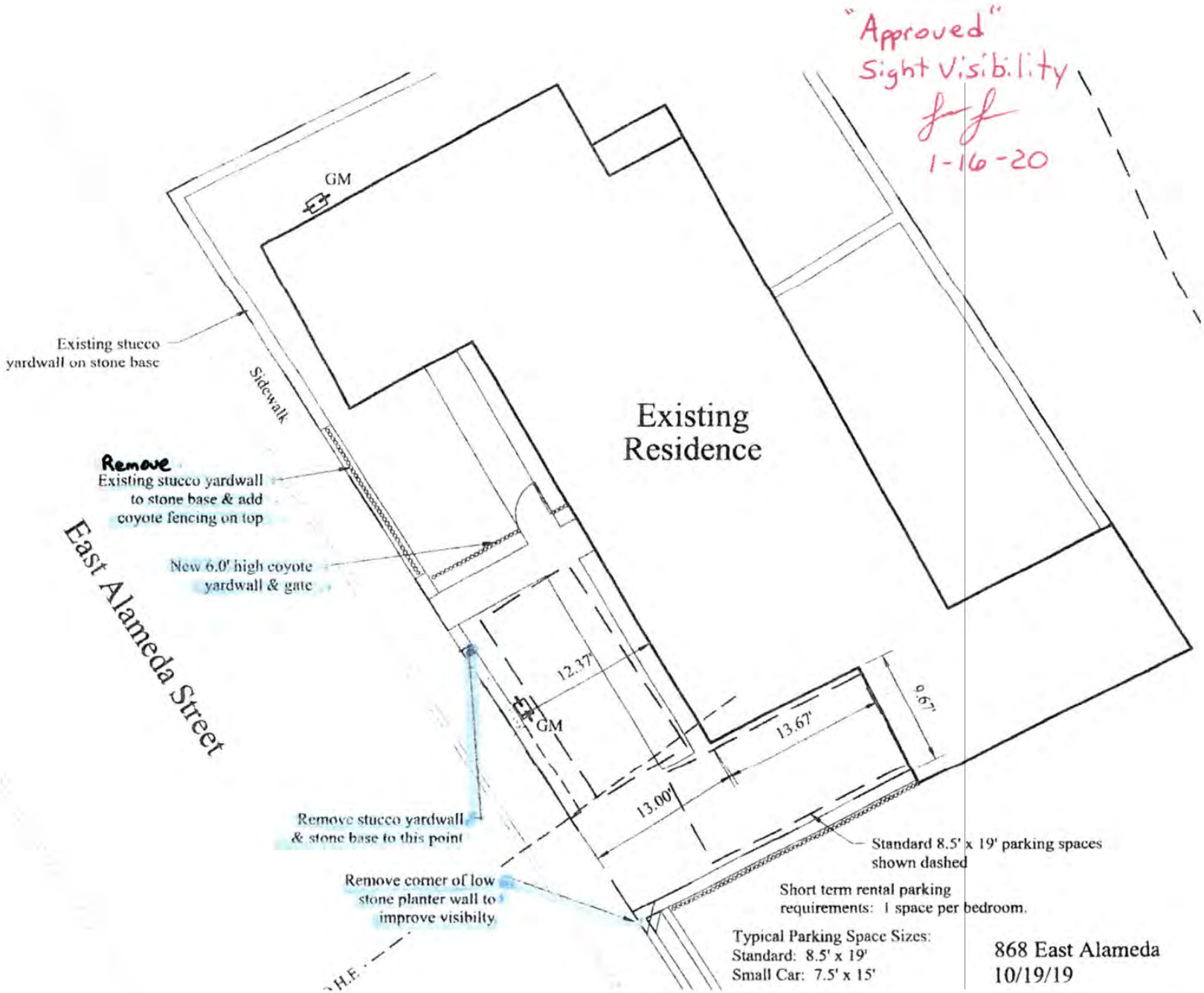


Photo 10: Exposed stucco lath at "window". Camera facing east.



Photo 11: Fiberglass mesh netting at top of gate.


CITY OF SANTA FE
080422
CITY OF SANTA FE
080422


"Approved"
Sight Visibility
1-16-20
GM
Existing stucco yardwall on stone base
Sidewalk
Existing Residence
Remove
Existing stucco yardwall to stone base & add coyote fencing on top
New 6.0' high coyote yardwall & gate
East Alameda Street
12.37'
GM
13.67'
9.67'
13.00'
Remove stucco yardwall & stone base to this point
Standard 8.5' x 19' parking spaces shown dashed
Remove corner of low stone planter wall to improve visibilty
Short term rental parking requirements: 1 space per bedroom.
Typical Parking Space Sizes:
Standard: 8.5' x 19'
Small Car: 7.5' x 15'
868 East Alameda
10/19/19

868 E Alameda

Exception for the Removal of 13' of an Existing Wall

(i) Do not damage the character of the streetscape

Response: This request will not damage the streetscape because it is not to demolish the entire wall but only a portion for safety reasons. The small section of wall does not play a major role in defining the streetscape and, therefore, its removal will not harm the streetscape's character.

(ii) Prevent a hardship to the applicant or an injury to the public welfare

Response: A denial to remove a portion of the wall will result in a hardship by preventing the applicant from removing a section of the wall to bring it into conformity and it would be an injury to the public welfare to not be able to provide a conforming residential unit. Partial demolition will advance the property toward legal conformity, preventing financial hardship.

(iii) Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic districts

Response: The proposed removal of a portion of the wall will strengthen the heterogeneous character of the City within the Historic District by providing a required parking space and preserving the openings and character of the wall. The removal of the section of wall will result in a conforming property, creating two residential units that provide a full range of housing within the Downtown and Eastside Historic District.

(iv) Are due to special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the related streetscape

Response: The wall was built around 1958 without adherence to ***current*** *City code regarding clear sight requirements. The wall is in non-conformance with this section of the code. With the partial removal, the requirements will be met which will make it safer for the residents to back out of the lot onto a major arterial and increase safety for pedestrians using the sidewalk.*

(v) **Are due to special conditions and circumstances which are not the result of the actions of the applicant**

Response: December 2019 a roofing company truck backed into the wall and demolished a portion of it which crumbled. This portion of the wall is structurally unstable and should not be constructed to its original state.

(vi) **Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2 (A) (1)**

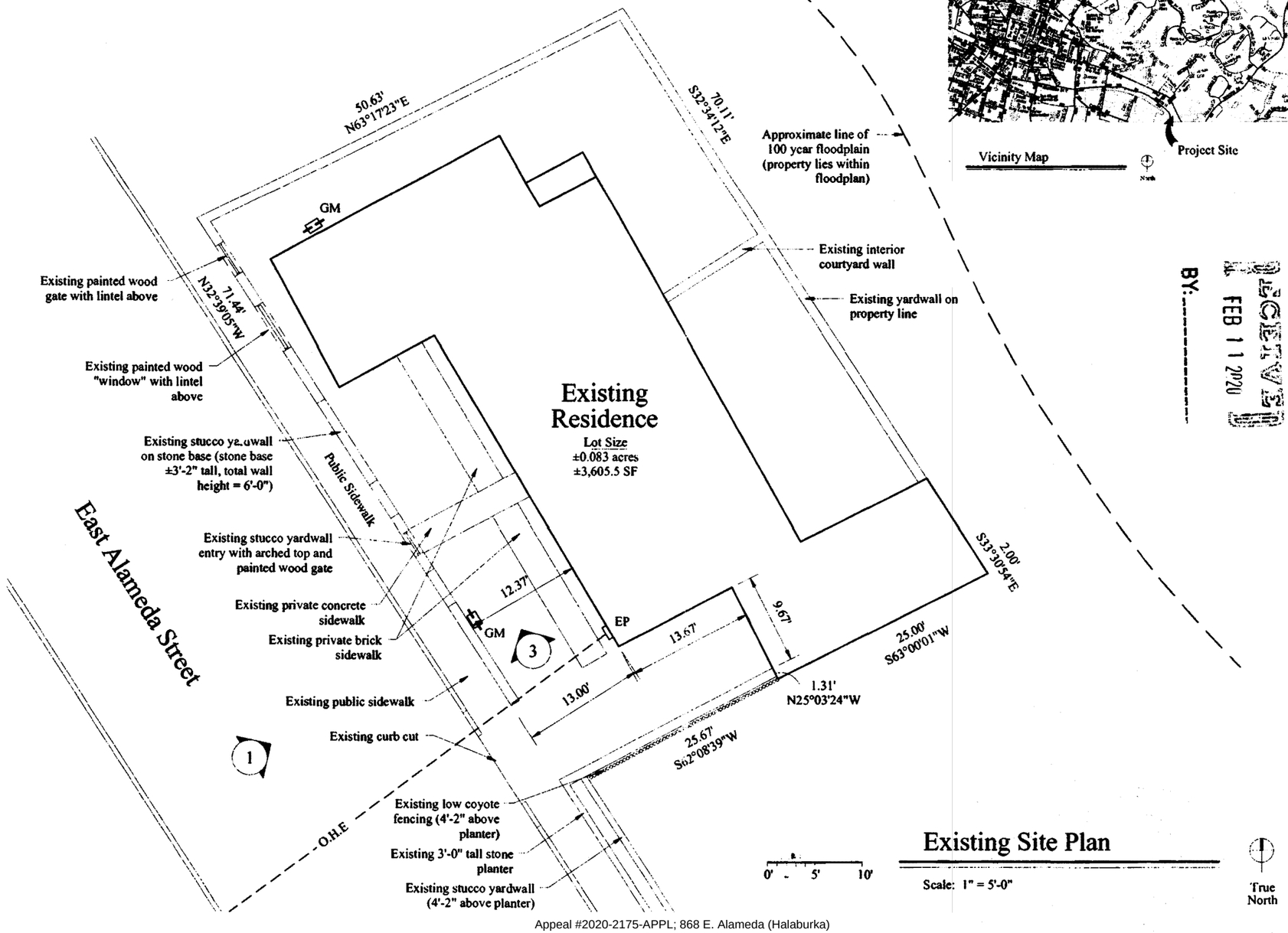
Response: The removal of the section of wall will promote a harmonious outward appearance, by the creation of its design that is within the limits of the Historic District. Thus, preserving property values, promoting economic and cultural welfare of the people of Santa Fe. Removal of a portion of the wall and preserving the remainder would allow the property owner an improved vehicular access, legally conforming driveway and a parking space as required by code.

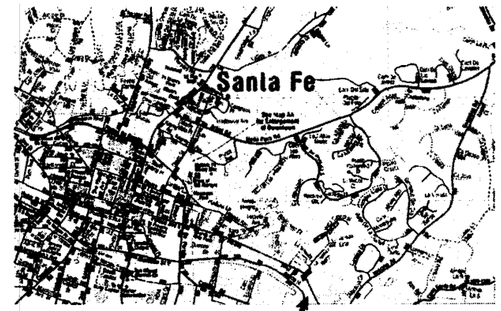
(v) **Are due to special conditions and circumstances which are not the result of the actions of the applicant**

Response: December 2019 a roofing company truck backed into the wall and demolished a portion of it which crumbled. This portion of the wall is structurally unstable and should not be constructed to its original state.

(vi) **Provide the least negative impact with respect to the purpose of this section as set forth in Subsection 14-5.2 (A) (1)**

Response: The removal of the section of wall will promote a harmonious outward appearance, by the creation of its design that is within the limits of the Historic District. Thus, preserving property values, promoting economic and cultural welfare of the people of Santa Fe. Removal of a portion of the wall and preserving the remainder would allow the property owner an improved vehicular access, legally conforming driveway and a parking space as required by code.





Vicinity Map

RECEIVED
FEB 11 2020
BY:

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Exterior Improvements

868 East Alameda Street
Santa Fe, New Mexico

Existing Site Plan

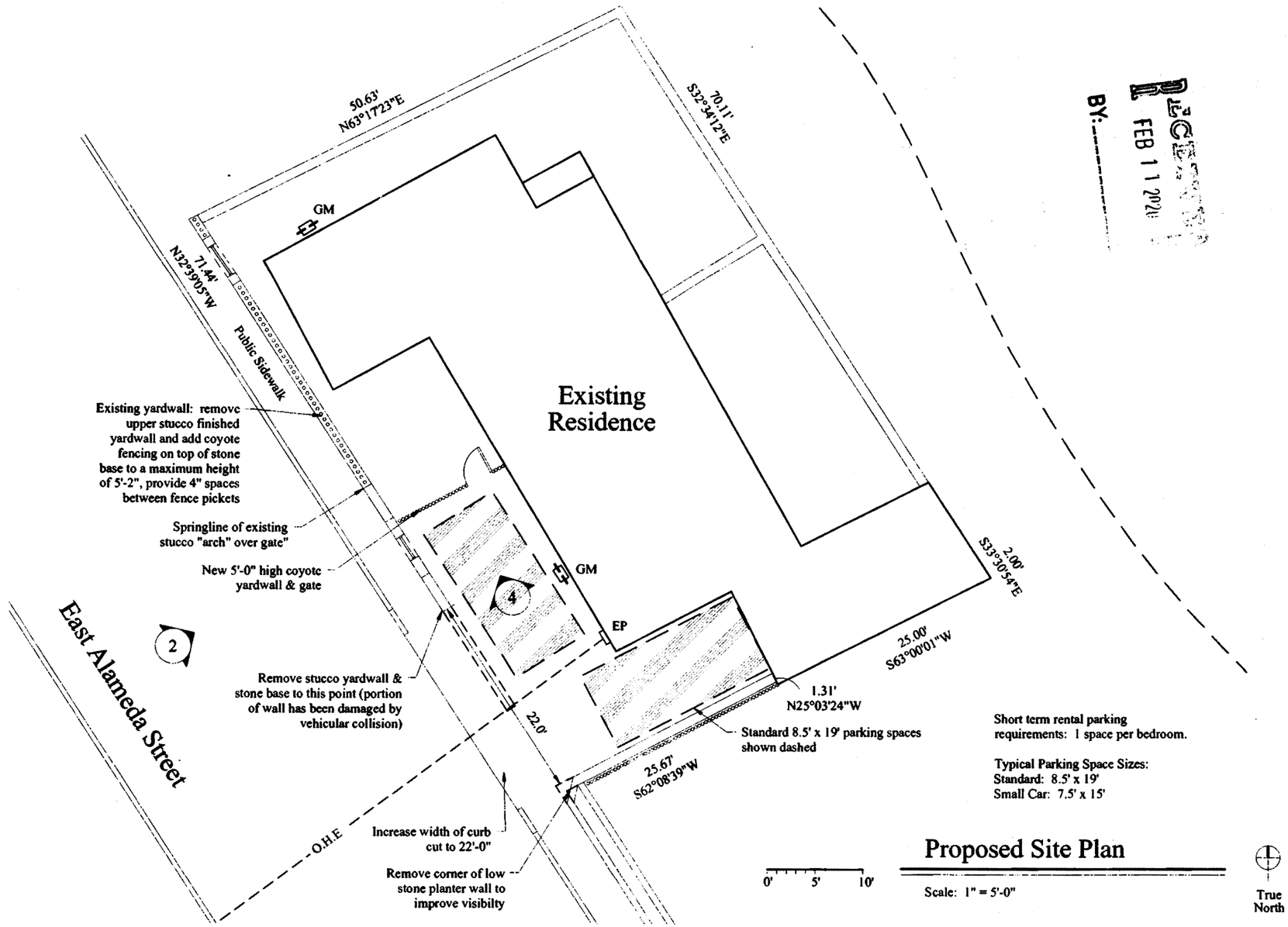
City of Santa Fe
HDRB Submittal

02/07/2020

1

Sheet 1 of 3

2-11-2020



Proposed Site Plan

RECEIVED
FEB 11 2020
BY:

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Exterior Improvements

868 East Alameda Street
Santa Fe, New Mexico

Proposed Site Plan

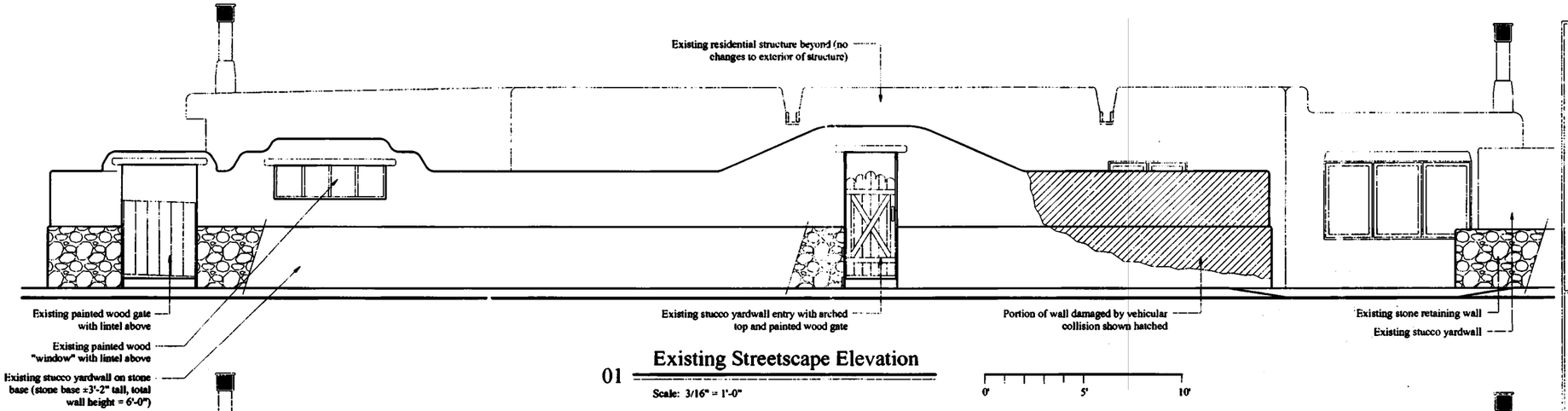
City of Santa Fe
HDRB Submittal

02/07/2020

2

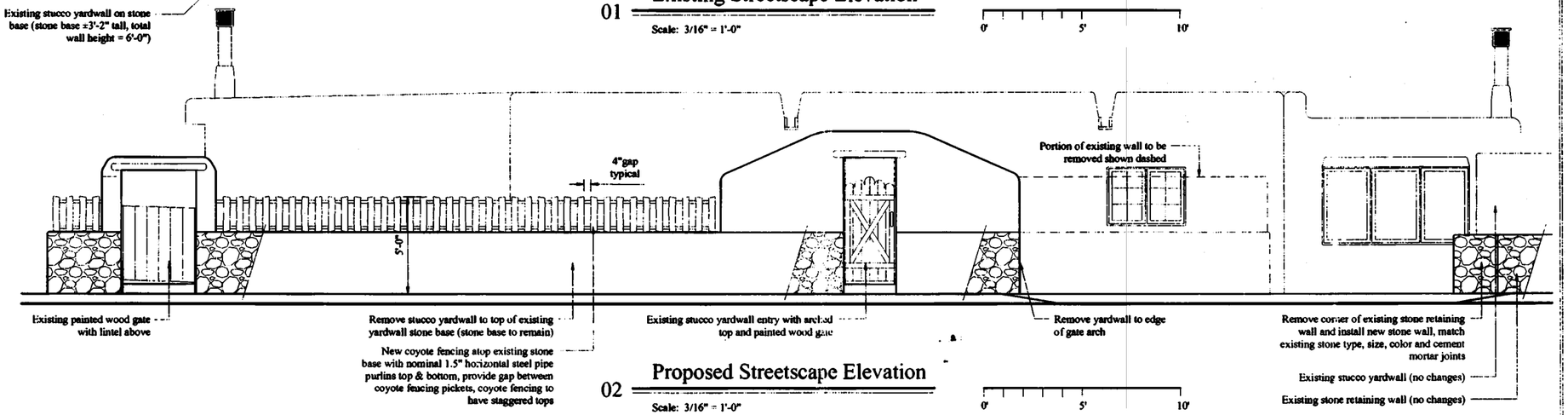
Sheet 2 of 3

2-11-2020



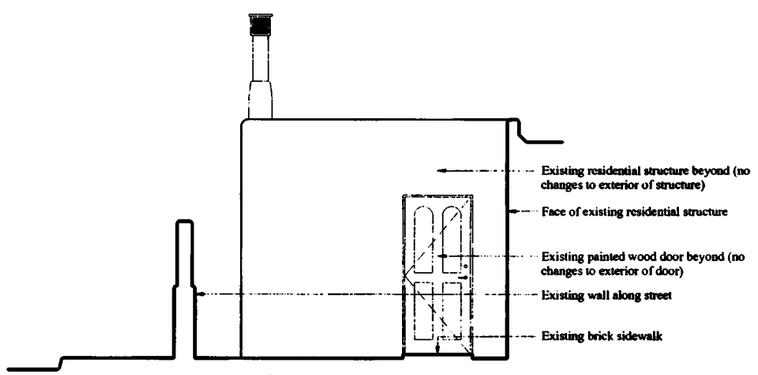
01 **Existing Streetscape Elevation**

Scale: 3/16" = 1'-0"



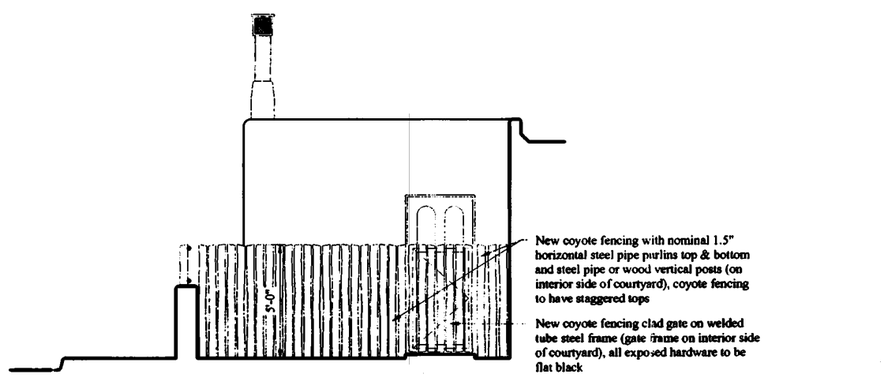
02 **Proposed Streetscape Elevation**

Scale: 3/16" = 1'-0"



03 **Existing Courtyard Elevation**

Scale: 3/16" = 1'-0"



04 **Proposed Courtyard Elevation**

Scale: 3/16" = 1'-0"

Dolores J. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Exterior Improvements

868 East Alameda Street
Santa Fe, New Mexico

Existing and Proposed Elevations

City of Santa Fe
HDRB Submittal

02/07/2020

3

Sheet 3 of 3

FEB 11 2020

BY:

2-11-2020

EXHIBIT G

ITEM # 20-0219

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case # 2020-1781- HDRB
Address – 868 and 868 ½ East Alameda
Agent's Name – Liaison Planning Services
Owner/Applicant's Name – Christina Halaburka

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on March 10, 2020.

BACKGROUND

This case refers to a wall running parallel to the public right of way at 868 and 868 ½ East Alameda Street. The wall is constructed out of stone set in concrete mortar, adobe brick, and stucco finish. It is approximately 62 feet in length, it parallels nearly the entire west elevation of the house and is on average 6 feet high. It is terminated at the south by a gravel driveway leading to a one-bay garage. It is penetrated at three points - by two gate openings and one window.

An architectural survey concluded that a wall has been in place since 1958 and that it had openings where they are today since at least 1966 and into the 1970's, though it appears to have originally been lower in height than the current six foot high wall. The wall at its current height dates back at least to 1985, when it was photographed in a survey.

Recently a truck knocked over part of the wall. In this case, the Applicant requests a status designation for the wall.

FINDINGS OF FACT

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

1. Historic Preservation Division City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code (SFCC) requirements and provided the Board with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
2. Historic Preservation Division Staff Recommendation: Staff recommended that the Board designate the historic status of the structure as contributing per SFCC Sections 14-5.2(C) and 14-12.1, Designation of Significant and Contributing Structures.
3. The project is, without limitation, subject to requirements of the following sections of the SFCC:
    - Section 14-5.2(D)(9), General Design Standards, Height Pitch Scale and Massing (of any structure);
    - Section 14-5.2(D), General Design Standards; and
    - Section 14-5.2(C), Regulation of Significant and Contributing Structures in the Historic Districts.

4. The property is located in the Downtown and Eastside Historic District and subject to Section 14-5.2(E) of the SFCC.
5. Under SFCC Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."
6. SFCC 14-5.2(C)(2)(a-c) gives the Board authority to review and approve "significant," "contributing," or "noncontributing" status designations.
7. The Board, in response to the application, finds the structure meets the SFCC Section 14-12.1 criteria for designation as contributing, as provided in the presentation and Staff Report.
8. The Board further finds that the wall is over fifty years old, retains historic integrity, and that the style of the wall has been mimicked on other properties on the streetscape.
9. The information contained in the Application, and provided in testimony and evidence establishes that all applicable requirements for Board review have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board grants the Applicant's request to review historic status.
3. The Board designates the historic status of the wall as contributing.

IT IS SO ORDERED ON THIS 28th DAY OF April, 2020, BY THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios
Chairperson

5/8/20
Date:

FILED:

Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk

5/8/20
Date:

APPROVED AS TO FORM

Sally A. Paez
Sally A. Paez
Assistant City Attorney

May 6, 2020
Date:

EXHIBIT

H

City of Santa Fe

Agenda

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, March 10, 2020 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 1st FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, March 10, 2020 at 5:30 P.M.

CITY COUNCIL CHAMBERS

****AMENDED****

CALL TO ORDER

A. ROLL CALL
B. APPROVAL OF AGENDA
C. APPROVAL OF MINUTES: February 25, 2020
D. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #2020-001601-HDRB. 100 East Water Street.
Case #2020-001695-HDRB. 828 Camino Atalaya.
Case #2020-001660-HDRB. 121 Lorenzo Road.
Case #2020-1662-HDRB. 829 El Caminito.
Case #2019-001514-HDRB. 127 East Santa Fe Avenue.
Case #2020-001544-HDRB. 828 Camino Atalaya.
Case #2020-1669-HDRB. 1204 Canyon Road.
Appeal #2020-001644-APPL. 509 Camino Lejo

E. BUSINESS FROM THE FLOOR
F. COMMUNICATIONS
G. ACTION ITEMS

1. **Case #2020-001600-HDRB. 113 Washington Avenue. Downtown & Eastside Historic District. Martinez Architecture Studio, agent for Rosewood Inn of the Anasazi, owner, proposes to construct a 3,078 sq. ft. fourth floor addition to a height of 56'0" with a pool and dining area. An exception is requested to exceed the maximum allowable height of 20'1" (Section 14-5.2(D)(9)). (Lisa Roach, lxroach@santafenm.gov, 955-6657) (POSTPONED FROM 2/25/2020)**

2. **Case #2019-001553-HDRB. 1292 Lejano Lane. Downtown and Eastside Historic District. Thomas Hughes, agent for Linda Carey, owner, proposes to construct a new single-family residence on a vacant lot. (Daniel Schwab, dnschwab@santafenm.gov, 955-6660) (POSTPONED FROM 1/28/2020)**

3. **Case #2020-001781-HDRB. 868 and 868 ½ East Alameda Street. Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests a status review for the street-facing yard wall at a contributing residential structure. (Daniel Schwab)**

4. **Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street. Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residential structure. (Daniel Schwab)**

5. **Case #2020-001736-HDRB. 824 Canyon Road. Downtown and Eastside Historic District. Architectural Alliance Inc., agent for Igor Choromanski, owner, proposes to construct a new 6 ft high yard wall and a 204 sq. ft. new free-standing garage and pergola adjacent to a significant residential structure. (Daniel Schwab)**

6. **Case #2020-001737-HDRB. 325 Paseo de Peralta. Downtown and Eastside Historic District. Architectural Allliance Inc., agent for Montgomery Andrew Co., owner, proposes to install new doors and to repair stucco at a non-contributing residential structure. (Daniel Schwab)**

7. **Case #2020-001740-HDRB. 212 Barela Street. Downtown and Eastside Historic District. Joe Simmons and Wendy Waites, owners, propose to construct three new attached residential units. (Daniel Schwab)**

8. **Case #2020-001731-HDRB. 492, 494, and 496 West Water Street. Downtown and Eastside Historic District. Perez-Daple Architects, agent for The Orchard LLC, owner, proposes to construct a new mulit-unit commercial structure on a vacant lot. Preliminary design review is requested, along with an exception to exceed the maximum allowable building height, per Section 14-5.2(D)(9)(C)(ii). (Lisa Roach)**

9. **Case #2020-001663-HDRB. 908 Old Santa Fe Trail. Downtown & Eastside Historic District. Woods Design Builders, Inc., agent for Christy and JC Butler, owners, requests an exception to exceed the maximum allowable wall / fence height, per Section 14-5.2(D)(9)(c)(ii). (Lisa Roach)**

10. **Case #2020-001734-HDRB. 200 Block of West San Francisco Street (next to 225). Downtown and Eastside Historic District. Sommer, Karnes & Associates, LLP, agent for G. E. Senlic, LLC, owner, requests to demolish a parking kiosk and stairwell and to construct a new four-story commercial hotel structure with two-level underground parking. Exceptions are requested to exceed the maximum allowable building height, per Section14-5.2(D)(9)(c)(ii); to construct a pitched roof where fewer than 50% of the structures in the applicable streetscape have pitched roofs, per Section 14-5.2(D)(9)(d); and to deviate from the district design standards, per Section 14-5.2(E). (Lisa Roach)**

H. MATTERS FROM THE BOARD

I. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 or check https://www.santafenm.gov/historic_districts_review_board for more information regarding cases on this agenda. Persons with disabilities in need of accommodations, contact the Historic Preservation Division office at (505) 955-6605 five (5) working days prior to the meeting date.

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: March 4, 2020
TIME: 11:30 AM

MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
FIELD TRIP

Date: 3/10/2020

Time: Approximately 12:00 noon

Place: Historic Districts within the City of Santa Fe

Members Present:

	Present	Absent
Cecelia Rios, Chair	✓	
Frank Katz, Vice Chair	✓	
Jennifer Biedscheid	✓	
Anthony Guida	✓	
Flynn G. Larson		✓
Buddy Roybal		✓
(Vacant)	—	—

Business Conducted:

The Board conducted site visits for the property addresses listed on the agenda for this evening's public hearing, scheduled to begin at 5:30 p.m. The Board conducted the site visits for the sole purpose of making factual observations. The Board did not take any action or make any decisions, and no votes were taken.

Time Adjourned: 1:45pm

Approved by:

Cecilia Rios
Board Chair or Designee

Submitted by:

Risa Roach
Historic Preservation Division Staff

SUMMARY INDEX
HISTORIC DISTRICTS REVIEW BOARD
March 10, 2020

ITEM	ACTION TAKEN	PAGE(S)
Call to Order	5:30 pm	1
A. Roll Call	Quorum Present	1
B. Approval of Agenda	Approved as Amended	1
C. Approval of Minutes February 25, 2020 Hearing	Approved as Amended	2
D. Findings of Fact & Conclusions of Law	Approved	2
E. Business from the Floor	Comments	3
F. Communications	Comments	3
G. Action Items		
1. Case #2020-001600-HDRB 13 Washington Avenue	Approved with Conditions	3-14
2. Case #2019-001553-HDRB 1292 Lejano Lane.	Approved with Condition	14-23
3. Case #2020-001781-HDRB 868 and 868 ½ East Alameda Street	Designated as Contributing	23-25
4. Case #2020-001732-HDRB 868 and 868 ½ East Alameda Street	Postponed	25-26
5. Case #2020-001736-HDRB 824 Canyon Road. Downtown and Eastside Historic District	Approved with Conditions	26-30
6. Case #2020-001737-HDRB 325 Paseo de Peralta	Approved with Conditions	30-31
7. Case #2020-001740-HDRB 212 Barela Street	Postponed	31-40

8. Case #2020-001731-HDRB 492, 494, and 496 West Water Street.	Approved with Condition	40-43
9. Case #2020-001663-HDRB 908 Old Santa Fe Trail	Approved with Condition	43-47
10. Case #2020-001734-HDRB 200 Block of West San Francisco Street (next to 225)	Approved with Conditions	47-55
H. Matters from the Board	None	31
I. Adjournment	Adjourned at 11:25 p.m.	31

MINUTES OF THE CITY OF SANTA FE
HISTORIC DISTRICTS REVIEW BOARD
March 10, 2020

CALL TO ORDER

A regular meeting of the City of Santa Fe Historic Districts Review Board was called to order by Ceceilia Rios, Chair, on the above date at approximately 5:30 p.m. in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

MEMBERS PRESENT:
Ms. Cecilia Rios, Chairwoman
Mr. Frank Katz, Vice Chair
Ms. Jennifer Biedscheid
Mr. Anthony Guida
Ms. Flynn G. Larson
Mr. Buddy Roybal

MEMBERS EXCUSED:
One Vacancy

OTHERS PRESENT:
Ms. Lisa Roach, Planner Manager
Mr. Daniel Schwab, Senior Planner
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa Byers, Stenographer

NOTE: **All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Historic Preservation Office and available on the City of Santa Fe Website.**

B. APPROVAL OF AGENDA

MOTION: Member Roybal moved, seconded by Member Katz to approve the agenda.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Katz, Guida, Larson and Roybal voting in favor and none voting against.

C. APPROVAL OF MINUTES: February 25, 2020 Minutes

Ms. Roach stated that Daniel Schwab's title is "Senior planner."

Member Roybal requested that on page 53, the following paragraph be changed to read:

> **Member Roybal:**
> I'll go first. I would like to know what process was followed. And, I would like to ask the City Attorney if all the processes that were followed and if everything that was denied was in accordance with the Code.

Member Katz asked that the following changes be made:

- On page 22, the last line should read: "And move to the opening statement of the appellant."
- On page 46, within the comments of Jim Ferris, delete "brown and brown" and insert "brown and round" in lieu thereof.
- On page 46, within the comments of Jim Ferris, delete "ground people" and insert "brown people" in lieu thereof.

MOTION: Member Katz moved, seconded by Member Guida, to approve the Minutes of the February 25, 2020 meeting, as amended.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Katz, Guida, Larson and Roybal voting in favor and none voting against.

D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Case #2020-001601-HDRB. 100 East Water Street
Case #2019-001514-HDRB. 127 East Santa Fe Avenue
Case #2020-001695-HDRB. 828 Camino Atalaya
Case #2020-001544-HDRB. 828 Camino Atalaya
Case #2020-001660-HDRB. 121 Lorenzo Road
Case #2020-1669-HDRB. 1204 Canyon Road
Case #2020-1662-HDRB. 829 El Caminito
Appeal #2020-001644-APPL. 509 Camino Lejo

MOTION: Member Katz moved to approve the Findings of Fact and Conclusions of Law. Member Guida seconded the motion.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Katz, Guida, Larson and Roybal voting in favor and none voting against.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Guida, Katz, and Larson voting in favor and none voting against.

Ms. Roach confirmed that the postponement was until March 24, 2020.

3. **Case #2020-001781-HDRB. 868 and 868 ½ East Alameda Street.** Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests a status review for the street-facing yard wall at a contributing residential structure. (Daniel Schwab)

Mr. Schwab presented the staff report as follows:

STAFF REPORT:

This case refers to a wall running parallel to the public right of way at 868 and 868 ½ East Alameda Street. The wall is constructed out of stone set in concrete mortar, adobe brick and stucco finish. It is approximately 62 in. in length, it parallels nearly the entire west elevation of the house and is on average 6 ft. high. It is terminated at the south by a gravel driveway leading to a one-bay garage. It is penetrated at three points - by two gate openings and one window.

An architectural survey concluded that a wall has been in place since 1958 and that it had openings where they are today since at least 1966 and into the 1970's, though it appears to have originally been lower in height than the current six foot high wall. The wall at its current height dates back at least to 1985, when it was photographed in a survey.

Recently a truck knocked over part of the wall.

The owner requests a status designation for the wall.

STAFF RECOMMENDATION:

Staff recommends the historic status of the structure be designated as contributing per 14-5.2(C) Designation of Significant and Contributing Structures.

APPLICANT'S PRESENTATION

Dolores Vigil, P.O. Box 1835, was sworn. She stated she that she represents the applicant on the project on behalf of Liaison Planning Services. She thought it was unclear why the wall should be re-stored to its historic integrity. The demolition is not minor and not the fault of the applicant. Approximately 25% of the wall was removed and should be considered a significant loss of integrity. She noted the architectural historian's assessment established that there was a wall present on aerials as early as 1958 and it did not establish historical significance. She said staff recommends contributing without providing justification and she wanted to know, for the

record, why contributing status is not justified. She also asked that the Board consider how this will affect the project on the next agenda item.

QUESTIONS FOR STAFF

Chair Rios said Mr. Schwab was welcome to answer the question.

Mr. Schwab said he referred to the Code and said he wanted to look up the definition of contributing.

Ms. Roach suggested the wall is at least 50 years old and contributes to the character of the district and helps to establish the streetscape. It has had only minor alterations aside from the accident. The portion of the wall affected represents far less than 50% of the structure and could easily be reestablished.

Chair Rios clarified she thought Ms. Vigil's question was if the wall is reestablished because it was torn down, how staff indicates that the new section would still be historic or has to be rebuilt. Ms. Vigil agreed.

Ms. Roach said the wall would be required to be rebuilt in kind with the same stones that were in the wall and adobe on the other portion to be consistent with the rest of the historic structure. Code requires replacement in kind when there are integrity issues. She noted that the Board would likely require the same with a truck crashing into an historic building to be replaced in kind. She sees this as no different.

PUBLIC HEARING.

John Eddy, previously sworn, heartily urged the Board to adopt staff's advice. The river stone walls are a strong element in the East Alameda Street area. The character of the street would be severely impacted if anything other than reconstruction in kind.

Stephanie Beninato, previously sworn, thought when a structure is damaged more than 50% it was no longer considered to have its historic integrity. Less destruction can be rebuilt in kind. She found it ironic that when a wall is hit and must be rebuilt in kind it has to come to the Board, but 604 Galisteo Street did not. She agreed with Mr. Eddy on the stone and rebuilding. The Board should find the wall contributing.

BOARD DISCUSSION

Member Biedscheid said she wanted to justify the motion she would make. They thought the structure qualifies as historic and the lower portion of the wall was built in at least, 1958. The definition of contributing structure includes that it may have had minor alternations, but its

integrity remains. Even if the upper portion was added in the 1970s the integrity of the stone wall below is unchanged. The wall does a lot to establish the streetscape on this section of Alameda.

MOTION: In Case #2020-001781-HDRB, 868 and 868 ½ East Alameda Street, Member Biedscheid moved to designate the stone and adobe wall as contributing. Member Larson seconded the motion.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Guida, Katz, Larson and Roybal voting in favor and none voting against.

Chair Rios asked how this would affect the next case.

Ms. Roach said the next case includes demolition for the wall. When a contributing structure and most of the area is knocked down an exception to demolish a portion of the structure is required because it may impact status.

Chair Rios said then we can go forward.

Ms. Roach said the Board must postpone because an exception was not included in this request. The Board could postpone to a date certain.

Member Katz asked what was fairer. He thought the Board would want to see the wall remain and an exception request would not be looked on favorably. But would it be unfair if the applicant was not allowed an opportunity to present that argument.

Ms. Roach asked on the same token if it was unfair to require others to request an exception they been denied and not ask this applicant to go through that process. This is in the interest of treating all applications equally.

Member Katz thought it should be up to the applicant if she wanted an extension to request an exception, or to recognize that without an exception this will not happen.

Ms. Vigil stated a reason the applicant has asked for demolition of this portion of the wall is they met with the traffic engineer. The engineer made it clear this wall is unsafe and made it difficult to see when entering or going out. He recommended revising the elevation. She thought that could be an exception, the wall does not meet the current Code for visibility. Also, the coyote fence above the rock wall, but that is not being eliminated. The coyote fence has to be 4 inches apart and they will request a small coyote fence on the interior as well as a gate.

So, it is more than just demolition of the wall. There are also other factors being asked for, such as on 868½ where a corner of the wall was taken off and was difficult to make the turn into the parking space. She said she would prefer to come back.

4. **Case #2020-001732-HDRB. 868 and 868 ½ East Alameda Street.** Downtown and Eastside Historic District. Liaison Planning Services, agent for Christina Halaburka, owner, requests to partially demolish a yard wall and to construct a 5 ft. high coyote yardwall and gate at a contributing residential structure. (Daniel Schwab)

MOTION: In Case #2020-001781-HDRB, 868 and 868½ East Alameda Street, Member Katz moved to postpone to the next meeting to allow time for the applicant to obtain an exception. Member Larson seconded the motion.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Guida, Katz, Larson and Roybal voting in favor and none voting against.

5. **Case #2020-001736-HDRB. 824 Canyon Road. Downtown and Eastside Historic District.** Architectural Alliance Inc., agent for Igor Choromanski, owner, proposes to construct a new 6 ft high yard wall and a 204 sq. ft. new freestanding garage and pergola adjacent to a significant residential structure. (Daniel Schwab)

Mr. Schwab presented the staff report as follows:

STAFF REPORT:

824 ½ Canyon Road is a group of two residential structures in the Downtown and Eastside Historic District. Both are shed-roof buildings displaying the 19th century Spanish pattern of building with contiguous rooms forming a low building with multiple doors.

The site is open between the buildings with a yard wall along the west perimeter, forming a courtyard space. The structures are a rare example of Santa Fe building practices before the rise of the Revival Styles.

The south structure is listed as significant, while the north structure is listed as contributing. All facades are primary on the south building and the south elevation of the north building is primary.

The HCPI from 2010 states that there have been some changes to the doors and windows however, the HCPI notes that this is less important than "the rhythm created by the openings in these long facades. The historic site layout is more important than in many properties and has not been altered."

In 2010, the HDRB approved an exception to construct an addition to the primary north-facing elevation of the south building, however this was never constructed. Another proposal to construct pergola roofs was proposed but likewise not realized.

The applicant now proposes the following changes:

BOARD DISCUSSION

Chair Rios asked regarding the railings if it is better to have light or dark.

Mr. Seres said darker will contrast better and possibly recede. They are set back from the edge and will be back as far as possible.

Chair Rios asked what the proposed timeline for the project is.

Mr. Seres said pending approval tonight they would go to City Council on March 25 and potentially start construction the last quarter of this year. It would be completed in 18 months.

Member Biedscheid asked if the sidewalk to Burro Alley would stay intact and what will happen with the garage and the pedestrian traffic.

Mr. Seres noted the shaded areas on the drawing are the sidewalks and encompass existing sidewalks, and some will be widened. Elevators are set back 20 feet from the south edge of the sidewalk. Vehicles coming out of the elevator will not conflict with the sidewalk and they will always maintain pedestrian safety .

MOTION: In Case #2020-001734-HDRB, 200 Block of West San Francisco Street (next to 225), Member Guida moved to go with staff's recommendations and stated that the exception criteria for all three exceptions have been met and the project is approved with the following conditions: the railings remain gun metal in color; for the architect to consider making the curved portal more pedestrian friendly under the portal and/or with the planters along the street. Member Roybal seconded the motion.

VOTE: The motion passed by unanimous (5-0) voice vote with Members Biedscheid, Katz, Guida, Larson and Roybal voting in favor and none voting against.

H. MATTERS FROM THE BOARD

None

I. ADJOURNMENT

Chair Rios adjourned the meeting at approximately 11:25 p.m.

Approved by:

Cecilia Rios, Chair

Submitted by:

Melissa D. Byers, Stenographer
For Byers Organizational Support Services

EXHIBIT

I

CITY OF SANTA FE, NEW MEXICO

PROJECT DESCRIPTION: Liaison Planning Services, agent for Christina Halaburka, owner, requests a status review for the street-facing yard wall at a contributing residential structure.

Case number: **2020-001781-HDRB**
Project Type: HDRB

PROJECT LOCATION (S): 868 and 868½ East Alameda Street

OW – Christina Halaburka	868½ East Alameda Street	Santa Fe, NM 87501
AP – Liaison Planning Services	P.O. Box 1835	Santa Fe, NM 87504

PROJECT DATA:

HISTORIC DISTRICT

Don Gaspar Area ☐ Downtown and Eastside ☒ Historic Review ☐ Transition ☐ Westside-Guadalupe ☐

HISTORIC BUILDING STATUS

Non-Statused ☒ Non-Contributing ☐ Contributing Significant ☐ Landmark ☐ N/A ☐

PRIMARY ELEVATIONS: North ☐ South ☐ West ☐ East ☐ N/A ☒

PUBLICLY VISIBLE FACADE-EAST Yes ☐ No ☒

PUBLICLY VISIBLE FACADE-NORTH Yes ☐ No ☒

PUBLICLY VISIBLE FACADE-SOUTH Yes ☒ No ☐

PUBLICLY VISIBLE FACADE-WEST Yes ☒ No ☐

HISTORIC DISTRICT INVENTORY NUMBER 05161 2313

YEAR OF CONSTRUCTION Pre-1958

PROJECT TYPE

Status ☒ Primary Elevations ☐ Remodel ☐ Demolition ☐ New ☐ Other _____

USE, EXISTING Residential ☐ Non-Residential ☒ Vacant ☐

USE, PROPOSED Residential ☐ Non-Residential ☒

HISTORIC BUILDING NAME _____

City of Santa Fe, New Mexico

memo

DATE: March 10th, 2020

TO: Historic Districts Review Board Members

FROM: Daniel Schwab, Senior Planner, Historic Preservation Division

---

Case # 2020-1781-HDRB

Address: 868 and 868 ½ East Alameda
Historic Status: Non-Statused
Historic District: Downtown and Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

_____ **District Standards & yard wall & fence standards.**

__x__ **Historic Inventory Form**

____ **Zoning Review Sheet**

____ **Other:**

APPLICANT SUBMITTALS

____ **Proposal Letter**

__x__ **Site Plan/Floor Plan**

__x__ **Elevations**

__x__ **Photographs**

__x__ **Other:** Historic report

STAFF RECOMMENDATION:

Staff recommends the historic status of the structure be designated as contributing per 14-5.2(C) Designation of Significant and Contributing Structures.

BACKGROUND & SUMMARY:

This case refers to a wall running parallel to the public right of way at 868 and 868 ½ East Alameda Street. The wall is constructed out of stone set in concrete mortar, adobe brick and stucco finish. It is approximately 62 in. in length, it parallels nearly the entire west elevation of the house and is on average 6 ft. high. It is terminated at the south by a gravel driveway leading to a one-bay garage. It is penetrated at three points - by two gate openings and one window.

An architectural survey concluded that a wall has been in place since 1958 and that it had openings where they are today since at least 1966 and into the 1970's, though it appears to have originally been lower in height than the current six foot high wall. The wall at its current height dates back at least to 1985, when it was photographed in a survey.

Recently a truck knocked over part of the wall.

The owner requests a status designation for the wall

RELEVANT CODE CITATIONS:

14-5.2(C) Regulation of Significant and Contributing Structures in the Historic Districts

(1) Purpose and Intent

It is intended that:

(a) Each structure to be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as the addition of conjectural features or architectural elements from other buildings, shall not be undertaken;

(b) Changes to structures that have acquired historic significance in their own right shall be retained and preserved, recognizing that most structures change over time;

(c) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a structure be preserved; and

(d) New additions and related or adjacent new construction be undertaken in such a manner that if removed in the future, the original form and integrity of the historic property and its environment would be unimpaired.

14-12 Contributing Structure:

A structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.

14-12 Primary Façade:

One or more principal faces or elevations of a building with features that define the character of the building's architecture.

14-12 Noncontributing Structure:

A structure, located in an H district, that is less than fifty years ld or that does not exhibit sufficient historic integrity to establish and maintain the character of the H district.

Removal of Historic Material/Demolition:

14-5.2(D) General Design Standards for All H Districts

(1)(a) The status of a significant, contributing, or landmark structure shall be retained and preserved. If a proposed alteration will cause a structure to lose its significant, contributing, or landmark status, the application shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited.

14-5.2(E) Downtown and Eastside Design Standards

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with adobe, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

(a) With rare exception, buildings are of one story, few have three stories, and the characteristic effect is that the buildings are long and low. Roofs are flat with a slight slope and surrounded on at least three sides by a firewall of the same color and material as the walls or of brick. Roofs are never carried out beyond the line of the walls except to cover an enclosed portal or porch formed by setting back a portion of the wall or to form an exterior portal, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second story. Façades are flat, varied by inset portales, exterior portales, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding walls;

(b) All exterior walls of a building are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under portales, or in church-derived designs, inset panels in a wall under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;

(c) Solid wall space is always greater in any façade than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;

(d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof structures, but such structures other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the street on which the building fronts;

(e) True old Santa Fe style buildings are made of adobe with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the adobe effect can be simulated is permissible; provided, that the exterior walls are not less than eight (8) inches thick and that geometrically straight façade lines are avoided. Mud plaster or hard plaster simulating adobe, laid on smoothly, is required; and

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of adobe construction, prescribed as follows:

(a) No building shall be over two stories in height in any façade unless the façade shall include projecting or recessed portales, setbacks or other design elements;

(b) The combined door and window area in any publicly visible façade shall not exceed forty percent of the total area of the façade except for doors or windows located under a portal. No door or window in a publicly visible façade shall be located nearer than three (3) feet from the corner of the façade;

(c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof treatment described below;

(d) No less than eighty percent of the surface area of any publicly visible façade shall be adobe finish, or stucco simulating adobe finish. The balance of the publicly visible façade, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for building permits;

(e) The publicly visible façade of any building and of any adjoining walls shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. Façade surfaces under portales may be of contrasting or complimentary colors. Windows, doors and portals on publicly visible portions of the building and walls shall be of one of the old Santa Fe styles; except that buildings with portals may have larger plate glass areas for windows under portals only. Deep window recesses are characteristic; and

(f) Flat roofs shall have not more than thirty (30) inches overhang.

NEW MEXICO HISTORIC BUILDING INVENTORY FORM H284

building threatened? yes	surveyed date 3/85 by SL	county SANTA FE	ID no. 051612313
field map SFHD # 5	number 2313	UTM reference zone 12 13 easting	northing

location description: 868 E. ALAMEDA

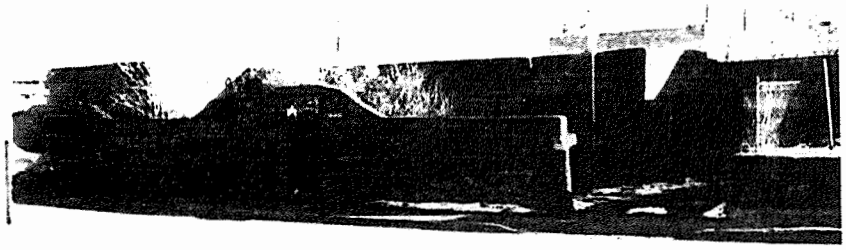
city/town: SANTA FE

land grant/reservation: ~~land grant/reservation~~

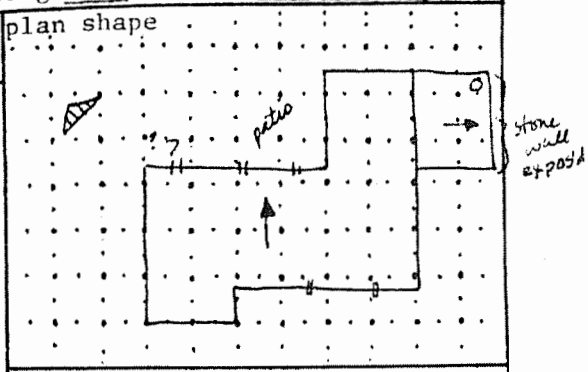
building name:

legal description: tnsp ___ N S range ___ E W sec ___ ¼ ¼

film roll by SL no. 32	negative nos. 13	loc. of neg. HPB



plan shape



date of construction: '34-'44 estimate _____ actual

source: directory (appears older)

use
present: ✓residential
other: _____
historic: ✓residential
other: _____

condition
___excellent ___good
✓fair ___deteriorating

degree of remodeling
___minor ___moderate ___major
describe:

surroundings: residential

relationship to surroundings
✓similar ___not similar

district potential
✓yes ___no

significance
___eligible ✓of interest ___none

if eligible, why? contrib

associated buildings? ___yes
what type?

if inventoried, list ID nos.

see back? ___yes

NMUV

foundation material: conc.

wall material/surface: adobe/stucco

architectural features
flat parapeted rf w/ conceal'd low shed rf draining via canales

windows: dpl'y rec'd & l.t. wd casemt- tandem,

doors: solid w/ wd surround

comments

ARCHITECTURAL
History Services

John W. Murphey
Architectural
Historian/Researcher/Planner
Santa Fe, New Mexico
San Francisco Bay Area, California
john@archhistoryservices.com

January 28, 2020

Christine Halaburka
868 East Alameda Street
Santa Fe, New Mexico 87501

RE: 868 East Alameda Street – Street Wall Research

Dear Ms. Halaburka:

Responding to your request, I researched the background of the street wall in front of your home at 868 East Alameda Street. The scope of the work was informed by communication with your consultant, Dolores Vigil, based on guidance given to her by Santa Fe Historic Preservation Division planner Carlos Gemora.

The research consisted of reviewing historical aerial photographs and period maps. It additionally included a limited review of government documents, newspaper accounts, and Santa Fe city directories. The goal of the effort was to determine the wall's era of construction and how it may have evolved over the years. The evaluation included a January 24 site visit, in which the structure was photographed, measured, and analyzed for its construction materials.

In summary, a wall has been in place at least since 1958, situated in the same location as the current structure. The specific design of the earlier wall, as compared to the current structure, is unknown.

Based on shadow projections observed on aerial photographs, the original wall may have been of a lower height. In addition, several stucco coatings exposed by recent damage indicate that the wall has experienced a degree of alteration, at least concerning the design and appearance of its upper portion.

The findings of the site visit and the attendant research follow.

Please feel free to contact me if you have any questions about this report.

Sincerely,

John W. Murphey, Project Historian

Existing Conditions

The subject wall is located in front of a Pueblo Revival adobe duplex at 868 East Alameda Street, in the Downtown and Eastside Historic District. While the house is designated a Contributing resource to the district, the wall is without status.

The structure, approximately 62' in length, parallels nearly the entire west elevation of the house, and is penetrated at three points (Photos 1 & 2). It is terminated at the south by an approximately 9'-8"-wide gravel driveway leading to a one-bay garage. A shorter wall of similar composition continues from the northern terminus at a right angle but is not part of this study. Extracting the entry gate arch, the wall is on average 6' high.

The three openings hold (from north to south): a wood pedestrian gate to a side yard, a section of a wood "window" grille, and a wood door near the center of the wall, providing street access to the house (Photo 2). The focus of the composition -- the center entry -- is a wood board door surmounted by a rounded arch (Photo 3). All wood elements are painted blue.

An approximately 16' section of the wall at the driveway was damaged recently by a roofing truck (Photos 5-7).

Construction

The wall is composed of two distinct sections. Its base is made of stone set in concrete mortar. The tabular and round pink coarse-grained quartz, feldspar, and other native stones are laid in roughly regular courses (Photo 4). No lime mortar, which would suggest older construction, is evident. This section is approximately 3' above the sidewalk. The stone base is slightly wider than the upper portion of the wall.

The upper portion is finished with stucco with the damaged section at the south end exposing its interior construction. The core is made of adobe bricks slathered in concrete mortar (Photo 8). Based on their appearance, it is assumed they are traditional, unamended bricks, although it is possible some may have been enhanced with Portland cement. Even at the core, there was no observable mud plaster or lime mortar, elements indicative of traditional construction.

Overall, the top portion of the wall is approximately 12" wide. In the visible section, its thickness is 9.5" to 10", representing the width of a single adobe course.

The adobes are finished with several different stucco coatings, of likely different periods. These, because of the impact of the collision, are peeled back in areas, revealing a succession of layers (Photo 9).

The layers show what appears to be at least three separate stucco coats, each with a different adhesion system. The arrangement of one layer is unusual in that it does not follow the typical coloration strata of the three-coat system (e.g., typical colors used with the brown, scratch, and finish coats).

Each coating cycle has a distinct reinforcement, beginning with the innermost (and assumed oldest) stucco, which is adhered by chicken wire (Photo 9), followed by metal lath (Photo 10), and finally, the outer layer revealing fiberglass mesh (Photo 11). Pieces of exposed lath and fiberglass mesh along other parts of the wall suggest the entire structure experienced the same chronology of stucco coatings.

The wall is presently finished with a mixture of cementitious and Elastomeric stucco.

Origin of Wall

The only known historical survey for the house (H284, 1985), gives a construction date of 1934 to 1944. This is validated by the limited research conducted for this project, through a 1940 federal census enumeration which identifies a house of the same address occupied by Josephine Benavidez, a widow, and her six children. A brief review of Santa Fe city directories and newspaper accounts shows it was leased for several decades, often with a high turnover of tenants.

The 1985 survey does not mention the street wall as a character-defining element, but it is clearly visible in the accompanying photograph (Figure 1).

The first available aerial photograph from 1958 shows what appears to be a low wall paralleling the sidewalk (Aerial 1). Due to the photograph's poor resolution, it is unclear whether the two pedestrian openings are present. A clearer picture of the structure is found on a 1966 aerial, which definitively reveals a wall punctuated with openings to the side yard and front entry (Aerial 2). Based on the height of its shadow line in comparison with shadows made by the house, the wall seems to be lower than its current 6' height.

Two aerial images from the 1970s show the same basic configuration (Aerials 3 & 4). Looking at the shadow, the wall still appears to be shorter on the 1973 photograph (Aerial 3). This is supported not only by a comparison with the house shadows, but also with shadows cast by a fence or wall across the back yard.

Conclusion

Based on aerial photographs, a linear structure existed in the same position as the current wall since at least 1958. This structure continues to appear, in likely the same basic form, through the 1970s. Shadow lines visible on various aerials seem to indicate it was of a lower height than its current dimension.

The appearance of the "window" might indicate an alteration, as the Board and Historic Preservation Division staff have often required this treatment when a wall is increased in height. The division's master case database, covering the years 1993 forward, was searched for a related project. No wall project for this address was found, though the alteration may have happened prior to these records.

The various stucco coatings register some amount of change to the exterior appearance and relative dimensions of the upper portion of the wall.

The damaged section of wall allowed almost a forensic investigation of its construction and subsequent layers of stucco. The materials observed did not indicate traditional construction (no lime mortar or adobe plaster), but instead materials and techniques common to the postwar period.

In conclusion, it is likely that a portion of the wall is older -- potentially the structure shown on the 1958 aerial photograph. The origin of its upper half is unclear but was in place by the time of the 1985 survey.

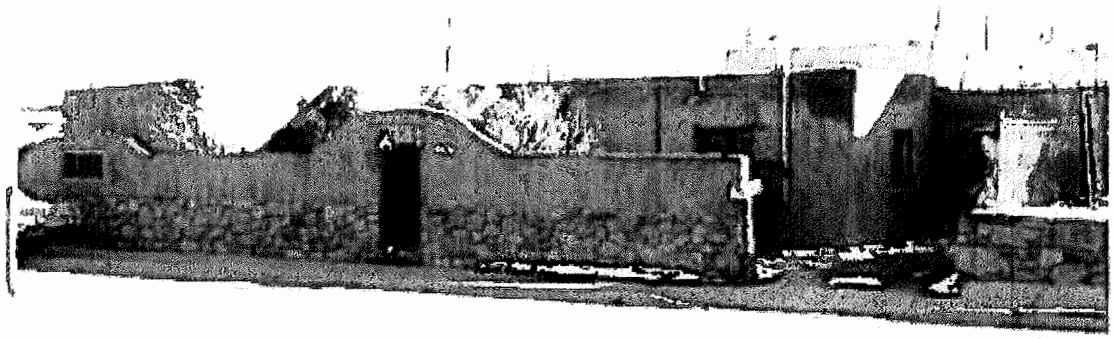
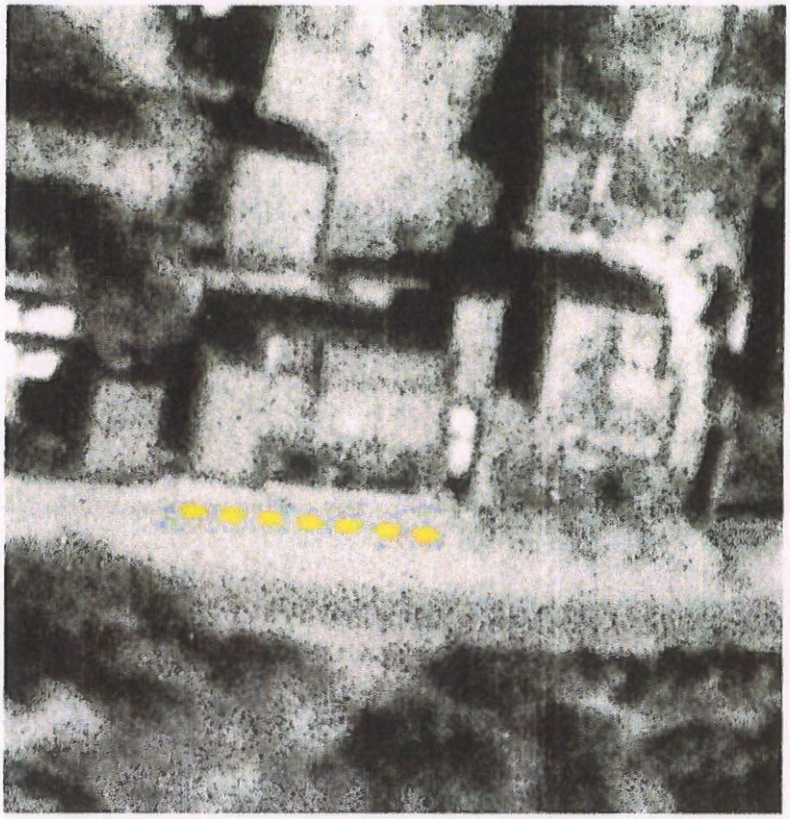


Figure 1: Copy of 1985 survey photograph.
H284, 1985.

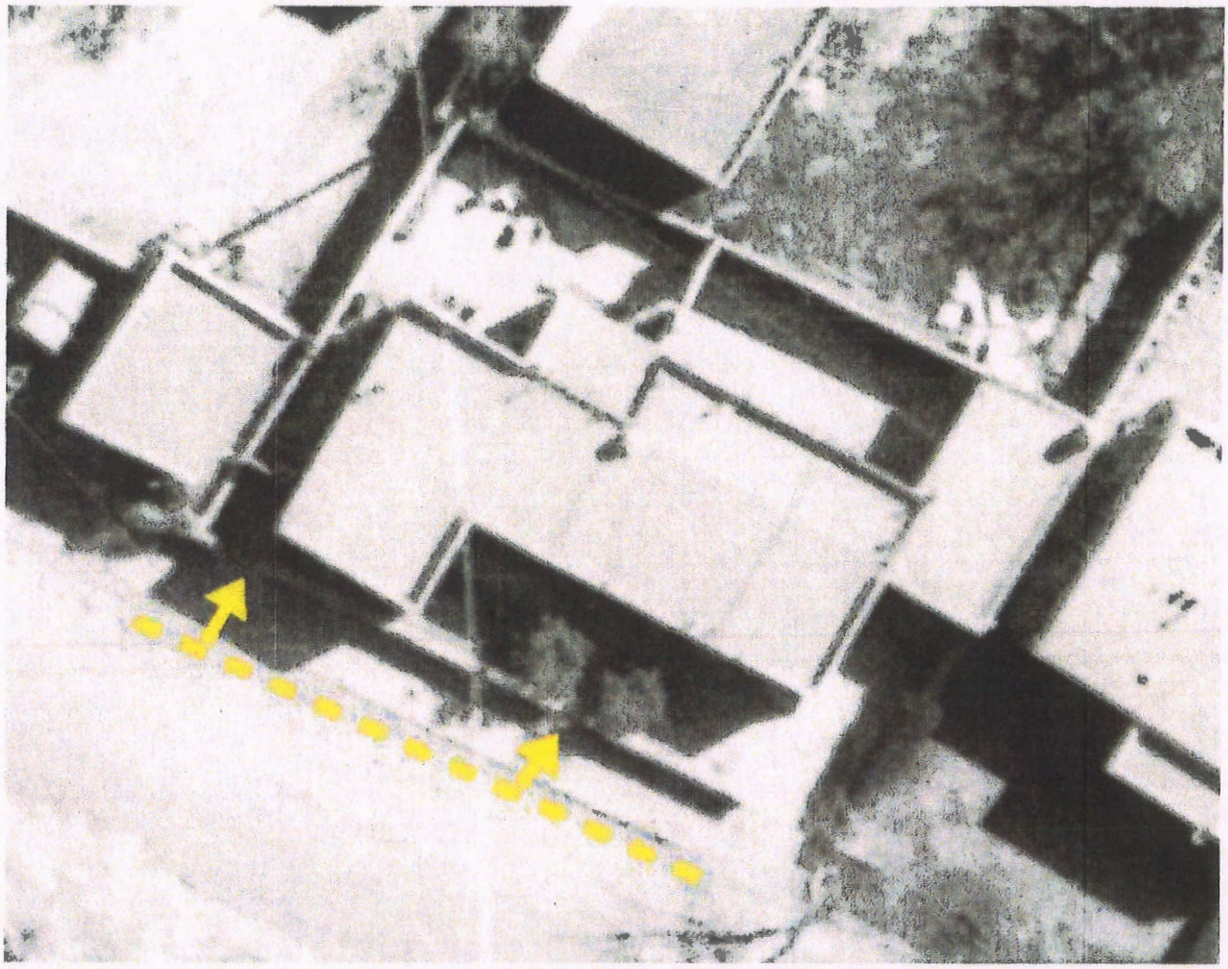
Aerial Photographs



Aerial 1: 1958 aerial photograph.
Presence of a wall is evident.
Courtesy NMDOT: 11-10-58_0001.



Aerial 2: 1966 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 05-02-66_0017.



Aerial 3: 1973 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 05-11-73_0064.



Aerial 4: 1978 aerial photograph.
Presence of a wall is evident with two openings at the arrows.
Courtesy NMDOT: 09-11-78_0074.

Surveys Photographs

(All photographs were taken by Robyn Powell on January 24, 2020).

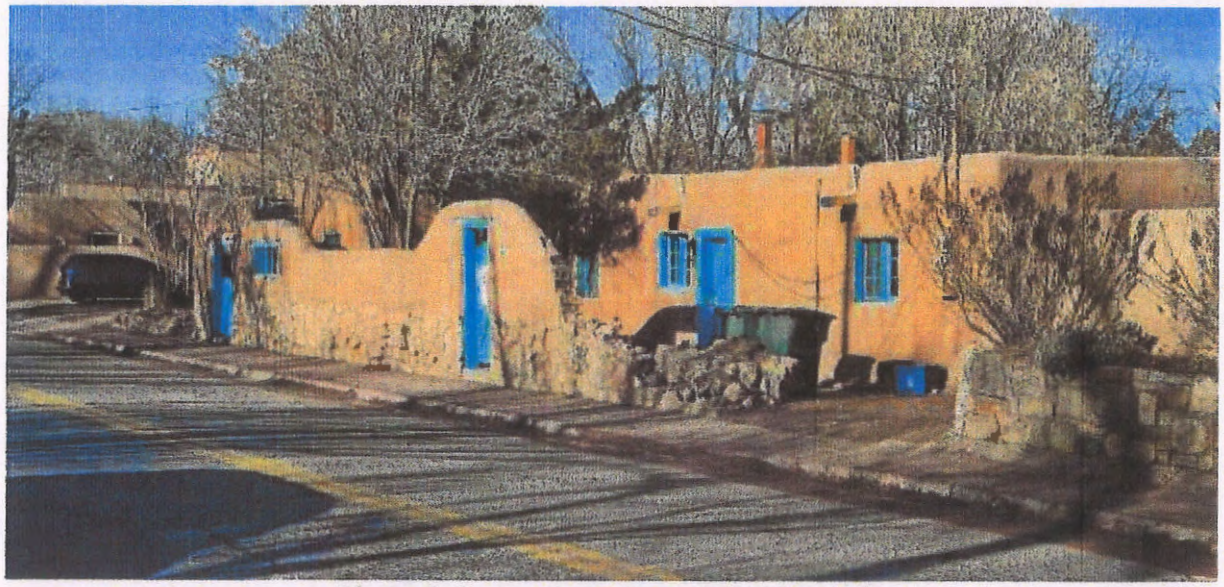


Photo 1: Street view. Camera facing north.
Damaged section in foreground.

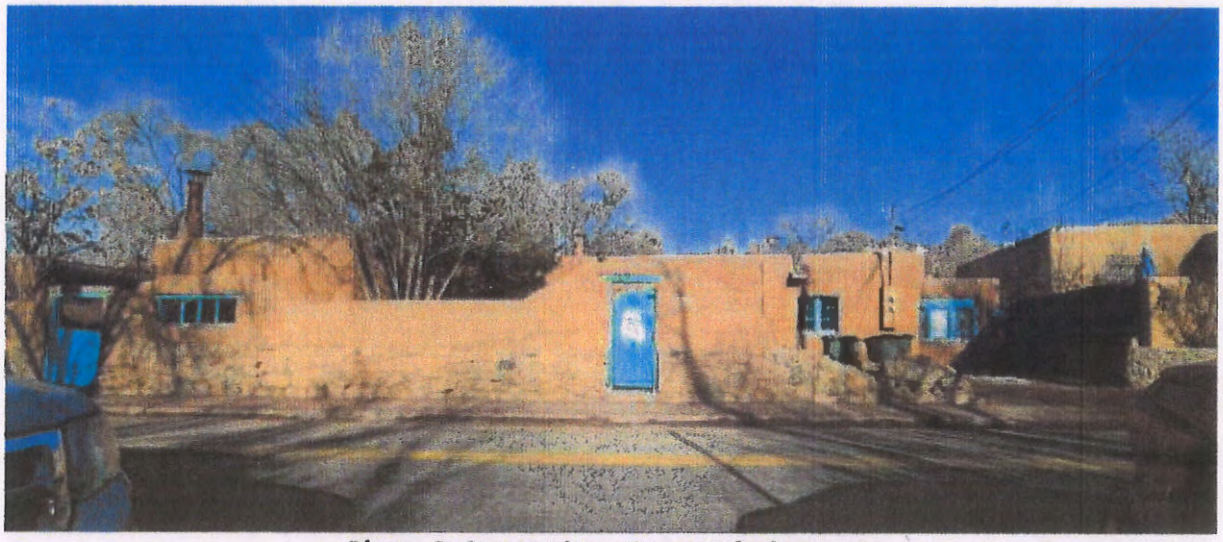


Photo 2: Street view. Camera facing east.
Pedestrian gate to house at center.

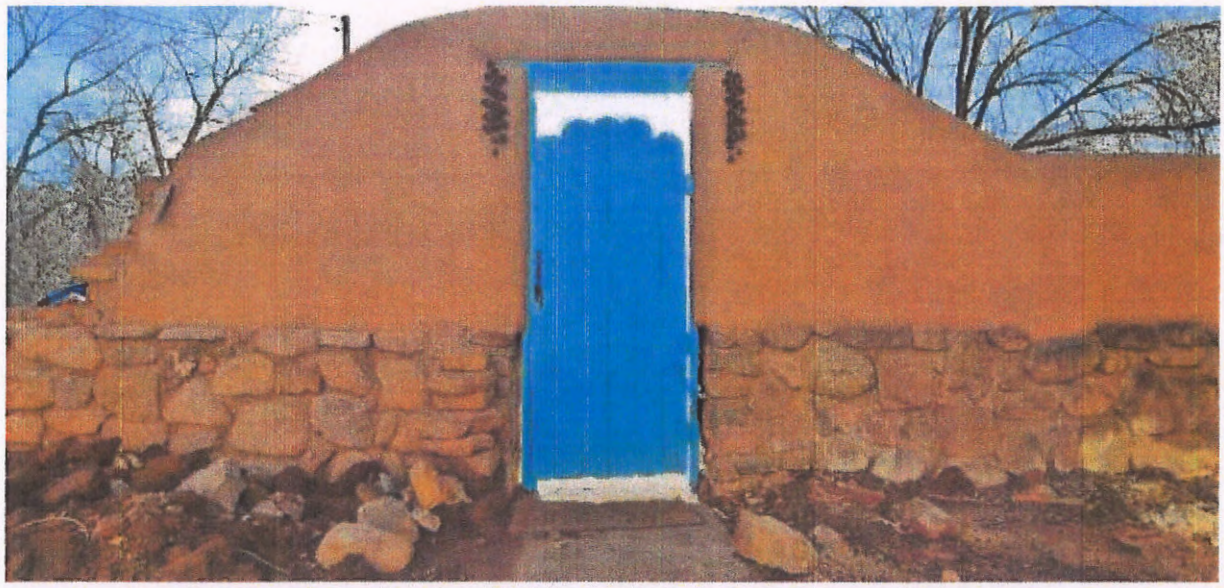


Photo 3: Back side of pedestrian gate to house. Camera facing west.



Photo 4: Undamaged stonework of lower portion of wall.

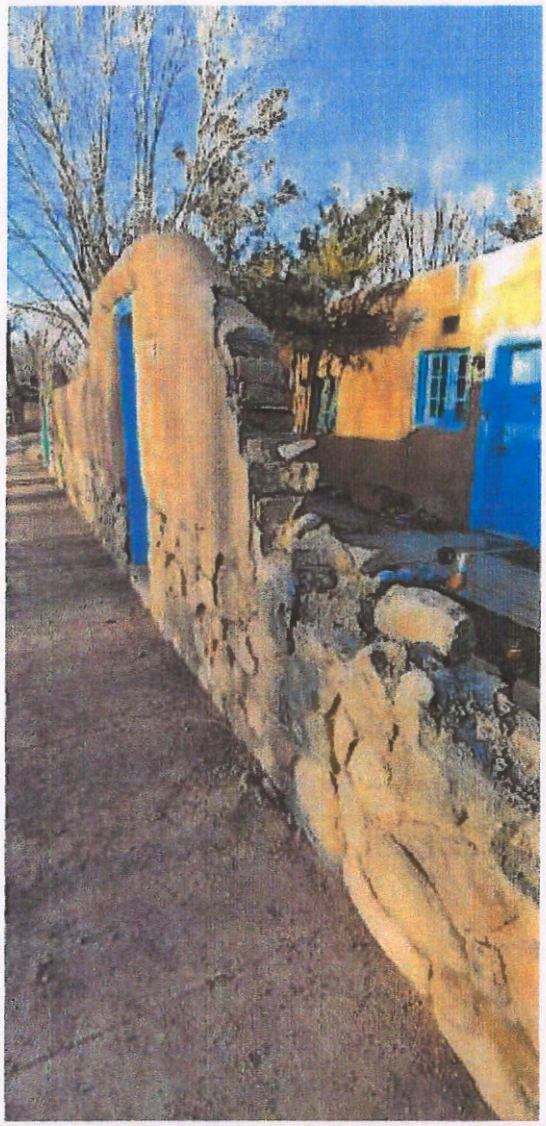


Photo 5: Damaged section of wall. Camera facing north.

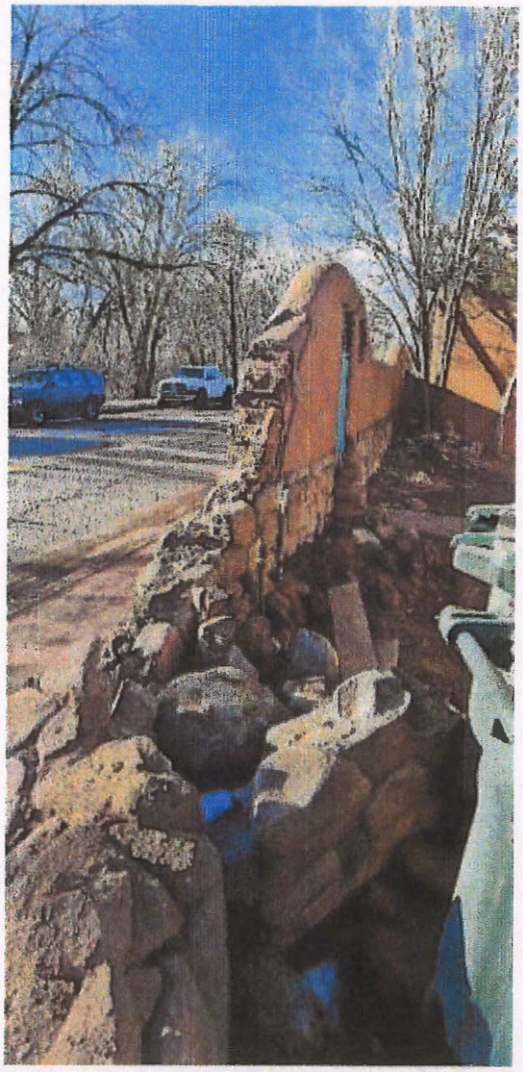


Photo 6: Back side of damaged section. Camera facing northwest.



Photo 7: Damaged section of wall, inside at meter. Camera facing southwest.



Photo 8: Composition of upper portion of damaged section of wall. Camera facing northeast. Note adobe block and layers of stucco.

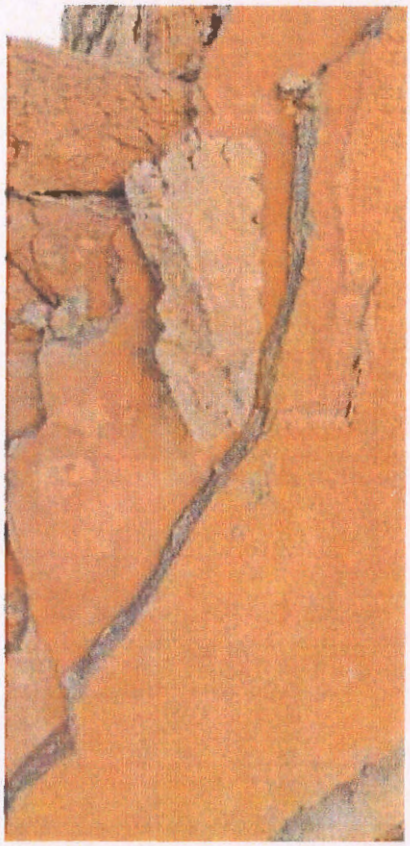


Photo 9: Back side of portion shown in above photograph. Note layers of stucco and chicken-wire concrete.

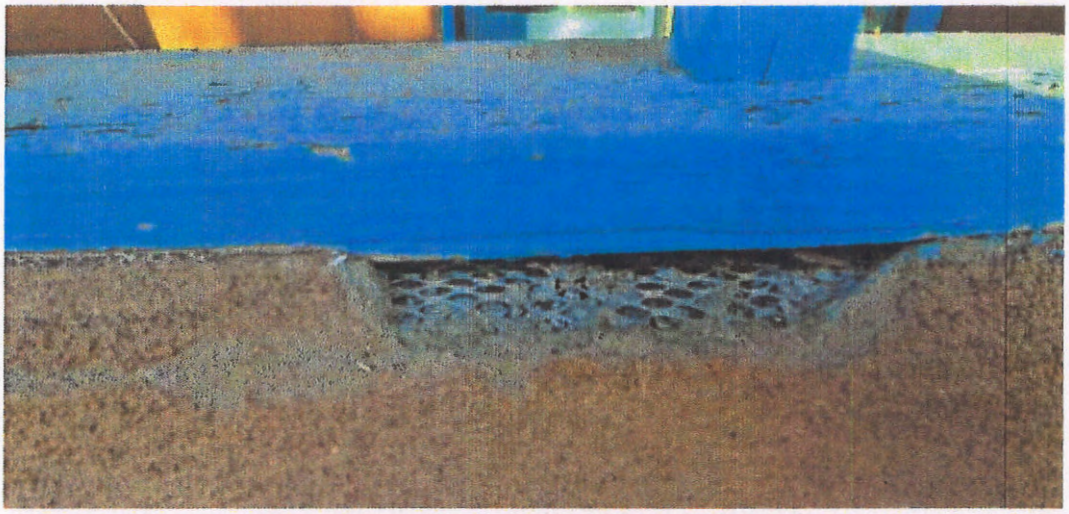


Photo 10: Exposed stucco lath at "window". Camera facing east.

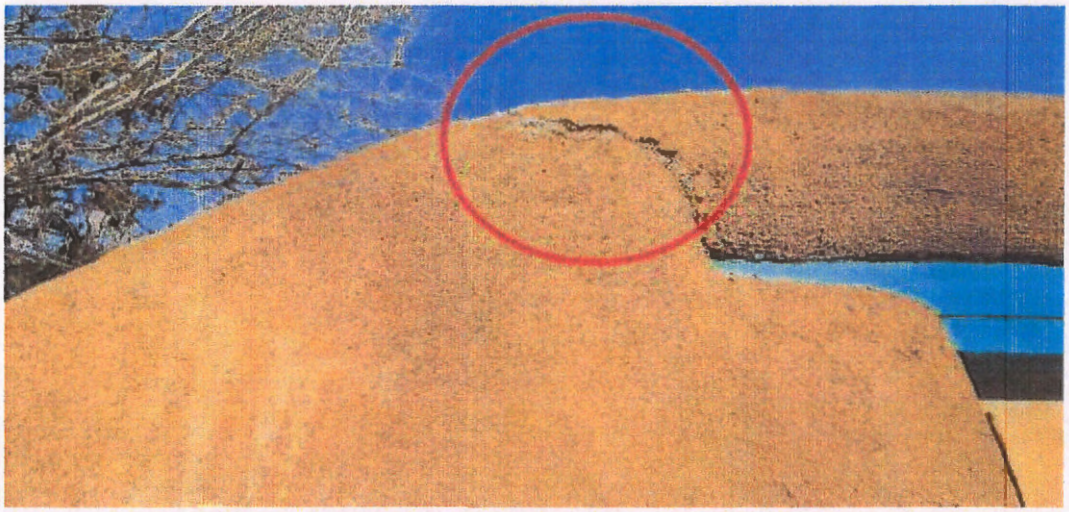


Photo 11: Fiberglass mesh netting at top of gate.


CITY OF SANTA FE
CITY OF SANTA FE

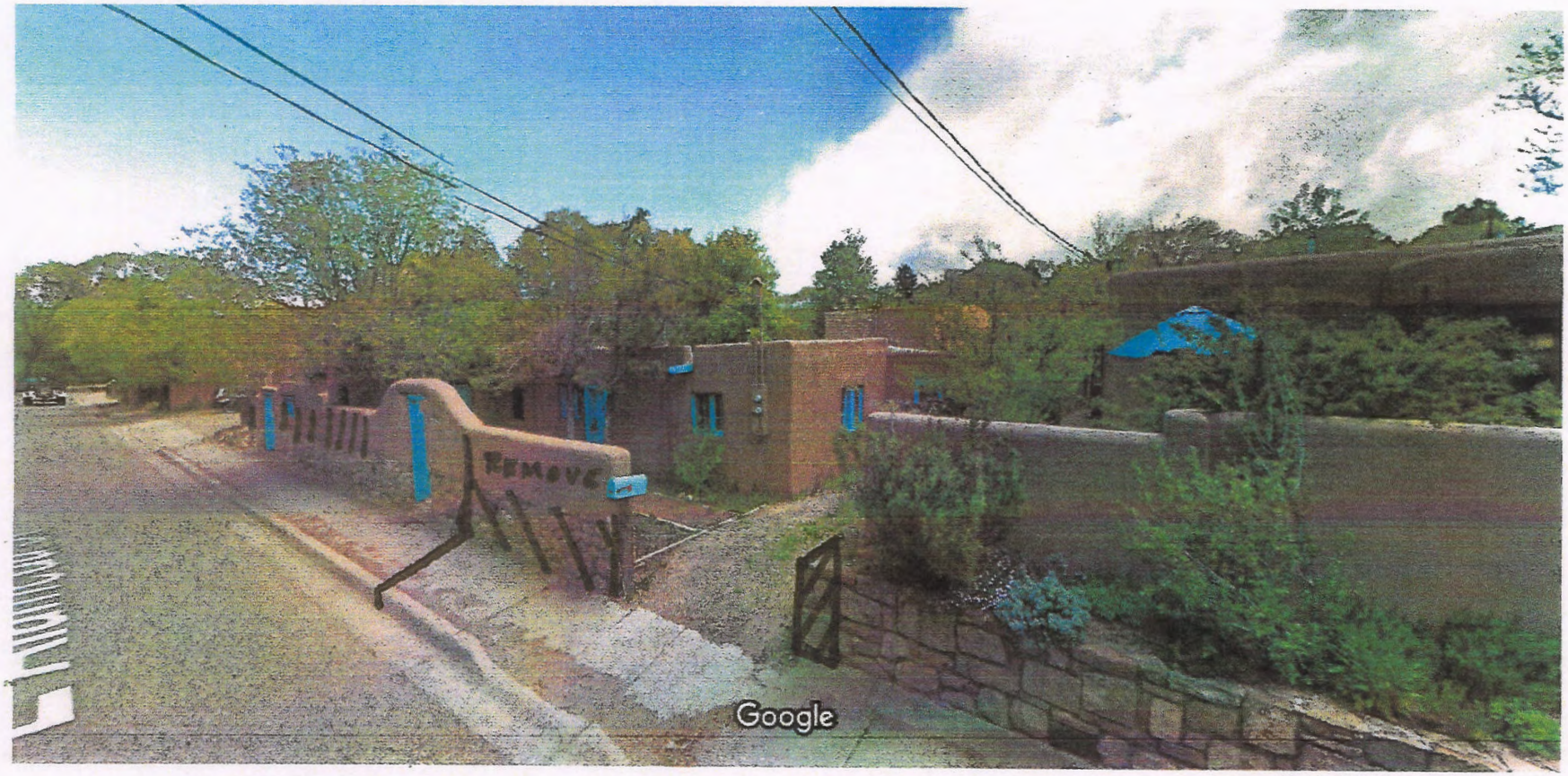
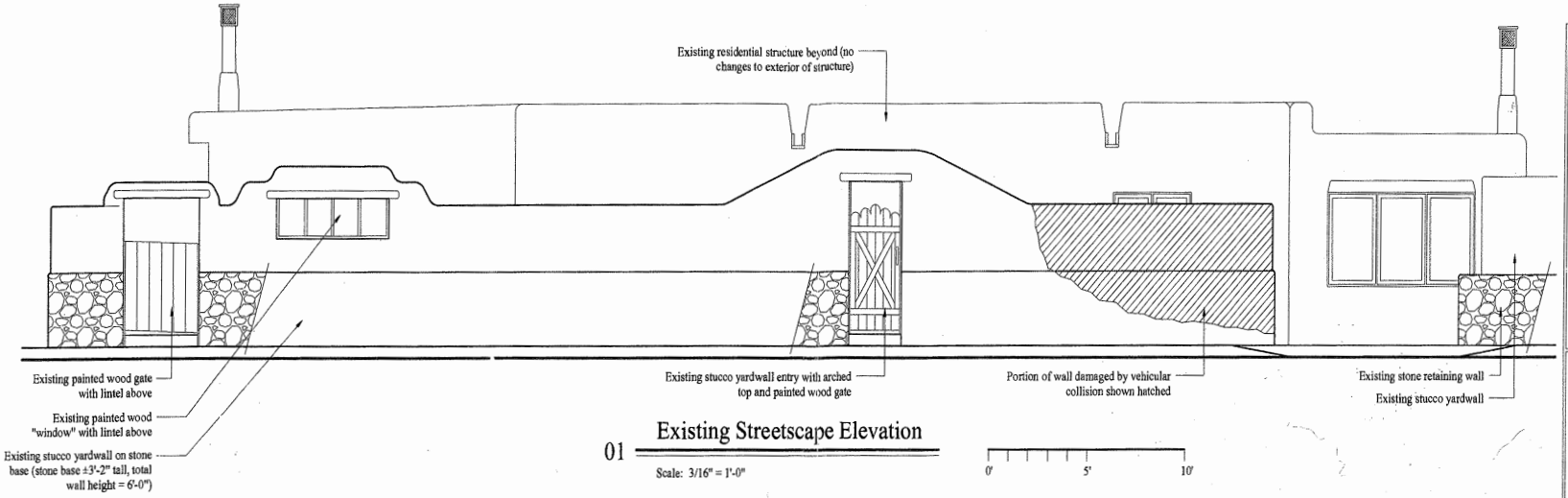
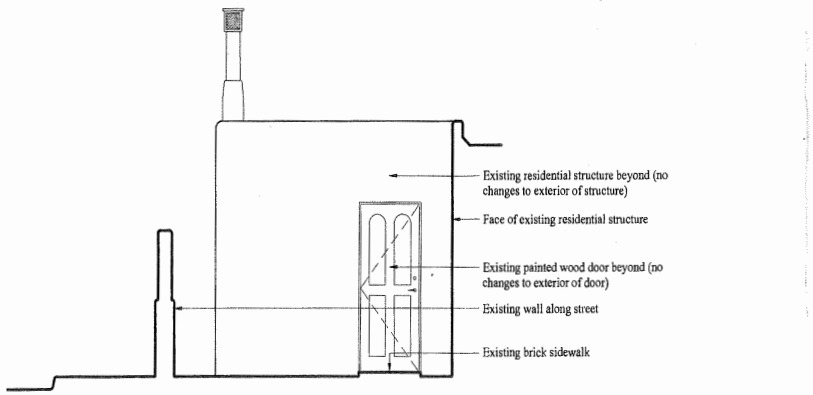


Image capture: May 2019 © 2020 Google



01 Existing Streetscape Elevation

Scale: 3/16" = 1'-0"



03 Existing Courtyard Elevation

Scale: 3/16" = 1'-0"

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Exterior Improvements

868 East Alameda Street
Santa Fe, New Mexico

Existing and Proposed Elevations

City of Santa Fe
HDRB Submittal

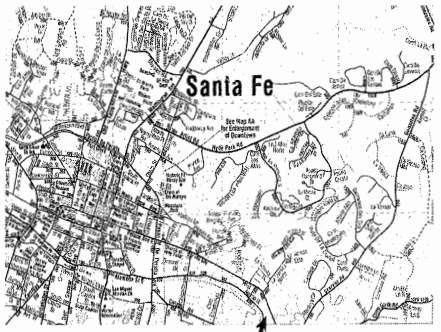
02/07/2020

3

Sheet 3 of 3

RECEIVED
FEB 11 2020
BY:

2-11-2020



Vicinity Map

North

Approximate line of 100 year floodplain (property lies within floodplan)

50.63'
N63°17'23"E

70.11'
S32°34'12"E

GM

Existing painted wood gate with lintel above

71.44'
N32°39'05"W

Existing painted wood "window" with lintel above

Existing stucco ye..owall on stone base (stone base ±3'-2" tall, total wall height = 6'-0")

Public Sidewalk

East Alameda Street

Existing stucco yardwall entry with arched top and painted wood gate

Existing private concrete sidewalk

Existing private brick sidewalk

Existing public sidewalk

Existing curb cut

O.H.E

Existing low coyote fencing (4'-2" above planter)

Existing 3'-0" tall stone planter

Existing stucco yardwall (4'-2" above planter)

Existing Residence

Lot Size
±0.083 acres
±3,605.5 SF

Existing interior courtyard wall

Existing yardwall on property line

12.37'

GM

EP

13.00'

13.67'

9.67'

2.00'
S33°30'54"E

25.00'
S63°00'01"W

1.31'
N25°03'24"W

25.67'
S62°08'39"W

1

3

0' 5' 10'

Scale: 1" = 5'-0"

Existing Site Plan

True North

RECEIVED
FEB 11 2020
BY:_____

Dolores I. Vigil
Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe NM 87504
(505) 920-6839
liaisonplanning@gmail.com

Liaison Planning Services INC.

Exterior Improvements

868 East Alameda Street
Santa Fe, New Mexico

Existing Site Plan

City of Santa Fe
HDRB Submittal

02/07/2020

1

Sheet 1 of 3

2-11-20

EXHIBIT

J

https://mail.google.com/mail/u/0/?tab=wm&ogbl#inbox/FMfcgxwGDDgXmVPzGgvHRgzpnTHhBJWQ?projector=1&messagePartId=0.1

1/29/2020

January 28, 2020

City of Santa Fe Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Letter of Authorization to Submit Applications for
868 and 868 ½ E. Alameda, Santa Fe, NM

Dear Staff:
This letter shall serve to grant Liaison Planning Services Inc. authorization to act as agent for purposes of submitting an application for Christine Halaburka located at the above referenced addresses.

Sincerely,

Christine Halaburka

IMG_0358.JPG

1/2

Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

To Be Completed By Applicant:	Site Address:
Date Submitted: 2/10/2020	868 E. ALAMEDA 868 E. ½ Alameda
Property Owner of Record: CHRISTINA HALABURKA	Proposed Construction Description:
Applicant/Agent Name: LIAISON PLANNING SVS. INC	REMOVE A PORTION OF WALL
Contact Person Phone Number: 505 920-6839	TOTAL ROOF AREA:

Zoning District: R-21

Overlay: □ Escarpment _____
□ Flood Zone*
□ Other: _____

Submittals Reviewed with PZR:
☒ Legal Lot of Record □ Development Plan □ Building Plans
☒ Existing Site Plan ☒ Proposed Site Plan ☒ Elevations

Supplemental Zoning Submittals Required for Building Permit:
□ Zero Lot Line Affidavit

Access and Visibility: ☒ Arterial or Collector**
☒ Visibility Triangle Required

Use of Structure: ☒ Residential
□ Commercial Type of Use: _____

Terrain: □ 30% slopes _____

* Requires an additional review conducted by Technical Review Division.
** Requires an additional review conducted by the Traffic Engineering Division

Lot Coverage: N/A % NO CHANGE
□ Open Space Required: _____

Setbacks:
Proposed Front: _____ Minimum: _____
2nd Front? _____
Proposed Rear: _____ Minimum: _____
Proposed Sides: L ___ R ___ Minimum: ___

Height: Proposed N/A
Maximum Height: _____ or
□ Regulated by Historic Districts Ordinance
□ Regulated by Escarpment District

Parking Spaces:
Proposed 2 Accessible N/A
Minimum: 2

Bicycle Parking:**
Proposed: N/A Minimum: _____
** Commercial Requirement

THIS REVIEW DOES NOT GRANT ZONING APPROVAL FOR BUILDING PERMIT. FINAL ZONING REVIEW WILL BE PERFORMED AT THE TIME OF BUILDING PERMIT APPLICATION.

DOLORES F. VIGIL [□OWNER □APPLICANT ☒AGENT]
PRINT NAME

hereby certifies that the information provided for preliminary zoning review is accurate and will not be modified without consulting Land Use Department staff prior to submittal for Historic Districts Review Board review.

SIGNATURE _____ DATE 2/10/2020

To Be Completed By City Staff:

Additional Agency Review if Applicable:
□ Escarpment Approval by _____ Date: __/__/__
□ Flood Plain Approval by _____ Date: __/__/__
□ Traffic Engineering Approval by _____ Date: __/__/__
Notes: _____

Zoning Approval:
☒ **Preliminary Approval □ with conditions □ Rejected**
Comments/Conditions: NO CHANGE TO BUILDING ON SITE * APPROVED BY HDRB WALL DEMO AND CONSTRUCTION

REVIEWER: _____ **DATE:** 2/11/2020

Original color form must be submitted with Historic Districts Review Board (HDRB) application packet.

Revised 1.14.13



Appeal #2020-2175-APPL; 868 E. Alameda (Halaburda)
Page 146 of 152

City of Santa Fe
Mapping the City Different

868 and 868 1/2 E. Alameda





Legend

- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- Rail Road

Notes

© Latitude Geographics Group Ltd.

376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Appeal #2020-2175-APPL; 868 E. Alameda (Halaburka)
Page 147 of 152

HISTORIC DISTRICTS REVIEW BOARD APPLICATION

PROJECT LOCATION: 868 E. ALAMEDA + 868 ½ Alameda

HISTORIC DISTRICT: (from attached map) Downtown & Eastside [X] Don Gaspar Area [ ] Westside-Guadalupe [ ] Historic Transition [ ] Historic Review [ ] Landmark (outside of historic districts) [ ]

PROJECT PROPOSAL: Remove Portions of Rock/Stucco Wall, Construct Coyote Fence

CONSTRUCTION COST: $ 12,000.00

BASE FEE: $ 250.- + **EXCEPTION:** $ / + **POSTER:** $ 25.- = **TOTAL:** $ 275.-

(base fee = ½ of 1% of construction cost, not to exceed $2,000 and not less than $250)

(each exception has an additional fee of $350) **($25 per poster with one (1) poster per street frontage)**

OWNER: CHISTINE HALABURKA **PHONE #:** (408) 596-0632

OWNER MAILING ADDRESS: 868½ E. ALAMEDA

CITY, STATE, ZIP CODE: SANTA FE NM 87501

EMAIL: chalaburka@me.com

AGENT: LIAISON PLANNING SERVICES INC. **PHONE #:** (505) 920-6839

MAILING ADDRESS: PO BOX 1835

CITY, STATE, ZIP CODE: SANTA FE, NM 87504

EMAIL: liaisonplanning@gmail.com

PREAPPLICATION MEETING: Date: 10/11/19 Case Planner: C. GEMORA

AFFIDAVIT TO AUTHORIZE SOLE AGENT (IF APPLICABLE)

I am./We are the owner(s) and record title holder(s) of the property located at: 868 E. Alameda

I/We authorize LIAISON PLANNING SVS. INC. DOLORES Vigil to act as my/our agent to execute this application.

Signed: _____ Date: 10/11/19

Printed Name: DOLORES I. VIGIL

I/We shall act as my/our own agent to execute this application.

Signed: _____ Date: 10/11/19

Printed Name: Christine Halaburka

****ALL signatures on this page must be original signatures (no copies, no digital signatures)**

Original form must be submitted with Historic Districts Review Board Application packet.

All documents submitted to the Historic Preservation Division are public record. HPD does not return documents.

Friday 10/11/19 10:30AM

Historic Preservation Division
Pre-Application Inquiry Form

RECEIVED
OCT 07 2019
BY: MS

Case Number: **2019-0001047-PAR**

Date: 10/2/19 Name: Dianes Vigil Phone: 920-6839

Email: liaisonplanning@gmail.com Alt/Cell:

Work Site Address: 868 Alameda

Proposed Work: East

15' Wall removal for Parking & Coyote Fence in Courtyard

Below for Staff Use Only:

Historic District: **Don Gaspar Area** ☐ **Downtown and Eastside** ☐

Historic Review ☐ **Transition** ☐ **Westside-Guadalupe** ☐

Historic Status ~~NC~~ Contributing HCPI# 284 **Red Flag** (over 50 years old) ☐

Primary Facades: **Red Flag** (Primaries not assigned) ☐

Alterations with Dates: Previous Admin/HDRB Cases:

N.

HDRB Hearing Required ☐ Resolve with Administrative Approval ☐

Assigned to: Carlos / Daniel

Special Instructions:

Building Height Calculation ☐ Wall/Fence Height Calculation ☐ Pitch Calculation ☐

Field Notes: Demolition ☐ Exception ☐ Status ☐
Street Frontages ____

Follow-Up:

Address: 868 & 868½ East Alameda Street

Hearing Date: March 10, 2020 Posters Required: 1

Posters Picked Up: 1 Will be Using Posters already own: ____Yes

I have received the public notice poster(s) and I agree to post notice of the proposed project on the site fifteen (15) days prior to the Historic Districts Review Board hearing. I am aware that a decision of the HDRB may be appealed by any aggrieved party within fifteen (15) days of the adoption of Findings and Conclusions.

Signature of Applicant/Owner

2/11/20
Date

DOLORES I. VIGIL
Printed Name Applicant/Owner

Appeal #2020-2175-APPL; 868 E. Alameda (Halaburka)
Page 150 of 152

EXHIBIT

K

Exhibit K: Decision Tree for 868 E. Alameda

Should the Governing Body Grant Retroactive Approval of the Demolition of the Legal Nonconforming Portion of the Wall, Which Is a Contributing Structure?

