



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
APRIL 08, 2021
6:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR SPECIAL 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 in excess of those permitted in the current Public Health Order, the Special 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.

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

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/91695212983?pwd=T3JyTThzdVJXM0w3cFdMTmJ0Y29hdz09>.

Passcode: 288184 – Webinar ID: 916 9521 2983

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **SALUTE TO THE NEW MEXICO FLAG**
4. **INVOCATION**
5. **ROLL CALL**



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6. APPROVAL OF AGENDA

7. PUBLIC HEARINGS

Please Note:

- *The five (5) related land use cases set forth below will be heard concurrently in a single public hearing.*
- *Some agenda captions have been slightly modified from their original version (as presented to the Planning Commission) in an effort to further clarify each caption and help distinguish each item.*
- *Due to the anticipated length and complexity of the hearing, the hearing will take place over the course of two (2) meetings of the Governing Body. The public comment portion of the hearing will take place ONLY at the first meeting, scheduled for April 6, 2021. Additional public comment will not be received at the second meeting, scheduled for April 8, 2021.*

- Case #2020-2898. North Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification from Low Density Residential (3 to 7 Dwelling Units Per Acre) to High Density Residential (12 to 29 Dwelling Units Per Acre) for Approximately 13.3 Acres at the Northwest Corner of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- Case #2020-2914. South Zia Station General Plan Amendment.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Classification for Approximately 1.9 Acres from Low Density Residential (3 to 7 Dwelling Units Per Acre) to Transitional Mixed Use at the Southwest Corner of Zia Road and Galisteo Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre) and are within the South Central Highway Corridor Protection District. (Lee Logston, Case Manager, lrlogston@santafenm.gov, 955-6136)
- Case #2020-2900. Zia Station South Central Highway Corridor Overlay Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning to Amend the Boundaries of the South Central



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Highway Protection Corridor to Exclude Two Properties at the Northwest and Southwest Corners of St. Francis Drive and Zia Road from the Overlay District. The properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

- d. **Case #2020-2899. Zia Station General Commercial Planned Unit Development Rezoning.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests a Rezoning from R-1 (Residential- One Dwelling Unit Per Acre) to C-2 PUD (General Commercial- Planned Unit Development) for Properties Located at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The Properties are Zoned R-1 (Residential- One Dwelling Unit Per Acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)
- e. **Case #2020-2901. Zia Station Preliminary Development Plan.** JenkinsGavin, Inc., Agent, for Zia Station, LLC, Owner, Requests Preliminary Development Plan Approval for a Mixed-Use Planned Unit Development to be Developed in Two Phases. The Planned Unit Development will be Comprised of Approximately 384 Dwelling Units, 84,000 Square Feet of Office Space, and 36,000 Square Feet of Restaurant/Retail Space at the Northwest and Southwest Corners of St. Francis Drive and Zia Road. The properties are zoned R-1 (Residential- one dwelling unit per acre), are within the South Central Highway Corridor Protection District, and Comprise a Total of Approximately 22.7 Acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136)

8. 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



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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.

SUMMARY INDEX
Governing Body
April 8, 2021

ITEM	ACTION	PAGE
1. Call to Order	Convened at 6:02 p.m.	1
2. Pledge of Allegiance	Led by Councilor Villarreal	1
3. Salute to the State Flag	Led by Councilor Garcia	1
4. Invocation	Led by Councilor Vigil Coppler	1
5. Roll Call	Quorum Present	1-2
6. Approval of Agenda	Approved as presented	2
7. Public Hearings		
a) Case #2020-2898 North Zia GPA	Approved	2-35
b) Case #2020-2914 South Zia GPA	Approved	2-36
c) Case #2020-2900 Zia SCHC Rezone	Approved	3-36
d) Case #2020-2899 Zia PUD Rezone	Approved	3-36
e) Case #2020-2901 Zia Dev. Plan	Approved	3-37
20. Adjournment	Adjourned at 1:14 am	37

**Minutes of the
Special Meeting of the Governing Body
Tuesday, April 8, 2021
Virtual Meeting**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Wednesday, April 8, 2021, at approximately 6:02 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 Garcia.

4. INVOCATION

The Invocation was led by Councilor Vigil Coppler.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

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 Carol Romero-Wirth
Councilor JoAnne Vigil Coppler
Councilor Renee D. Villarreal

Members Excused

Councilor Signe Lindell
Councilor Christopher M. Rivera

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager
Erin McSherry, City Attorney
Kristine Bustos-Mihelcic, City Clerk
Lee Logston, Planner Senior
Sally Paez, Assistant City Attorney
Elias Isaacson, Land Use Director
Noah Berke, Planner Supervisor
Alexandra Ladd, Affordable Housing Director
Carl Boaz, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the agenda as presented.

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

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

Against: None.

7. PUBLIC HEARINGS

- a. **Case #2020-2898. North Zia Station General Plan Amendment.**
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Mayor Webber outlined the procedure for this public hearing, including disclosures, if any, a presentation by Staff, and then questions from the

Governing Body to the DRT through Mr. Logston, which would be organized by topics. He listed Affordable Housing, Project Density, Arroyo, Stabilization, Traffic Circulation and Production, Pedestrian and Bicycle Safety, Building Heights and View Corridor, Legal Criteria for Rezoning, and Other Questions.

DISCLOSURES

There were no disclosures.

STAFF RECAP REPORT

Mr. Lee Logston shared his screen and recapped the case reports. He noted the sequence of cases builds on the previous. In Case #2020-2898, the North General Plan Amendment from low density to high density for 13 acres. Case #2020-2914 – South General Plan Amendment, is from Low Residential to Transitional Mixed Use. Case #2020-2900 is the SCHC boundaries amendment request. Case #2020-2899 is to rezone from R-1 to C-2 PUD for the entire property. Case #2020-2901 is the Preliminary Development Plan for mixed use development in two phases 384 dwelling units on 84,000 square feet for residential and some restaurant/retail uses.

He clarified that If the SCHC amended boundary is denied, then zoning must also be denied. He would offer more information at each case. The packet included sample motions. He introduced Afshin Jean and Bill Craven and David Harris, who were present from the New Mexico Department of Transportation, and Trent Thrasher from Wilson & Company who did traffic analysis.

QUESTIONS TO DRT

Councilor Garcia recalled from the last meeting, Mayor Webber had asked Council members to forward questions to Mr. Logston. He asked if the Governing Body could hear what Councilors had asked and the responses given.

Mayor Webber said the questions were assembled, but answers are to be given here at this meeting.

Mr. Logston said he did answer a question from Councilor Garcia, and he met with Councilor Villarreal for a discussion, but she will ask her question here, as well as Councilor Cassutt-Sanchez who submitted an extensive list of questions.

Affordable Housing Questions

Councilor Villarreal said it would be helpful to understand how the inclusionary zoning ordinance functions for multi-family development and why there is a ten-year limit on affordability.

Mr. Logston referred the question to Director Ladd.

Director Ladd explained that the premise behind it is that the creation of market-rate units requires affordable rate units. It works well for ownership but harder to work with rentals because the loss restriction doesn't happen once but month after month after month. So when the developer gets financing, they can show their project earns money so bank knows it can be repaid. With rent restrictions in place with an entity not set up to manage the units or needing income certification we are asking the owner to choose their very high density and not our market. So we have struggled for years to make rental side affordable housing work. With the Inclusionary Zoning in 2006, we did not have any builders doing rental apartments for over a decade. Coming out of the recession and realizing we had a shortfall in inventory, we documented 2,600 units. The high end, we would not support but those people have few choices, and it is a shortage. We have some people paying way too much for rent. Santa Fe has the highest rate in the state. So we created options that went beyond the fee in lieu of option for how the restriction would work at 15% or a hybrid of units and fee in lieu of.

Councilor Villarreal thought HUD had a different time period of 15 years.

Director Ladd said the period for subsidized affordability is dependent on the source of the subsidy. Originally it was 15 years and now most subsidy programs are 30 to 40 years. But this is not a subsidy program. The renters will be work force renters who don't want to live in a converted garage or some others. They cannot afford the rent here, so a ten-year term was chosen to help them be able to get stabilized.

Once a rent restriction is required, that unit will be restricted, and the bank lender wants to see the end of it. At 30-40 years, the bank is worried they may not get repaid at all. Because the renters are higher level, at the end of ten years, they have options and mobility. Because this is our first time, the language is not finalized yet.

Councilor Villarreal asked if she wanted to add to that process at the end of ten years.

Ms. Jenkins said the ten-year plan is straight out of Chapter 25 in City Code that a relocation plan is required and obviously is the right thing to do. So we make that commitment.

Councilor Villarreal asked if the development has 39 affordable units.

Ms. Jenkins agreed.

Councilor Villarreal asked if they were located in both town homes and apartments.

Ms. Jenkins said affordable units are spread among all housing choices.

Councilor Cassutt-Sanchez asked, with 120% units for 10 years, if the occupant wanted another option, whether that could be considered.

Director Ladd explained that the developer enters into agreement with the City and which is filed with development documents with the County Clerk and that obligation is transferred with the title. We have had some conditions changing drastically and amendments are permitted but usually it is just which lots are affordable. And it must go through the City's approval process. By Code, the City Manager is authorized for that, so an amendment would be approved by the City Manager. But for something that is not in Code, it would come to the Governing Body for approval.

Ms. Jenkins responded that in the event we would propose a change in the AH program, even though not an alternate plan, we would bring it to the Governing Body voluntarily.

Councilor Cassutt-Sanchez asked if that would need to be in writing.

Ms. Paez said it could be a condition of approval in a motion later on.

Councilor Cassutt-Sanchez hoped for more discussion on housing needs in the City - more than the 2600 units mentioned.

Director Ladd said the best study is an apartment study by CCRE that Albuquerque does each year. They are surveying all members of the Apartment Owners Association. It reveals trends over time. It will change this year, but Santa Fe has been at functional zero for the past several years.

Councilor Cassutt-Sanchez observed lots of discussion about the frustration of the public. She hoped to hear why the AH Trust Fund is important.

Director Ladd said it was a great question. Because these are local funds, the use is codified in our Code so it is very regulated. But we can build in lots of flexibility which we could never be able to do with federal money. Also, on the provider side, it helps with applications for other funding sources. And we show a 3-1 leverage ratio. That creates a bigger impact for the funds instead of just a dollar-for-dollar investment. The fund can be used for direct assistance - typically renter's assistance and can be flexible with income criteria. We have used rental assistance for down payment buy down. No payment and no interest. That leverages the market with impact. Third is for home repair and sometimes loans. Most are grants for very low income people – usually elderly women. The funds can be used for construction, rehab, and related construction costs to preserve AH.

Councilor Garcia asked Staff if there was anything to prohibit an applicant from offering 30-40 years or anything above the baseline of ten years.

Mr. Logston said in the end, it is project financing. They are subsidized for a certain length of the financing. At the Planning Commission, Daniel Werwath stated the units at Siler Yard were slated at 40 years affordable, and he thought they would need to revisit that to renegotiate their financing.

Director Ladd clarified the ten-year period is in our Code so we could not ask anyone to provide more than that. The developers we met with felt that was the best length. Doing it through market rate is not the way to go. We have many that are amazing and Civic Housing did good job on translating some for very low income residents. It provides rent subsidy for some very low-income renters. She was not sure a longer time frame would even be enforceable. If a developer offered a 15-year subsidy, we could consider it as allowable under the Code.

Councilor Garcia recalled a 15-year program was originally proposed. He asked Ms. Jenkins why it was changed to 10 years.

Ms. Jenkins said they have been working closely with Director Ladd for a program that works for the City and for this one. We first proposed 5 years, but in further discussion, we were sent back to the drawing back and pivoted back to the ten-years as required by the Ordinance. It was never 15 years.

Councilor Garcia asked if the Developer would agree to a longer term.

Ms. Jenkins said this program, as proposed, is difficult. They felt they could do this as it is and did not believe a time frame beyond ten years would be feasible.

Councilor Garcia asked the City Attorney if that was something the Governing Body could stipulate for a relocation process. Talks can break

down. He asked if that could be a requirement and include it for sure as a process.

Ms. Paez was not that familiar with inclusionary zoning in the Code.

Ms. Jenkins read from Section 26.129B the specifications.

Ms. Paez didn't see that as a condition but will be in the code requirements.

Councilor Garcia understood and had no further questions on this topic.

Ms. Jenkins, in response to Councilor Vigil Coppler, said the Santa Fe Homes Ordinance must be imposed first. Everyone is sharing the same amenities in the complex so there is no distinction of affordable units from market units.

Councilor Abeyta asked what happens when tenants change.

Ms. Jenkins said that code section says ten years from the date the facility is fully leased. That is when the clock start ticking. So some will have longer than ten years.

Director Ladd added that when a tenant moves out, the new tenant moving in is certified.

Councilor Romero-Wirth said the Governing Body heard that without a third story, there could be no AH units. She asked what that does to the fee in lieu of amount.

Ms. Jenkins said, from their standpoint, it is not just about losing those units but about the entire economics of the project. She could crunch those numbers, but the impact was not fully determined yet. There is just not enough room to make AH work without the third story.

Councilor Romero-Wirth was trying to understand if there was another way to do it, understanding the economic considerations.

Ms. Jenkins agreed it is an important conversation.

Councilor Abeyta understood sometimes people qualify because of children. He asked which schools would serve this development.

Ms. Jenkins said they were Chaparral, Milagro and SFHS.

Councilor Romero-Wirth said she would still be interested in the amount required for fee in lieu for the whole project at two-stories.

Ms. Jenkins would calculate it.

Director Ladd estimated it at \$1,400 per unit.

Ms. Jenkins said at 384 units, it would be over \$500,000.

Councilor Garcia asked about unit count without a third story.

Ms. Jenkins said it would be 348 units.

Project Density Questions

Councilor Romero-Wirth asked if the number of units can be achieved on the property without a third story.

Ms. Jenkins said they studied that. Unless the units got very small, it would not be achievable. The north phase is 100% residential (north of Galisteo) and the south has 2 and 3 story units. The arroyo and stormwater collection areas are not developable and the plan doesn't have much excess parking.

On the south side, they wanted as much parking as possible in structures and some underground. The dark brown buildings are all 2-story with 3-story units along St. Francis. The town homes face Galisteo with on-street parking and garage access on the alley. These are not big buildings, but there are not many opportunities to expand horizontally. The site is appropriately dense for infill. The open spaces and green spaces are important. She pointed out the access points for the underground parking. Although accommodating vehicles, this plan emphasizes pedestrians.

Councilor Romero-Wirth asked why there couldn't be more underground parking to achieve 136 units.

Ms. Jenkins said underground parking on the north side was not feasible.

Councilor Romero-Wirth asked if they could forego some open space.

Ms. Jenkins said the arroyo and stormwater management area cannot be used for development. This design is very efficient, and many units are accessed on the inside to get the density we need to achieve. Underground costs \$55,000 for each unit.

Councilor Romero-Wirth asked if the economics could work, with more residential instead of commercial.

Ms. Jenkins said it was an interesting question. She would consult with her team about it. One great thing about mixed use is that it creates great flexibility to meet the market demand. Right now it is more residential. Also consideration about traffic needs to be considered. She asked to come back with a response for that.

Councilor Abeyta was curious about housing trends as it relates to Millennial and Gen Z populations. Most don't want the typical 3-bedroom house with front and back yards. Kids don't want that kind of house today.

Ms. Jenkins agreed and said that informed their thinking. We hear a lot anecdotally. This is part of a spectrum. There is high desire for mixed use, walkable, low maintenance with public transit access. They studied all of that to inform this design. Whether young people or older professionals without children who love walkability. At the Railyard Flats, they were amazed by the demographic. 23- to 83-year-olds live there for their own reasons. – beautiful space, modern space, walkways. It is not for everybody and we are not doing it for everybody.

Councilor Garcia thanked Councilor Abeyta for that relevant question. He thought Millennials were interested in high-end homes.

Councilor Abeyta said many cannot afford more traditional homes.

Councilor Garcia asked for a breakdown of units on south and north.

Ms. Jenkins said the north part has 284 apartments and 14 town homes. The South has 14 town homes and 112 apartment units in 2 or 3 story.

Councilor Garcia reasoned that retail makes up some on the south side. He had the same interest in design for all at two-story and being able to work within current code and probably could make it financially feasible.

Ms. Jenkins reminded him that within the SCHC, in addition to height, requires 50% dedicated to open space. So all parking and all building that is not landscaped area would need to be concentrated.

Councilor Garcia asked if that is for 100% residential.

Ms. Jenkins said mixed use is 35%. We are at 42% on south and 28% on the north right now.

Councilor Garcia surmised it is impossible to meet the open space requirement.

Ms. Jenkins agreed. They could not achieve the residential units and meet the space requirements.

Councilor Garcia saw the south is very dense and north side less dense.

Ms. Jenkins said in the design, there are 45 residential units on third story and all are on the south side in buildings H, I, J, K, and L.

Councilor Garcia found it hard to believe it could not be met. He understood the orchard and water park that were wanted.

Ms. Jenkins said it is in the water retention area and all fed by water harvesting and an opportunity to densely landscape. They analyzed a potential for a parking structure and the numbers would not work. If the numbers did work and could achieve with higher density, they would have come with that type of project. Underground parking in multifamily units do not work in Santa Fe.

Councilor Garcia understood. He asked if the underground and one-story garage could be implemented on the north side also.

Ms. Jenkins said adding an above ground structure would not be feasible and it would be a really big structure.

Councilor Garcia asked Ms. Paez about questions on financial feasibility for underground parking.

Ms. Paez said part of the Code precludes that in a rezoning case. She quoted from the Code and said the Council can talk about general feasibility, but specifics are off limits.

Councilor Cassutt-Sanchez asked for density terms.

Ms. Jenkins said overall, it is a little over 18 units per acre. The north is 24 du/acre and south is 14 du/acre. If limited to two-story buildings, the south would be 9 du/acre and north would be 14 cu/acre.

Councilor Cassutt-Sanchez thought in the conversation of making up units Ms. Jenkins said density would need to be very high. She understood in trying to make up units, it would still need the Governing Body to remove the SCHC restriction. She asked if that was correct.

Ms. Jenkins said they were requesting C-2 PUD and the SCHC limits to 21 du/acre and low income at 24 du/acre. There is also the open space requirement at 50% on the north and this is at 37.5% which is under C-2 and on the south is 42%. So we cannot have a significant density increase

and could only achieve it if one-third of the buildings are 3-story with appropriate setbacks. Density and height are two sides of the same coin. These things are essential for quality of life. They did a huge amount of study to achieve this result. “As you can see, the only element we are not in compliance for SCHC are the 3-story buildings. And on the north, those are lower than St. Francis.”

She showed a rendering of the northwest view that showed how each story is stepped back and only 17’ visible from St. Francis. On the south, only 15’ would be seen from St. Francis. The setback is 130’ from the corridor of St. Francis. She explained how the project relates to surroundings at heights. She showed that the three-story was a lower altitude than Albertsons.

Councilor Vigil Coppler said Millennials still want livable, walkable sites and transportation available so not need for a car. In the study of Midtown Link, the study of what Millennials want was considered. It was important at the time and still is. The Midtown Link was about creating neighborhoods and this plan addresses that. She related it to Nob Hill in Albuquerque and noted those projects are doing very well. She agreed with Councilor Abeyta.

Mayor Webber asked Mr. Logston how he would categorize this density.

Mr. Logston said it is on upper end of density we allow (up to 29 du/acre) and have approved some as high as 60 du/acre. He pointed out that when taken as a whole, this plan meets SCHC density. There are higher densities than this proposed in the City.

Mayor Webber asked where we would see what you call townhomes in Santa Fe.

Ms. Jenkins said across the street. It is an attached row house. They are seen in Tierra Contenta also. But we propose them as rental homes.

Mayor Webber asked how would be a target customer.

Ms. Jenkins said it is a diverse target. She listed some and said they are hitting a lot of elements in our community.

Mayor Webber noted Ms. Jenkins had mentioned some buildings could be adapted to other uses as the market reveals more housing. If that happens, he asked if the Developer would owe more in Fee in lieu of.

Ms. Jenkins said the ordinance does talk about conversion to other uses. There is a similar provision for commercial to residential. But the number of units in PUD establishes a maximum number of units, and maximum sizes. There is the opportunity for it to be a bit organic which is a great thing.

Mayor Webber liked the point for flexibility, but asked if she had a plan with calculations.

Ms. Jenkins said if they end up with less than 112 units on the south, they won't ask for money back.

Arroyo Stabilization

Councilor Villarreal asked, in considering the thousand-year storm event, whether the Governing Body needs to consider more severe storm events with climate change. The flooding in this area caused damage and severe erosion. She thought it in the best public interest to consider the base analysis being higher. She asked what they used for the analysis.

Ms. Jenkins pointed out that none of the storm water on the north side was going into the arroyo. She showed the arroyo and the old trestle. She showed the 90-degree turn. In conversation with City Staff, they agreed to stabilize that area on the existing condition. The bank stabilization plan is not done yet. Under current City Code, all is based on a hundred-year event. And Staff asked us to run a 500-year event. Ms. McDonald is very familiar with that site.

Councilor Villarreal wanted to know why the City holds to a hundred-year event when the tunnel north of there was completely filled with water at the last major event.

Ms. Dee Beingessner said the Code only requires provision for a 100-year event and the ponding complies. The bank stabilization comes from upstream and not the result of this development. It would have to address what is coming from developments upstream. She said the development upstream had ponds in the arroyo, but this development has no ponding in the arroyo.

Councilor Villarreal thanked her for the explanation. But she wondered how that 1000-year event could not affect this development, given the fact that they are so close to the arroyo.

Ms. Beingessner said she had not seen how it would affect this project and they are already doing arroyo stabilization.

Councilor Villarreal asked Ms. Jenkins why they would not consider a higher level.

Ms. Jenkins said they could offer a design for bank stabilization which will be part of the next submittal, and to run the analysis for a 500-year event to assure what would be constructed here would not blow out.

Councilor Villarreal suggested it was more to protect the development, but the damage was to the existing residents. The City needs to raise that level because of what we saw happen. She did not think a 100-year event was sufficient. Related to that, Mr. Grogan raised the prioritization for the pipeline.

Ms. Jenkins said Mr. Grogan characterized it and we have had numerous conversations with Mr. Grogan about it. She showed the natural gas pipeline and the culverts to direct the water below. Mr. Grogan felt the culverts were undersized and they might be. The City did a study, and the preliminary analysis was that they could be undersized. The water does slow down there, and the smaller culverts exacerbated the speed of the water. Our consulting engineers do not share Mr. Grogan's analysis. We alerted the gas company to the concern and they said they were at the table to address it. It is not on the applicant's property. The irony is that the culverts actually slow the water down. She offered to have her engineer address it.

Councilor Villarreal thanked her.

Councilor Romero-Wirth quoted from the analysis and said, to be clear, that Ms. Jenkins is not in agreement with what Grogan wants to be added to condition 12.

Ms. Jenkins agreed. She was not sure his analysis is correct.

Councilor Romero-Wirth pointed out that Mr. Grogan intimated you were in agreement.

Ms. Jenkins said they had many positive conversations. She agreed to be at the table and collaborative and whatever is done would be with the Gas Company. At no time did she agree to commit to the responsibility for that condition.

Councilor Romero-Wirth asked if it would be okay to put her language into the condition rather than Mr. Grogan's.

Ms. Jenkins agreed. That effort needs to be coordinated among the stakeholders.

Traffic Circulation & Bicycle and Pedestrian Safety

Councilor Garcia observed there were a lot of comments regarding traffic. The project will change traffic flow significantly, especially with no left turn from the south. He asked if the TIA only dealt with the proposed project area.

Ms. Jenkins said it did not just deal with proposed project area with its scope. She shared her screen on the traffic study parameters. She said they worked closely with John Romero and with NMDOT and she identified the eight intersections that were studied. All were conducted pre-COVID.

Councilor Garcia asked her to go further in the study.

Ms. Jenkins said in addition to vehicles, it counted cyclists and pedestrians. The counts also took into account the train as it moves through the area. It does affect things. All of those were part of the analysis.

Councilor Garcia pointed out that the Governing Body heard from folks that they can no longer make any left turns, must use alternative routes down Galisteo or else cut-through routes would be used.

Ms. Jenkins compared before and after development. The proximity of Galisteo to St. Francis meets no standards. It is much too close and creates a space issue with cars backing up at the tracks or St. Francis. So the solution was to redesign Galisteo and pull it away from St. Francis. It allows a lot more storage as vehicles approach St. Francis. It includes three left turn lanes from 93 feet to 375 feet which is a huge benefit and increases safety with relocation. We advocated for signalized intersection at Galisteo and Zia and were denied because it was still too close. We must meet signal volume criteria (warrant) and if not met, federal regulations say no signal could be installed. There was not enough traffic on Galisteo to warrant a signal. So it has a limitation on access at the intersection. The only prohibited turn from Galisteo is left onto Zia from both directions. It is the same as at GCCC and at the new Presbyterian Clinic. The City would never allow left turns if the present Galisteo location were built today. U turns to accomplish left turns are a safer alternative.

Councilor Garcia asked if the TIA dealt with pedestrians stopping traffic. Is that how this cross walk would operate?

Ms. Jenkins said they really wanted a safe way to cross Zia without going all the way to St. Francis. It is a win-win. The median serves as a pedestrian safety zone in a two-stage crossing (a pedestrian median refuge). She explained how it would work.

Councilor Garcia asked about preventing a driver from trying to turn left after the intersection into a left turn lane going the opposite direction.

Mr. Eric Wrage was sworn and gave further explanation on Councilor Garcia's question that it was by striping and signage.

Councilor Garcia thanked him. The additional factor here that it is not on Cerrillos Road. He wanted to make sure it will not be a bigger problem in the future.

Councilor Cassutt-Sanchez thanked Ms. Jenkins for the traffic analysis. She was curious about how Rail Runner frequency might impact this development.

Ms. Jenkins said with more frequency of stops, it would affect this intersection. The south phase would be developed in subphases and we have a requirement to update the traffic study with each phase completion to ensure the improvements being made are still warranted. The TIA update would take additional stops into account. But as we showed, the dramatic reduction would be a win. And improving ridership on the train is also positive.

Councilor Cassutt-Sanchez assumed the roadway improvements would happen first.

Ms. Jenkins agreed. Those would be part of Phase 1 construction.

Councilor Cassutt-Sanchez asked if they would also be able to make improvements to the intersection.

Ms. Jenkins- agreed, within restraints. And if they had to reduce the plan as a result of the TIA update, they would do so.

Councilor Cassutt-Sanchez went back to the critical mass for feasibility.

Ms. Jenkins explained "it is the nature of the beast and the traffic study informs the program. We designed after understanding the TIA results. It all happens together, and it is a risk, but we have confidence in the incredible results from the TIA."

Director Isaacson reminded the Governing Body that NMDOT still needed to testify about that issue.

Councilor Cassutt-Sanchez noted the TIA has a technical piece she didn't understand.

Ms. Jenkins commented that with a project with multiple phases, if you push too much into the future, it loses validity. The intent is to project into the future but updating as we go. So that dilutes the impact with something more meaningful.

Councilor Cassutt-Sanchez asked if there were any other safety improvements Ms. Jenkins had not touched on.

Ms. Jenkins said yes. Everything in blue shows sidewalks in the network. The hot crossing is a big part. On Tuesday, she forgot to mention the MPO recommendation to allow bicyclists an easier and quicker way to get to the off-road trails. Everything internal to the project are new sidewalks.

She showed the proposed Zia Road Section across the frontage, showing vehicle lanes, bike lanes and new pedestrian sidewalks (8' wide on south). So the whole stretch of Zia road will be greatly improved.

Councilor Cassutt-Sanchez asked if those were in response to City requirements or offered on their own.

Ms. Jenkins said it was a little of both. They are exceeding minimum sidewalk requirements by quite a bit. Multiple new rail trail connection opportunities for the neighborhood are a big benefit.

Councilor Cassutt-Sanchez asked Erick Aune about the MPO network process. Since this is considered the most dangerous intersection in the country.

Mr. Aune said the MPO did a crash data analysis including multiple intersections impacted. There is a lot of data and was pre-COVID data for St. Francis and Zia Road. There were a number of crashes and learned the vast majority of them did not involve serious injury and did not involve bicyclists or pedestrians. St. Francis is not intended for those uses. Compared with other intersections with similar volume capacity, they often have traffic movements that result in crashes. The vast majority of motorists are tailgating. Also the number of folks commuting vs local drivers.

The bottom line at this intersection, given crashes, and design, is not different from other intersections.

Councilor Cassutt-Sanchez asked, based on the proposed improvements, what his thoughts were and how he thought those will impact safety.

Mr. Aune mirrored what Ms. Jenkins said. The MPO appreciated being asked to be involved. The MPO suggestions were supported by her. And the bottom line was that the number of lanes, including the Hawk signal,

were MPO suggestions and a game changer in the City limits. Also the relocation of Galisteo. We feel very comfortable with what is proposed to the Governing Body.

Councilor Cassutt-Sanchez said part of the reason for high volume on St. Francis was lack of another interconnectivity. She asked him how the City could do a better job on dispersing traffic around the City. She asked about the southeast connector that was mentioned.

Ms. Jenkins said the southeast connector is a new project that will help. The intent is to relieve traffic on Richards Avenue and drivers using Richards make a right on Rodeo as soon as they can. The project is funded by Santa Fe County and will have a positive impact.

Councilor Cassutt-Sanchez asked Ms. Jenkins to describe the realignment of Galisteo.

Ms. Jenkins explained the proposal requires vacating the existing alignment and the City needs to accept the new ROW. If the project receives approval, we will submit a formal request to vacate the ROW, it is a swap for the project and also dedicating more ROW for left turns. It would be on a parallel path with work on north and the realignment. We have worked closely with City Staff on it and following the process laid out in City Code.

Councilor Cassutt-Sanchez asked how that will impact people living on the south side.

Ms. Jenkins said the existing location will be open until the new location is ready to open. So it would have literally no impact or interruption to neighbors to access their homes or the Rail Runner. There will be flagmen during some work on Zia.

Councilor Villarreal noted that on the Zia access, there will be no left turn out of Galisteo anywhere. She asked what current and future residents will do to go west on Zia Road.

Ms. Jenkins indicated the planned route to go west on Zia was to go south on Galisteo to Rodeo. There would also be access to Chaparral. She showed the route to use Chaparral which would also serve Chaparral Elementary. But going to Rodeo would be faster and shorter.

Councilor Villarreal felt that should be required in the scoping.

Ms. Jenkins said they will have a very diverse demographic with one bedroom, two bedroom and studios. Connectivity is a double-edged sword.

New subdivisions are not allowed on a cul-de-sac by Code. Having opportunities to spread traffic out is part of a healthy network.

Councilor Villarreal recalled comments about pedestrian ways. She asked what the plan is for the side streets.

Ms. Jenkins said they are served by a sidewalk with crossing opportunities along Galisteo instead of having to go to Zia. They will offer to stripe crossings at the intersections if the City wants that. In some instances, it is not considered ideal.

Mr. Trent Thrasher was sworn. He is an employee of Wilson & Company and serving as consulting traffic engineer for the City until the position is filled. He said most housing will be on the west side. On the south side, the housing component is less, and they would take the route Ms. Jenkins noted students could cut through, which is only a half mile instead of a mile. Regarding cut-through traffic, he thought most residents would not perceive any difference in the amount of traffic. In his mind, the biggest draw would be from those students. Some would go through when they can't turn left on Zia. But most would go to Rodeo or back to St. Francis. He didn't think cut-through will be an issue.

Councilor Villarreal said that was helpful and thanked him. She was curious how this works when reviewing the TIA and how everyone communicates it. Everyone needs to be on the same page. She asked him to explain how they coordinate the review, concerns and ideas.

Mr. Thrasher said his comments went to Mr. Berke and City Staff who gathered data from all stakeholders. Often, the Applicant would come to the meetings for back-and-forth information to reach a final recommendation on what the Applicant needed to go forward.

Councilor Villarreal asked to address the DOT.

Mr. Berke suggested Afhsin Jean.

Mr. Afhsin Jean, NMDOT Traffic Engineer, was sworn. He said in 2007 and 2008 there were lots of communications among stakeholders and DOT was involved in the roadway studies. Despite what some might say, DOT doesn't keep analyses to themselves. We did analyses of railroads and pedestrians in the past but relied on developer and consultants for the analysis of the project.

Councilor Villarreal asked if he had any preliminary concerns.

Mr. Jean said they had lot of concerns when COVID hit, to change traffic patterns. So we had to go through a big process that helped but was lengthy. We also incorporated a study method that was more stringent and closer to the things that needed analysis for how traffic would end up. Bohannon provided some of what we needed. We do have some concerns on the intersection and what is connected to the intersection which involves our facilities and City's facilities. He still has some concerns on the impact there. The right turn is the right lane and a big issue that goes to the interstate and that lane utilization creates backup all the way to the north to St. Michael's.

Councilor Villarreal appreciated the analysis on the three lanes. The straight through and right turn. She asked who did that analysis for people trying to get on St. Francis and to the interstate. This is an issue because multiple things must be coordinated. What do your numbers show that would make the right turn combine straight through and right turn?

Mr. Wrage said they analyzed the far-right lane traffic and found the benefit from triple right is substantial and tradeoffs had to be made. The analysis did not complete no right on red, but it is still better overall. It was a tradeoff. Left turns were much higher.

Councilor Villarreal asked how the hot signal coordinate with train stops.

Mr. Wrage said it will be interconnected to the St. Francis control. There is a big silver shed at that intersection to know when a train is coming and when it is, the pedestrian hot signal would not turn red and prevent pedestrian access. As the gate goes down, the pedestrians could use it. There were other things to offer protection. If people kept pushing the button, it would stay red. But the safety median helps. The turning lane is being narrowed a little and the bike lane is narrower. The Hawk would operate "pretty snappy" with restrictions. Red will not be on for a long time.

Councilor Villarreal asked if the Hawk has a voice for ADA.

Mr. Wrage agreed it will have some audible component.

Mr. Thrasher added that accessible push buttons can be programmed with a specific message or use the manufacturer's message. It would state when they are free to go forward and what direction they are headed. All requirements will be met.

Mr. Jean said he believed in Hawk signals but had some concerns with how to use the Hawk system.

Councilor Villarreal asked regarding the decel lane on St. Francis, which she saw becoming an acceleration lane to beat the light and asked if that got consideration.

Mr. Wrage said the best answer is that we can see if current standards are being met and if DOT or the City would want more considered. The gate is right there so there are restraints for the intersection. We would not consider three lanes right because of pedestrians there. And the geometrics would make the intersection more dangerous. We will touch that intersection and the three left would require some changes on the northeast corner. The whole intersection will get the once over.

Councilor Villarreal commented that even now, drivers don't look for pedestrians. They are still looking left as they turn right. That could be precarious activity with all the other changes.

Councilor Romero-Wirth asked Ms. Jenkins how far west Galisteo would move.

Ms. Jenkins- said it is 300 feet to the west.

Councilor Romero-Wirth asked if there was a map that shows realignment.

Ms. Jenkins said yes and showed it.

Councilor Romero-Wirth wondered how many would do a U turn. She was also worried about people in the median refuge. It was a little scary and asked how the signals work.

Ms. Jenkins said the pedestrian controls the Hawk signal. But pushing the button would not stop the train or prevent cars from speeding down the road.

Mr. Thrasher explained the interconnection is a set of priorities the controller would run. It knows when a pedestrian pushes the button, and also where it is in the cycle and if a train is coming. One benefit of the Hawk is that without pedestrians, it goes dark.

When the Hawk activates, it will have a flashing yellow light and then solid yellow and two red lights steady red. Then the red signals would flash to allow a vehicle to wait until the cross walk is clear and then proceed. Then it turns off. This Hawk is in two stages and if the pedestrian walks down the median, they will face oncoming traffic as another safety measure and gives other notice a pedestrian is waiting. The pedestrian light counts down on how much time is left.

Councilor Romero-Wirth thanked him for explaining the orientation of the median refuge. She was worried with waiting to turn right and encountering the red Hawk signal.

Mr. Thrasher that was not studied but there would also be a level of enforcement to get familiar with. So we also have to work on people obeying the laws. And if the police are there for a while, people could get used to the new system.

Councilor Romero-Wirth asked what the study showed on how many walk along there.

Mr. Wrage said the traffic on Galisteo was minimal compared with east-west traffic, so we don't have a good estimate on potential pedestrians. It wasn't high and that is difficult to predict. We know the number who cross Zia. But existing pedestrians on Zia is very small.

Councilor Romero-Wirth asked about drivers eastbound on Zia across St. Francis.

Mr. Wrage said the analysis showed there is traffic from retail on the east and residential (considered employment trips) going to work or to Old Pecos Trail That information was included. He had the numbers – 50 U-turns in morning and less in the pm. 200 wanting to go south on Zia. And 230 in pm. A lot of that is existing traffic. He said they are residents of the area and some is cut-through traffic.

Councilor Romero-Wirth went back to the Chaparral alternate route for going west and asked how to evaluate that.

Ms. Jenkins said it is not easy to evaluate but more people would stay on major routes than going through Chaparral.

Ms. Jenkins said Richard Wood had a long list and she responded to them. On the traffic study, there were questions around methodology that were also answered. It did not lead them to change the methodology. Mr. Wrage responded to most of them.

Councilor Romero-Wirth encouraged his response.

Mr. Wrage said Mr. Wood sent three groups of questions – mostly for clarifications and his observations, which were valuable too. He made a statement that Mr. Wrage told him pedestrians were not included but that was inaccurate. He said the methodology had minimal impact on pedestrians. We will be doing more on that in more detail.

Councilor Romero-Wirth asked the Rail person if the Rail Runner would anticipate more stops in Santa Fe in the future.

Mr. Bill Craven was sworn there will be more trains and more will stop at Zia Station if demand grows. We don't know what the demand will be at Zia Station and must wait until pandemic is gone to evaluate that. We can't commit to it yet. We just hope to get back to the former volumes. The Rail Runner is considering how to get more travelers and looking at express routes and reducing the travel time between Albuquerque and Santa Fe, including things like double tracks which would be very expensive, and better times to get more riders. Rio Metro's focus had been to get positive train control and they barely beat the deadline of December 31, 2020. Trains restarted one month ago today. So they haven't looked at that. Positive Train Control is a federal requirement for all trains that alerts the train operator if a problem is detected. If the operator ignores it, the control will automatically stop the train. It was designed to prevent accidents.

Councilor Romero-Wirth asked if there was any plan or hope the train would go to the airport.

Mr. Craven said not any serious planning. There are groups and individuals but to route it to the airport is expensive. He explained the route in Albuquerque which would add 40 minutes more in travel time. They pulled out the track at the airport.

Councilor Romero-Wirth asked if Zia will still be a kiss and ride stop.

Mr. Craven said that status was set by the City Council to have no parking at the facility. That is entirely between the City and the developer.

Councilor Romero-Wirth asked Ms. Jenkins if that is contemplated.

Ms. Jenkins said they were open to it and the plan provides modest parking spaces dedicated to ridership – maybe 20-25 spaces, based on the different situations and how much better the intersection would be. It could be considered by Council if interested. It doesn't need to be resolved tonight but it could be contemplated.

Councilor Romero-Wirth opined there is a positive side but it also takes parking spaces for people going to Albuquerque and what that does to density.

Ms. Jenkins estimated somewhere between 20-30 and if Rio Metro has an opinion about it. We do have a potential excess of parking but not dramatically.

Councilor Abeyta asked about the Staff and engineer claims that U-turns are actually safer.

Ms. Jenkins said U turns are always considered safer than left turns onto a busy road.

Councilor Abeyta asked if weekends have changed traffic patterns.

Ms. Jenkins clarified that the TIAs focus on the two peak hours - am and pm. And how the intersection functions in LOS delays at 15-minute increments during those times. Most delays are less than 15 minutes.

Councilor Abeyta asked if bicycling and walking also peak during those times.

Ms. Jenkins said those are more spread out.

Councilor Abeyta said he heard that the traffic concern was only in the morning and not in the afternoon.

Councilor Garcia pointed out that 24 units were proposed on the north side and if everyone had one vehicle, the TIA is only estimating 50 left turns there. He asked if he was understanding that correctly.

Mr. Wrage explained the report more for him.

Councilor Garcia had concerns about the proposed plans. And asked Mr. Jean if he would recommend changes and work with the Applicant or just approve the proposed project.

Mr. Jean said he would work with the Applicant on the concerns and then approve it.

Councilor Garcia asked if we have to have DOT approval for this project to move forward.

Ms. Paez did not think it was required but could be added as a condition of approval.

Councilor Garcia understood the Capshaw property is not vacant but was being used by a school. So it was not just Chaparral down the road.

Mayor Webber did not recall ever seeing any LOS for the intersection now and with the project built.

Ms. Jenkins put that slide up and explained that existing shows C to F at various times of day. This is based on the national engineers parameters. That was used to get the data. With proposed was improved in every circumstance. It eliminated all failures. PM was E and F currently and would go to C, D and E.

Mayor Webber asked what they assumed for car ownership.

Ms. Jenkins said they did not assume reduced ownership but relied on standard data. This probably will have less car ownership but they did not plan on it.

Mayor Webber asked about measures to reduce traffic cut-throughs.

Mr. Thrasher said he looked at where a car would go and what route they would take during delays. Some school trips on the south side would have an uptick but not noticeably going along Candelario. They assumed most drivers would take the closest opportunity to make the U turn and come back. There would not be much cut-through traffic.

Mayor Webber recalled a list on the safety improvements. He was concerned about the underpass.

Ms. Jenkins said they didn't measure pedestrians through the underpass but considered it a great amenity.

Mayor Webber had no more questions.

Building Height and View Corridor Concerns.

Councilor Villarreal said in looking east one could see Albertsons and a big apartment complex and those are in the corridor. She asked how those got approved. Their height feels equal to the height on this development.

Mr. Logston acknowledged that was true. The overlay doesn't address the lay of the land. Just 25' maximum heights. Albertson and the apartment building are on much higher land so the net effect is greater. For Vizcaya Apartments, the height conforms. It is a visual block to the mountains. They both comply with height requirements of the corridor.

Councilor Villarreal tried to visualize being on the Arroyo Chamiso Trail and asked what she would see, looking at the development.

Ms. Jenkins showed a rendering with southwest view to the development at St. Francis Drive.

Councilor Villarreal reasoned that, based on where she was on the trail, it could appear to be one-story or two-stories.

Ms. Jenkins agreed – basically a view of one story at the top.

Councilor Vigil Coppler was trying to recall if the Governing Body approved a variance in the SCHC zone for a building on Pacheco Street.

Mr. Berke thought it was Morningstar. Both Link overlay and SCHC and a code amendment allow the project to qualify.

Councilor Vigil Coppler remembered in that project, there were questions if the SCHC should apply or the Link Overlay. Christus St. Vincent was brought up as a violator. And a building at the brow of the hill, although lower in the ground, was still in violation. It surpassed the 25' and was built that way.

Ms. Jenkins was glad she brought that up. There are interesting parallels when it was determined the Link overlay would prevail because the goals of the Link were more important. Zia Station has those same goals of the Link. The opportunity was here in a private sector development to realize those goals. It is really about priority and the City has repeatedly favored those values.

Councilor Vigil Coppler mentioned another project proposed in Las Soleras that had a planned rail stop there. In a class with Director Ladd, we talked about the perfect opportunity when you have a rail stop and affordable housing for Millennials to get on a bike and use the Rail Runner. That provides a lot more to the City and has an impact on reducing traffic. She agreed that developments built around transportation help greatly. The rentals in Las Soleras are very well priced. There was much discussion about SCHC as well as on Tuesday evening. The City changes and our goals change, and we had that discussion on what the City's real issues are now.

Mayor Webber asked if Ms. Jenkins had a slide on the remaining developable property in that district.

Ms. Jenkins showed the slide and described the legend. The pink was SCHC, and the building just talked about she pointed out. The only undeveloped properties were shown in blue.

Mayor Webber playing devil's advocate, asked Staff about setting dangerous precedents.

Mr. Logston said it was tough to answer because it borders on opinion. The reality is there are not many of them. And if developers would use this project as a precedent. The Planning Commission would look at the specifics of the site and whether it warrants a variance.

Mayor Webber asked if there was any kind of assurance that these are not prejudged or that they would ever become an exception.

Director Isaacson said the Department has a procedure for looking at the site and compatibility with surrounding property. So looking at this one as a precedent he didn't think would be done.

Ms. Jenkins pointed out the corridor is a combination of four corridors. St. Francis, St. Michael's, Old Pecos Trail is primarily residential and I-25 which is unto itself. Rezoning requests are all based on their own merits. The elements for the corridor are very unique.

Mayor Webber said we must be careful not to disturb Old Pecos Trail. We want to be respectful.

Legal Criteria for Rezoning

Councilor Garcia thought this was the crux of the challenge with this proposal. He disagreed with the Land Use Department. If someone on Old Pecos Trail wanted to develop their property, they would just have to meet the criteria of this project. With the SCHC issue, he felt was the process felt rushed. This developer bought this property, knowing these protections were in place and looking at amending the SCHC for it. It puts the Governing Body as the sole approver. It puts us in a place where we cannot support our constituents. He couldn't speak with them without violating ex parte rules. That is wrong. The developer put it in our way. He understood the SCHC needs to be updated and consider what needs to be changed.

Councilor Garcia asked Mr. Logston what we as a City Government needed to go through to amend the plan. How could the Governing Body go through this process differently to update the SCHC?

Mr. Logston suggested we could consider just this one or consider all highway corridors in the City with a public process – whether it is just amending the language or to embed that in the General Plan. The Land Use Department is looking at engaging a more Growth Management Process to update the Code. We can certainly engage the public for this and other corridors on a process to be used to amend them or embed them in the General Plan.

Councilor Garcia thought, given that Santa Fe is in a housing crisis, that this will not be the first challenge and we need to decide how to involve the public and make it a 21st Century plan. He asked why the process was not taken to update the SCHC rather than a back door approach.

Ms. Jenkins said she had a lot of dialogue with City Staff in considering impact of SCHC. It creates a significant challenge. Where we landed was a mass amendment seemed most transparent and straightforward. There was not a lot of discussion on it but it requires Councilor sponsorship, etc. As a property owner, it is not our process but City's.

Councilor Garcia asked Staff if there was ever an intent to amend that.

Director Isaacson explain that property owners have the opportunity to initiate an amendment to the overlay zone for this property or any other. We want the process to be more transparent and have more public input. That is how these policy issues can proceed.

Councilor Garcia wished when the request came forward to trigger the overlay being outdated and how we could fix that. That is the most efficient way to use our time. Housing is critical right now and we want to ensure the barriers can be remedied. He just wished the owner had worked with the Governing Body on amending the SCHC.

Mayor Webber wanted to know if we need to extend past 11:30. (it was 11:21). Or adjourn at 11:30 and schedule another meeting.

Agenda Extension

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Abeyta, to suspend the rules and continue the meeting.

Discussion on the Motion:

Councilor Cassutt-Sanchez was curious, given the special nature, what it means in terms of scheduling, given that we are headed to budget hearings next week.

Mayor Webber said the Governing Body could pick it up later. But there are budget hearings to consider.

Ms. McSherry advised if the Governing Body doesn't continue, you should pick a date certain to continue.

Councilor Abeyta was concerned if we extend it without two councilors present, whether they would have to recuse themselves.

Mayor Webber thought so.

Ms. Paez recalled they agreed that with quasi-judicial, they could review the video, and there is no limitation but could choose to recuse if they desired.

Councilor Villarreal wanted to know what the agenda looks like next week for the Council meeting.

Ms. Bustos-Mihelcic said the agenda is fairly lengthy for the meeting on the 14th with two public hearings. She offered to look for dates. Consent items went through letter p and three items for regular discussion were on that agenda. But it is better than the April 28 agenda.

Ms. Paez added there is an appeal on the 14th also.

Councilor Romero-Wirth said that was a curve ball here. We can't close this, but she was interested in postponing and asking the representatives to meet with the neighborhood association one more time to see if there could be better communication and address what we heard two nights ago. She didn't know what already had been done.

Ms. McSherry said the Governing Body should vote on this motion to extend, no matter what else was decided.

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

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

Against: None.

Mayor Webber said he was ready to continue but asked the pleasure of the Governing Body.

Councilor Romero-Wirth was ready to continue but if the Governing Body decides to postpone and use that time, she was okay with that.

Councilor Cassutt-Sanchez did not see another good option.

Councilor Garcia didn't know how much more discussion there would be on the other topics. He felt it was not a good policy to make a decision at 1 or 2 in the morning.

Councilor Vigil Coppler said the intent of her motion was to carry on. We need some timelines and interpret “reasonable.” We should stick to the topics.

The Governing Body went back to Legal Questions.

Ms. Paez noted that Ms. Jenkins could not just ask for a sponsor to overhaul the SCHC. It would be pretty awkward and is problematic, however. Anyone can propose revised text as amendments to the ordinance but that has to be outside this case. That could have been done but it would be difficult to separate the code amendment from this case.

Councilor Romero-Wirth was curious about the way to change the overlay. It would require one of us to sponsor. She asked if it would be quasi-judicial or not.

Mr. Berke said if the Governing Body wanted to amend, they would pass a resolution to direct Staff to do a draft.

Ms. Paez added that an overall revision of land Use Code would require it. It is a little tricky and procedures depend on the nature of the case in a larger public engagement process.

Councilor Romero-Wirth explained she was asking in the context of this project how we go about doing it. What is clear on this project is that we have not developed a process for the public on using Affordable Housing and she needed to understand what we value and the tradeoffs. She was asking it separate from this case but related. We do not have the public understanding now.

Councilor Cassutt-Sanchez asked about the rezoning vs Chapter 14.

Mr. Logston was not sure he understood the question.

Councilor Cassutt-Sanchez said she was asking about the Planning Commission question on the General Plan and Chapter 14. And how they relate to each other.

Mr. Logston said the General Plan sets themes and guidelines for us and in Chapter 14, the SCHC is the result of those policies and goals of the General Plan. None of the highway corridors are mentioned by name in the General Plan and land use map. At its heart, this is a rezone request.

Ms. Paez added that the General Plan is a comprehensive plan for the whole city and has a Land Use Map. To Councilor Romero-Wirth’s point, it was last overhauled in 1999. When we choose to change a zoning on a

property, we do have a specific process and specific criteria that apply. The first criterion takes into account the use. It is where a lot of this comes in. To amend, takes account of three conditions – whether there was a mistake; there has been a change in the neighborhood area; third is for a different use category that is more beneficial to the community. That is where we can use all of those, and ask if there is a justification using those criteria.

Councilor Cassutt-Sanchez asked Mr. Berke how long the last one took.

Mr. Berke said it took 14 months and the map took four years.

Councilor Abeyta asked if we are setting precedent on that with these cases.

Mr. Berke said Staff was not aware of any other such request, but didn't think this would set a precedent.

Councilor Romero-Wirth – how many highway overlay districts do we have?

Director Isaacson mentioned four cases.

Councilor Romero-Wirth pointed out that process would allow much more public input.

Director Isaacson agreed 100%.

Ms. Paez displayed the criteria in the Code for rezoning and read them aloud. She said it is up to the Governing Body to decide if they have met the criteria.

Other issues

Councilor Cassutt-Sanchez asked about maintaining open space.

Ms. Jenkins said all the open space will be privately maintained and the City has no obligation for that.

Councilor Villarreal asked Mr. Berke about what the Code said in the criteria about preserving open space and continuity. To her, it seemed to be about gateway.

Ms. Paez agreed. It is the first criterion – as seen from major highway entrances to the City.

Councilor Villarreal reasoned it was not from Zia. Mr. Berke agreed.

Councilor Villarreal observed that height would impede a view of the mountains. It is about someone driving from the highway through a City entrance. But if driving, they should not be looking around but focus on the street. Her point was we are not talking about neighborhood perspective.

Her other random question was who maintains the parking garage.

Ms. Jenkins said the parking structures are private. There will be spaces assigned for various purposes and they have not fully developed the parking areas. Consultants will help with managing the parking and spaces paid for like at the Convention Center. They will always make sure adequate parking is maintained and sufficient parking for residential tenants. There will be some revenue, some open parking and some reserved parking.

Councilor Villarreal asked if it included business reservations.

Ms. Jenkins agreed. When paying rent, a portion goes for parking. For residents, a portion of rent goes toward parking space. It was not a separate fee.

Councilor Villarreal said if they were considering prohibiting STR.

Ms. Jenkins said there was no intention for STR and would welcome such a restriction.

Councilor Romero-Wirth asked Ms. Jenkins about her work with the neighborhood.

Ms. Jenkins said work with the neighbors started in early 2000 prior to Jenkins-Gavin involvement when Merritt Brown put it under contract after the pumice plant closed. Then the community rail corridor study in 2008 identified it as a potential rail stop. Everything was on pause until legal issues were resolved and station could open in 2017.

In early 2019, Mr. Brown and his team reached out to bring it back in. based on current market conditions, the Rail Runner, etc. and started meeting with neighborhood residents in 2019. At that point we were talking about residential on the north side. The program had changed dramatically. Almost 400,000 sq. ft. of commercial space and we reduced that well down. They had three informal meetings while developing the site plan and came back with more detail; They did traffic counts and analysis of the Zia intersection, and started to understand what road improvements would be needed. The meeting talked about the corridor and height. We heard no four-story buildings would be acceptable. We had no plans for four-story

and majority at 2- story and only transition to 3-story as we get closer to St. Francis.

Then they went back to the drawing board for further details, traffic analysis and survey in early 2020 and two formal ENNs where they came back a second time with answers to the questions received. The Association declined a third meeting, but they reached out to dialogue with individual neighbors.

There did not seem to be a lot of welcome viewpoints and was what they heard at Tuesday's meeting. She heard the feedback about no four-stories, about corridor, about architectural tradition style, and another safe crossing of Zia. Sidewalk improvement and traffic was primary. They eliminated all of those conditions and reduced the line of cars approaching St. Francis on Zia – a dramatic improvement and triple right lanes. It improved the St. Francis backups.

Councilor Romero-Wirth asked if she was meeting with the Association or a different group.

Ms. Jenkins said she was working with everyone. She notified all residents within 300 feet including the neighborhood association within 300 feet. Candlelight got their own notice too. The first was in person and first ENN was in person with a sign-in sheet. The Candlelight NA notified all of their members. And any person who signed in were added to the mailing list. At each meeting, the new members were also added.

Councilor Romero-Wirth asked why there were such strong feelings against this development.

Ms. Jenkins found it curious too. She wondered if she didn't explain it enough or if they didn't understand the traffic improvement. That was frustrating. She thought it came down to being a change and what that would mean. It felt like at a certain point, maybe the third neighborhood meeting, where she wanted to hear from them about suggested changes to consider. She didn't hear a lot of that.

Councilor Romero-Wirth asked Ms. Paez to describe the due process rights for parties involved in this and whether due process rights were being violated.

Ms. Paez said we have a landowner who applied for a permit from the City. The landowner on a process like this always has a due process right as described in New Mexico law. But there are also rights for neighborhood citizens who have not paid an application fee. So due process for

nonlandowners is provided by law for them. And if there is an appeal, separate laws apply. They have equal time rights in an appeal.

Councilor Romero-Wirth's last question was to Ms. Jenkins. The other night there was a discussion about the construction timeline of 6-10 years. Can you talk about that? This is a huge project but why couldn't it be done faster?

Ms. Jenkins said she would love for it to be faster. The first phase is 18 months and while that is done, all roadways would be constructed. That is pretty quick. The sales phase is more market-driven and that time depends on market conditions. We have huge confidence. The roadways have to come before any marketing effort gets underway. Maybe one or two buildings can start right away. There is a good possibility the south side could finish out in five to six years - ten years at the outside but she didn't expect it to last that long.

Councilor Romero-Wirth went back to a question asked earlier on balance of commercial vs residential.

Ms. Jenkins said it is about that balance for residential to support the commercial. Mixed use is really dependent on residential. This is a rare opportunity to have both. We need a critical mass for mixed use feasibility. Even with the pandemic, people still want office space, but a different kind. It is not a big office park, but more a suburban model. There may be those who are working at home that now want to have an office. We are confident that kind of office space will be sought.

Mayor Webber noticed Councilor Romero-Wirth has talked about it as Councilor Garcia has – a lingering after effect on balance and tradeoffs. Not about change but loss on look, feel and character as a Santa Fe brand. How do you respond to criticism that you would provide housing but lose the essence of Santa Fe?

Ms. Jenkins said the essence of Santa Fe is people, not buildings. It is about community and here is still a lot of good stuff in the General Plan. Like more walkability, more AH, more walks to transit. And we have an opportunity here to realize all of them. "Architecture is critically important and we have four architects. Pull off stucco and we have brick Victorian is what I work in. We have incorporated all the elements – some very traditional and some with more contemporary materials. It will feel like Santa Fe absolutely but what makes it special are the people."

Mayor Webber closed the question & answer period at 12:56 a.m.

ACTIONS OF THE GOVERNING BODY

a) Case #2020-2898 North Zia GPA

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Vigil Coppler, to approve Case #2020-2898 North Zia GPA.

Discussion on the Motion

Councilor Garcia thought there were a couple of conditions for item C to consider.

Ms. Paez suggested any conditions like the Short-Term Rentals should be carried by the zoning. (4th case on the agenda). The other condition should be on the final case (Development Plan) such as affordable housing.

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) Case #2020-2914 South Zia GPA

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to approve Case #2020-2914 South Zia GPA 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) Case #2020-2900 Zia SCHC Rezone

MOTION: Councilor Vigil Coppler moved, seconded by Councilor Lindell, to approve Case #2020-2900 Zia SCHC Rezone 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 Vigil Coppler, and Councilor Villarreal.

Against: Councilor Romero-Wirth.

d) Case #2020-2899 Zia PUD Rezone

MOTION: Councilor Cassutt-Sanchez moved, seconded by Councilor Villarreal, to approve Case #2020-2899 Zia PUD Rezone as amended with Short Term Rental uses prohibited.

Discussion on the Motion:

Councilor Romero-Wirth noted there were other conditions that she wrote down, including, a 500-year storm event; the Developer's commitment to work with New Mexico Gas Company on erosion control, and a condition of approval if commercial was changed to housing. She didn't know where they fit in.

Ms. Paez recommended they all be in the development plan (next case). Zoning is more about uses. For the last one on conversion of commercial to residential, nothing was wrong but is already in the Code.

Councilor Garcia added the condition for NMDOT approval.

Ms. Paez said that one also should be in the Development Plan motion.

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

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

Against: Councilor Romero-Wirth.

e) Case #2020-3901 Zia Preliminary Development Plan.

MOTION: Councilor Villarreal moved, seconded by Councilor Vigil Coppler, to approve the Zia Development Plan in Case #2020-2901 as amended with the following conditions: that the arroyo be stabilized, using the 500-year storm event standard; that the approval of the traffic management plan be secured from

the NMDOT, and that any change in the HOMES program would require Governing Body approval.

Discussion on the Motion

Ms. Paez thought the NMDOT approval was for the HAWK signalized pedestrian crossing.

Councilor Garcia said it was broader than that. It was to address all concerns raised by NMDOT.

Mr. Berke pointed out that NMDOT approval is already required already for doing any work within certain corridors. The Plan would stipulate the number of units in there so that amendment is not needed.

Councilor Romero-Wirth suggested the first should say to work with relevant parties on the erosion prevention.

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

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

Against: Councilor Romero-Wirth.

6. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 1:14 a.m.

Approved by:



Mayor Alan Webber

ATTESTED TO:



Kristine M. Mihelcic, City Clerk

Respectfully submitted by:



Carl G. Boaz, Council Stenographer