

City of Santa Fe, New Mexico

memo

DATE: November 29, 2012

TO: City Council; Public Works, CIP & Land Use Committee; Planning Commission

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

FROM: Tamara Baer, ASLA, Current Planning Division Manager
William Lamboy, AICP, Land Use Planner Senior *WLL*
Alfred Walker, Assistant City Attorney *AW*

Re: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

INTRODUCTION

The proposed bill will create a new overlay zoning district on Airport Road. It will apply to all lots with frontage on the Airport Road right of way, between Rodeo Road and NM 599. It has two main purposes: 1) to establish an attractive and distinct visual character on Airport Road; and 2) to promote a safe and healthy environment, through site design standards and through control of alcohol sales and advertising.

BACKGROUND

On February 23, 2011, the Santa Fe City Council adopted Resolution 2011-15 "directing staff to develop various initiatives for the Airport Road area in order to promote a healthy, progressive and safe community."

As a result of that resolution a working committee was formed, consisting of members of numerous City departments, including Police, Fire, Public Works and Land Use. A scope of work, timeline and budget was collaboratively developed by participating departments. The majority of the work was performed by City staff and tasks were projected to be completed by the end of August 2012. A \$67,000 budget was allocated by City Council using Community Development Block Grant (CDBG) loan repayment funds. The bulk of the budget was utilized for bilingual facilitators who assisted with planning, coordinating, conducting and documenting the many public meetings associated with this project.

The project required effective coordination between departments to achieve numerous objectives. To facilitate coordination, a project manager was assigned and bi-weekly project meetings were held with all team members in the initial phases. Each initiative described in the Resolution was assigned a team leader responsible for meeting both budget and timeline requirements.

Airport Road represents a major commercial corridor as well as a major gateway into the City from NM 599. It contains large tracks of undeveloped land with the potential to shape this area of the City. The Airport Road Area is defined as the area encompassed by NM 599 to the west; NM 599 and Agua Fria Street to the north; Camino Jacobo and Cerrillos Road, inclusive of Santa Fe Place Mall, on the east; and Jaguar Drive on the south. The area is included in Southwest Santa Fe Community Area Master Plan (SSFCAMP) which creates an overall vision of the Airport Road area but does not identify public improvements or public/private partnership opportunities necessary to realize that vision. The collection of studies identified in Resolution 2011-15 is intended to take the work of the SSFCAMP to a more detailed level of analysis and begin to implement its vision.

The ordinance under consideration at this time is the third of three initiatives that came out of the work and recommendations related to the original resolution. The first initiative involved minor ordinance changes pertaining to general residential subdivision standards and were adopted as part of the Chapter 14 rewrite effective March 1, 2012. The second initiative was an ordinance addressing the Mobile Home Park zoning district, providing clarifications between mobile homes and manufactured housing, and allowing other residential developments such as subdivisions and multi-family housing projects within the newly-named MHP district. That ordinance was adopted by the Governing Body on November 28, 2012.

CITY ORDINANCE

The proposed bill contains the following provisions:

Section 1

This section of the ordinance repeals a vacant and unused title for replacement by the Airport Road Overlay District standards.

Section 2

The first parts of Section 2 of the proposed ordinance establish the purpose and intent of the ordinance. In addition to promoting an attractive, street-oriented character on Airport Road, the ordinance encourages development and redevelopment of the corridor in keeping with the stated goals. It further describes the intent of the ordinance to create a unique character and sense of place for the corridor. Finally, it states the further purpose of the ordinance to encourage a healthy and safe environment by promoting walkable neighborhoods, street-oriented design and the reduction of crime, nuisances and public health harm associated with alcohol sales and advertising. The section also delineates the boundaries of the overlay district and establishes general rules of applicability.

Section 2 goes on to establish site design, circulation, parking standards; architectural requirements; landscaping standards; and requirements for signage, site furnishings, and outdoor lighting. Among other provisions, this section of the proposed ordinance requires new buildings to be oriented to Airport Road; limits parking adjacent to Airport Road to a single row of cars, which must be screened from view; limits vehicular access to the side or rear of all lots; requires pedestrian connections; requires that finished floor of new buildings be placed within three feet of the elevations of the adjacent sidewalk; encourages cross-property vehicular access between adjacent lots; and calls for screening of all water utility boxes and electrical transformers. In addition to compliance with existing architectural point standards, buildings on Airport Road are also required to make building entrances visible from Airport Road; to align their longest façade to the corridor; to provide a minimum of 30% clear glazing on the front façade; to incorporate wall plane projections; to recess windows; and to screen rooftop equipment. The proposed ordinance also requires drive-through facilities to be located at the rear of new buildings.

Additional landscape requirements proposed include a smaller, 20-foot on center spacing for street trees; larger initial street tree calipers (2 ½ inches at time of planting); 30-foot mature height for street trees; 30% of plant material is required to be evergreen; and on-site water harvesting through a requirement to develop stormwater detention facilities integrally with required landscaping.

This section also prohibits pole-mounted signs and provides additional limits to signage size and location. Site furnishings, including benches are required and must be of a coordinated style, color and design on a development site. Outdoor lighting is restricted in height.

Section 2 also provides incentives in the form of building (construction) permit fee waivers and reductions for the development of certain desired uses for the area as well as for providing public art, active play opportunities, and community gardens. This part of Section 2 also prohibits "Mobile Food Vendors" from locating within 500 feet of public facilities including schools, libraries and parks.

The remainder of Section 2 addresses alcohol sales and advertising. The ordinance limits the location of the sale and advertising of alcoholic beverages. New alcoholic beverage sales activities, including the outdoor advertising of alcohol sales are prohibited within 500 feet of existing alcohol sales establishments and other public facilities including schools, parks, youth recreational facilities, drug treatment facilities, and religious assemblies among others. The ordinance clarifies how measurements are to be taken, specifying that in all cases they are to be the shortest straight line distances to and from property lines. It limits the amount of advertising of alcohol in window displays, prohibits entirely the sale of single serving containers less than 8 ounces, and requires consolidation of alcohol sales within certain establishments. Additional requirements include the review and approval of a store's floor plan by the land use director.

Section 3

Section 3 of the proposed ordinance contains new definitions required by the first sections of the ordinance. Definitions for "Alcoholic Beverages", "Alcoholic Beverage Display Area", "Alcoholic Beverage Licensee", "Alcoholic Beverage Sales Area" and "Mobile Food Vendor" are added.

RECOMMENDATION

Staff recommends that the Planning Commission and the Public Works Committee recommend approval of the attached bill to the Governing Body.

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2012-40
(Airport Road Overlay District)**

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2012-40:

1. On page 2, lines 6-9, *delete* the following:
(d) To support the efforts of local public schools by promoting the health of children by regulating the location and operation of mobile food vendors near public schools and public parks, libraries, youth centers and recreation centers.

2. On page 9, lines 6-8, *delete* the following:
(12) **Mobile Food Vendors**
Mobile food vendors are prohibited within five hundred feet of public schools, public parks, libraries, youth centers and recreation centers
Editor's Note: Renumber sections accordingly

3. On page 12, line 21, *delete* "ten" and *insert* "seven" in lieu thereof

4. On page 12, line 22, after "to" *insert* "the alcoholic beverage display area of"

5. On page 15, lines 5-8, *delete* the definition of "**MOBILE FOOD VENDOR**"

Respectfully submitted,

Carmichael Dominguez, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2012-40

3 INTRODUCED BY:

4 Councilor Carmichael Dominguez

5 Councilor Chris Rivera

6 Councilor Rebecca Wurzbarger

7 Councilor Bill Dimas

8
9
10 AN ORDINANCE

11 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987
12 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO
13 ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER
14 STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

15
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. [REPEAL] Section 14-5.5(C) is repealed.

18 Section 2. A new Subsection 14-5.5(C) SFCC 1987 is ordained to read:

19 (C) [NEW MATERIAL] AIRPORT ROAD OVERLAY DISTRICT

20 (1) Purpose and Intent

21 The purpose and intent of the Airport Road Overlay District is to:

22 (a) Establish an attractive, street-oriented character on this multi-use
23 corridor to encourage development and redevelopment on Airport
24 Road;

25 (b) Create a unique sense of place and identity for this major arterial that

1 serves the southwest part of the city;

2 (c) Promote a healthy and safe environment through the development of
3 walkable neighborhoods, less dependence on the automobile, street-
4 oriented building design; and the reduction of crime, nuisances, and
5 public health harms associated with alcohol sales and advertising;

6 (d) To support the efforts of local public schools by promoting the health
7 of children by regulating the location and operation of mobile food
8 vendors near public schools and public parks, libraries, youth centers
9 and recreation centers.

10 (2) **Boundaries**

11 The Airport Road Overlay District begins at the intersection of Airport Road
12 and NM 599 and extends east along Airport Road to the intersection of Airport
13 Road and Cerrillos Road. The provisions of this Section apply to all *legal lots*
14 *of record* that directly abut the Airport Road *right of way*.

15 (3) **Applicability**

16 (a) The provisions of this Section do not apply to single-family *residential*
17 *uses*.

18 (b) Additions to or remodeling of existing *buildings* shall comply with the
19 provisions of this Section to the extent practical or feasible as
20 determined by the *land use director*.

21 (4) **Standards**

22 (a) Unless otherwise specified, permitted uses and *development*
23 standards within the Airport Road Overlay District shall conform to
24 the requirements of the underlying zoning district of a property.

25 (b) The *land use director* may permit alternate means of compliance

1 with the provisions of this Section as provided in Section 14-2.11(C).

- 2 (c) In the event of conflicts between the requirements of this Section and
3 platted *building setbacks* or existing easements, the requirements of
4 this Section shall apply.

5 (5) **Site Design, Circulation and Parking**

- 6 (a) New *buildings* or additions to existing *buildings* shall be oriented so
7 that their primary *façades* face Airport Road or to integral courtyards
8 that shall face Airport Road.

- 9 (b) No more than one single-loaded row of parking is permitted adjacent
10 to Airport Road.

- 11 (c) Perimeter screening of parking lots shall be in accordance with
12 Section 14-8.4(I)(2) except that screening walls, hedges or berms
13 shall not exceed four feet at maturity and shall be provided with
14 openings adjacent to the Airport Road *right of way* to allow multiple
15 points of pedestrian access to Airport Road.

- 16 (d) Sidewalks adjacent to Airport Road shall be provided in accordance
17 with Section 14-9.2.

- 18 (e) Vehicular access shall be from the side or rear of the lot.

- 19 (f) New *buildings* shall have accessible pedestrian connections to
20 Airport Road.

- 21 (g) Loading docks shall be located at the side or rear of buildings and
22 shall be fully screened so that the loading dock is not visible from
23 Airport Road. The *screening* shall be integrated with the *building*
24 architecture, materials and construction.

- 25 (h) Vehicular access between and among adjacent lots shall be provided

1 where possible.

- 2 (i) Electrical transformers and water system backflow preventer
3 cabinets shall be screened from view of public roadways and
4 sidewalks by walled enclosures or landscape *screening*. Water
5 system backflow preventer cabinets and *wall*-mounted utility boxes
6 shall be painted the same color as the closest *building* on site.

7 (6) **Architecture**

8 In addition to requirements found in Section 14-8.7 SFCC 1987,
9 Architectural Design Review, the following provisions shall apply:

- 10 (a) The primary entrance to any new *building* shall be visible from
11 Airport Road.
- 12 (b) The finished floor elevation of the primary entrance to any new
13 *building* shall not be three feet higher or lower than the elevation of
14 the adjacent sidewalk within the Airport Road *right of way*.
- 15 (c) Lot configuration permitting, the longest *façade* of all new *buildings*
16 shall be aligned with Airport Road.
- 17 (d) No *garage* doors shall face Airport Road.
- 18 (e) The square footage of retail *building façades* that face Airport Road
19 or any abutting street shall be comprised of between thirty percent
20 and sixty percent clear windows. Storefront glazing systems may be
21 used to meet this requirement and shall not exceed fifty percent of
22 the *façade*.
- 23 (f) A *façade* exceeding one hundred feet, measured horizontally, shall
24 incorporate *wall* plane projections or recesses of at least twenty-four
25 inches in depth encompassing at least fifty percent of the *façade*

length.

(g) A *façade* exceeding one hundred feet, measured horizontally, shall be of at least two different colors or materials with each color or material applied to an entire projection or recess.

(h) Except when covered by a *portal* or other permanent shade *structure*, windows shall be recessed a minimum of eight inches.

(i) With the exception of *buildings* constructed for industrial uses in I-1 and I-2 zoning districts, no portion of any *building wall* facing Airport Road or any street shall extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.

(j) Rooftop equipment shall be fully screened so that the equipment is not visible from the public *right of way*. The *screening* shall be integrated with the *building* architecture, materials and construction.

(k) Drive-through and *drive-in* facilities shall be located to the rear of *buildings*.

(7) **Landscaping Standards**

In addition to requirements found in Section 14-8.4 SFCC 1987, Landscape and Site Design, the following provisions shall apply:

(a) On-site storm water *detention* or *retention* facilities:

(i) shall be integrated with the required *landscaping* on the site;

(ii) when located adjacent to the Airport Road *right of way*, shall not be wider than ten feet measured perpendicular to the Airport Road *right of way*; and

(iii) shall not create a physical barrier to pedestrian access from

1 the Airport Road *right of way* to the site.

2 (b) Street trees shall be planted at a minimum of twenty feet on-center
3 adjacent to the Airport Road property line. Street trees shall be two
4 and one half inches minimum caliper at time of planting and a
5 minimum mature height of thirty feet. The location and minimum
6 mature height of street trees may be adjusted where conflicts with
7 overhead utility lines exist.

8 (c) A minimum of thirty percent of required plant material shall be
9 evergreen.

10 (d) The area between the Airport Road curb and the Airport Road
11 sidewalk adjacent to the *development* site shall be landscaped as part
12 of the required *landscaping* of the *development* site.

13 **(8) Signage**

14 In addition to the requirements found in Section 14-8.10 SFCC 1987, Signs,
15 the following provisions shall apply:

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

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

18 (c) *Signs* shall be setback a minimum of ten feet from any public *right of*
19 *way*.

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

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

23 **(9) Site Furnishings**

24 (a) A minimum of one bench per five thousand gross square feet of
25 *building* is required on the site and shall be located adjacent to the

1 Airport Road sidewalk, or to the primary *building* entrance, or to a
2 public or private amenity provided by the development.

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

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

7 (d) All site furnishings on a *development* site, including bicycle racks,
8 benches, trash receptacles and light fixtures shall be of a coordinated
9 design style and color.

10 **(10) Outdoor Lighting**

11 In addition to compliance with 14-8.9 SFCC 1987, Outdoor Lighting, the
12 following provisions apply:

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

14 (b) Lamps of *building*-mounted light fixtures shall not be placed more
15 than twelve feet above the exterior grade at the perimeter of the
16 *building*.

17 **(11) Incentives**

18 (a) Permit Fees

19 (i) Construction *permit* fees are waived for the following uses:

20 A. Grocery stores;

21 B. Farmer's markets;

22 C. Medical practitioners including physicians, dentists,
23 chiropractors, alternative medicine providers and
24 clinics;

25 D. Schools, day-care centers; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E. Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers and miniature golf courses.

(ii) Construction *permit* fees are reduced by fifty percent for the following uses:

- A. Restaurants, including bakeries, coffee shops, tea shops, and other shops selling food for on-site or take-away consumption, without drive-through service, provided that food and beverage services constitute the primary use of the establishment;
- B. Adult day-care;
- C. Local arts and crafts studios, galleries and shops;
- D. Gift shops for the sale of arts and crafts;
- E. Bookshops;
- F. Floral shops;
- G. Laundromats; and
- H. Stores that commit a minimum of fifteen percent of the total floor area for the sale of fresh produce.

(b) Public Art; Active Play Opportunities.

Applicants for a *permit* for new construction, redevelopment or additions who provide public art or active play opportunities accessible to the public shall have their total construction *permit* fees reduced in an amount equal to the cost of the public art or active play amenity provided.

(c) Community Gardens

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Applicants for a *permit* for new construction, redevelopment or additions to a multi-family housing *development* who provide a community garden space for use of the residents of the *development* shall have their total construction *permit* fees reduced in an amount equal to the cost of the community garden provided.

(12) *Mobile Food Vendors*

Mobile food vendors are prohibited within five hundred feet of public schools, public parks, libraries, youth centers and recreation centers.

(13) *Alcoholic Beverage Sales Activities*

In addition to the provisions of Chapter IV SFCC 1987, Alcoholic Beverages, the following provisions apply:

(a) New *alcoholic beverage sales activities* established after [effective date of this ordinance] are prohibited in the following locations:

(i) Within five hundred feet of an existing *alcoholic beverage sales activity*; and

(ii) Within five hundred feet of any of the following:

- A. An accredited public or private elementary, middle, or high school;
- B. A public park, playground or recreational area;
- C. A nonprofit youth facility;
- D. A place of *religious assembly*;
- E. A *hospital*;
- F. An alcohol or other drug abuse recovery or treatment facility; or
- G. A county social service office.

1 For the purposes of this Subsection, all measurements taken
2 in order to determine the location of new *alcoholic beverage*
3 *sales activity* shall be the shortest straight-line distance from
4 the property line of the *alcoholic beverage sales activity* to
5 the property line of any of the above locations or other
6 *alcoholic beverage sales activities*.

7 (iii) A location where the new *alcoholic beverage sales activity*
8 would lead to the grouping of more than four *alcoholic*
9 *beverage sales activities* within a five hundred foot radius
10 from the new *alcoholic beverage sales activity*.

11 (b) New *alcoholic beverage sales activities* established after [effective
12 date of this ordinance] where *alcoholic beverages* are sold in
13 unbroken packages for offsite consumption and not for resale off the
14 licensed premises and where *alcoholic beverage sales* comprise less
15 than sixty percent of total sales of a *business* shall comply with the
16 following regulations:

17 (i) All *alcoholic beverages* shall be consolidated in an *alcoholic*
18 *beverage display area* located within a clearly designated
19 and marked area of the licensed premises. No *alcoholic*
20 *beverages* may be displayed or stored outside the designated
21 *alcoholic beverage display area*; and

22 A. Signs saying: "ALCOHOLIC BEVERAGE SALES
23 AREA – NO ONE UNDER 21 UNLESS
24 ACCOMPANIED BY PARENT, LEGAL
25 GUARDIAN OR ADULT SPOUSE" shall be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

conspicuously posted around the boundaries of the
alcoholic beverage display area;

B. An employee of the *alcoholic beverage licensee* who is at least twenty-one years of age and has a valid State of New Mexico alcohol server permit shall be responsible for the overall supervision of both the receiving and sale of *alcoholic beverages*, including supervision of the *alcoholic beverage display area*. For purposes of this Subsection, “supervision” means the ability to observe who enters and leaves the *alcoholic beverage display area* and means actively checking identification of those who may be under the age of twenty-one years who attempt to enter the *alcoholic beverage display area*. The *alcoholic beverage licensee* shall designate employees within the licensed premises to serve in this capacity as part of their job description and shall ensure that such a designated employee is on duty on the licensed premises during *alcoholic beverage* sales hours; and

C. Small displays of chips, snacks, or similar items may be displayed for sale in the *alcoholic beverage display area* so long as those items are also available in other parts of the licensed premises outside the *alcoholic beverage display area*. Except for such

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

small displays, displays of food or other merchandise that would require customers to enter the *alcoholic beverage display area* for food or other merchandise are not permitted; or

(ii) Alternatively, *alcoholic beverages* shall be stored and displayed in such a manner that only the *alcoholic beverage licensee's* employees have access to the *alcoholic beverages*, and the *alcoholic beverage licensee's* employees shall deliver the *alcoholic beverages* to customers only at the point of sale; and

(iii) The floor plan of the licensed premises shall be submitted to the *land use director* for review and approval. The *land use director* has the authority to require changes to the floor plan.

A. The floor plan shall show the area where the *alcoholic beverages* are displayed within the licensed premises or show that only the *alcoholic beverage licensee's* employees have access to the *alcoholic beverages*.

B. The *alcoholic beverage licensee* shall notify the *land use director* at least ten business days prior to making any changes to the floor plan.

(c) All *alcoholic beverage sales activities* shall comply with the following provisions after [effective date of this ordinance]:

(i) No more than thirty-three percent of the square footage of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the windows and clear doors of an *alcoholic beverage* retail outlet may bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. This requirement does not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises by a person standing outside the premises.

(ii) Outdoor advertising of *alcoholic beverages*, including permanent or *temporary signs* visible from outside a *building*, is prohibited within five hundred feet of any of the following:

- A. A public or private elementary, middle, or high school;
- B. A public park, playground or recreational area;
- C. A nonprofit youth facility;
- D. A place of *religious assembly*;
- E. A *hospital*;
- F. An alcohol or other drug abuse recovery or treatment facility; or
- G. A county social service office.

(iii) A restaurant with a beer and wine license may post outside

1 its *building* but only on the property occupied by the
2 restaurant, a copy of its menu, including beer and wine
3 offered and their prices, in type no larger than any menu
4 posted or provided to patrons inside the restaurant.

- 5 (iv) Unless contained in packages of four or more, single serving
6 containers of *alcoholic beverages*, in sizes of eight ounces or
7 less, shall not be sold or offered for sale.

8 **(14) Severability**

9 If any Section or Subsection of this Ordinance is for any reason held to be
10 invalid, such decision shall not affect the validity of the remaining portions
11 of this Ordinance. The governing body hereby declares that it would have
12 adopted the Ordinance and each Section and Subsection thereof, including
13 those in any amendment to the Ordinance, irrespective of the fact that any
14 one or more of the Sections or Subsections may be declared unconstitutional.

15 **Section 3. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is**
16 **amended to include the following definitions:**

17 **ALCOHOLIC BEVERAGES**

18 Distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing
19 federal internal revenue strip stamps or any similar alcoholic beverage, including blended or
20 fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-
21 half percent alcohol, but excluding medicinal bitters.

22 **ALCOHOLIC BEVERAGE DISPLAY AREA**

23 The portion of an alcoholic beverage licensee's premises in which all alcoholic beverages on display
24 for sale are contained.

25 **ALCOHOLIC BEVERAGE LICENSEE**

1 The holder of any license or permit authorizing the sale of alcoholic beverages issued under the
2 provisions of the New Mexico Liquor Control Act, but does not mean the holder of a server permit.

3 **ALCOHOLIC BEVERAGE SALES ACTIVITIES**

4 The retail sale of alcoholic beverages for offsite consumption.

5 **MOBILE FOOD VENDOR**

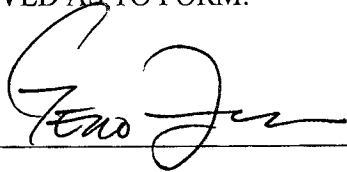
6 Any person who sells food or beverages for human consumption via any temporary or readily
7 transportable means, including from a mobile food facility, such as a catering truck, cart, pushcart,
8 wagon, trailer, or other wheeled conveyance; any portable table or stand; or on foot.

9

10 APPROVED AS TO FORM:

11

12



13

GENO ZAMORA, CITY ATTORNEY

14

15

16

17

18

19

20

21

22

23

24

25

M/Melissa/Bills 2012/2012-40 Airport Road Overlay District_11_29_12_FINAL

City of Santa Fe Fiscal Impact Report (FIR)

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

Section A. General Information

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

Short Title(s): An ordinance relating to the land development code, Chapter 14 SFCC 1987 regarding Airport Road; creating a new Section 14-5.5(C) SFCC 1987 to establish an Airport Road Overlay District and making other such stylistic or grammatical changes that are necessary.

Sponsor(s): Councilor Dominguez

Reviewing Department(s): Land Use & City Attorney's Office

Person Completing FIR: M. O'Reilly Date: 1-3-13 Phone: x 6617

Reviewed by City Attorney: [Signature] Date: 1/3/13
(Signature)

Reviewed by Finance Director: [Signature] Date: 1/3/13
(Signature)

=====
Section B. Summary

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

The Bill would establish a zoning overlay district along Airport Road that would apply to properties abutting the Airport Road right-of-way between NM 599 and Cerrillos Road. The overlay district will include architectural, site design, landscaping, signage, lighting and alcohol regulations.

=====
Section C. Fiscal Impact

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

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

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

_____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY 12/13	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 13/14	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ 20,000 (Building Permit Fee Incentives)	A	R	\$ _____	_____	_____	_____
Total:	\$ 20,000			\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The proposed Bill contains monetary incentives in the form of reduced building permit fees for certain types of uses. Building permit fees are calculated based on construction valuation and type. It is not possible to predict what type of uses will be developed within the overlay district therefore it is not possible to predict the monetary incentives. However, based on recent developments within the Airport Road area, the Land Use Department estimates that the proposed incentives in the form of building permit fee reductions/waivers would be in the range of \$10,000 to \$20,000 per year.

=====
Section D. General Narrative

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

The Bill would amend the city's land development code by adding a zoning overlay district along Airport Road.

2. Consequences of Not Enacting This Bill/Resolution:

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

Development issues in the Airport Road area (architectural, site design, landscaping, signage and lighting) and alcoholic beverage advertising and sales will remain unaddressed if the Bill is not enacted.

3. Technical Issues:

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

None.

4. Community Impact:

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

The Bill would establish a zoning overlay district along Airport Road that would apply to properties abutting the Airport Road right-of-way between NM 599 and Cerrillos Road. The overlay district will include architectural, site design, landscaping, signage, lighting and alcohol regulations.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08

Chair Wurzburger clarified for the record that what hasn't changed in the process is only the bags at the checkout are being discussed and this is not about produce bags, etc.

Mr. Ceccarelli said at the most basic level they should start with an awareness campaign where merchants could have a shift of consciousness. Instead of automatically putting items into a bag, they could ask customers if they would skip the bag that day.

Biodegradable bags were discussed and whether the bags are a feasible option.

Chair Wurzburger said the issue would return and in the meantime Staff should be directed to sit with members of the Chamber to discuss the issue. She said she appreciated the hard work in redefining the problem.

Ms. Jahner said implementing the ordinance would not take away all of the plastic bags that hang on fences. She said they should be reasonable in touting the significance of what the ordinance would do.

She thought page requirement "made of durable plastic of at least 2.25" appeared to dictate what a person could take their groceries out of the store in. She said it is far more important to focus on education and recycling than to eliminate both plastic and paper bags at the same time. She said the Committee could do more to encourage recycling and education before both plastic and paper are banned.

Chair Wurzburger said she hopes to get Ms. Jahner's voice on helping to make that happen.

Mr. Ceccarelli said the thickness of the bag is not a proviso but a statement of what a reasonable bag is, opposed to a disposable bag.

Chair Wurzburger thought the definition was more for what is supplied by the business rather than with respect to people who bring in a plastic bag and is the definition used in the industry. She said the intent isn't that people couldn't bring their own plastic bag. She said language may need to be added.

Mr. Cisneros asked if the cost of the communication and education undertaken would be City's.

Chair Wurzburger said the City already has that with their recycling program but she thought the City could partner with businesses as well in terms of the sign in the store. She said there are businesses that are doing this in Santa Fe.

Councilor Rivera said the message has to be broader because people are being directed to put their newspapers in a plastic bag for recycling.

Chair Wurzburger said to think of this as a test. She said the hope is that within six months more people would recycle.

Mr. Austin noted there wasn't anything that stated businesses should display a sign in the store that bags would be banned. Chair Wurzburger replied that the details would have to be worked out.

IV. UNFINISHED BUSINESS- There was none

V. ACTION ITEMS

- A. Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 to Create a New Section to Establish an Airport Road Overlay District (Councilor Dominguez) (Matthew O'Reilly)

Councilor Dominguez said the general vision is for healthy communities and to make sure people have adequate places to walk, live, shop, learn and recreate. He said a team was formed over the year to talk

about the definition of a healthy community and what that looks like and needs and data was gathered to justify the need of some services and amenities.

Councilor Dominguez said there was an extensive public three prong process and about 300-500 people participated. The last piece of the process was a policy discussion with constituents and resulted in part of the legislation that has been presented to the Committee. He said this would be the first of a number of pieces to be brought forward with regard to creating a healthy community.

Councilor Dominguez said before the Committee was two prongs; the built environment and how to make the Airport Road area a healthy place to live. The plan is a pedestrian community and to offer incentives for construction or services the constituency said they need. He reminded the Committee the area is 4 1/2 square miles with over 20,000 people and does not have one dentist office or medical facility and few if any, fresh fruits and vegetables offered.

He said the second prong is the alcohol regulations. He said zoning would be used to regulate things that plague the community and the country. What is proposed was endorsed by the Santa Fe Underage Prevention Alliance as a best practice to curb underage drinking and address alcohol and substance abuse. Four things are recommended; to regulate density and advertisement and to eliminate the sale of miniature alcohol in convenience stores and segregate sales for the purchase of alcohol with a separate cash register.

Mr. Austin asked if a non-conforming building burns down after the overlay district is in place, could the building be rebuilt or if the building had to comply with the overlay. He said there could be related cost and the insurance proceeds might not be sufficient.

Mr. O'Reilly replied that a building destroyed completely would have to comply. He said the current City regulation, in effect for over 20 years, requires a building more than two thirds destroyed to be brought to code when rebuilt.

Mr. O'Reilly wanted the Committee to know that an ENN was held and over 500 notices were sent and resulted in changes to the ordinance to reflect concerns. He added the City Planning Commission unanimously recommended approval last week but requested a section of the ordinance dealing with mobile food vendors be removed. The Commission thought it more appropriately addressed in an ordinance of its own.

He said the Planning Commission also asked that Section 11 be clarified and Section 13, C-3 language refined that required the Land Use Director review changes in business floor plans. The refined language would state that would be required only when changes dealt with the alcohol sales area.

Councilor Dominguez said he agreed with most of the changes the Commission recommended; but the incentives were important to provide services needed in the area. He is willing to look at and clarify the language if needed.

He agreed the mobile food item should be rewritten and should be throughout the City. He said that fit the next agenda item in terms of a healthy food zone and he would be willing to remove that and discuss the issue further with the next item. He said the state's definition on sales is vague and the intent was for applicants to provide floor plans so the ordinance could be interpreted correctly. He had no problem with specific language or even dropping the item.

Albert said a lot of the language in the ordinance regarding floor plans came from the State regulations and changed some for new alcoholic beverage sales. He said the State regulations require segregated sales for retail areas of 20,000 square feet; a separate cash register or alcohol that could only be accessed by employees. He said to require current retail outlets to do that would be costly and the thought and intent of the language was it would be better to grandfather the old businesses. He said the language could be clarified if needed.

Councilor Rivera moved to approve Action Item A with the direction that the Planning Commission

recommendations be incorporated. Councilor Rivera seconded the motion.

Councilor Rivera said he was hesitant to be a cosponsor because Councilor Dominguez deserved all of the credit. He said Councilor Dominguez has worked on the issue for a year and a half.

Chair Wurzburger said she would also be happy to cosponsor the ordinance.

Ms. Aquilina said as a vision as a healthy food zone throughout the City of Santa Fe, she wondered what that could look like nationally as an inspiration. She said a few years ago banning national franchises was discussed but never went very far. She thought other communities would follow if Santa Fe takes leadership to do something visionary.

She thanked Councilor Dominguez and said she appreciated that he took the leadership in the issue.

Councilor Dominguez said the issue has come up throughout the course of the hearings on the issue. He said Airport Road has an abundance of vacant land and is the fastest growing part of the community and this is an attempt to jump ahead and address the issue now instead of later. He agreed some of this needs to be citywide but would be much more complicated. He said he wouldn't mind leading that charge and having that discussion with others once this ordinance is done.

The motion to approve the ordinance was passed by unanimous voice vote.

~~B. Resolution Directing Staff to Explore the Options for Incorporating Healthy Food Zone Legislation into the Airport Road Overlay District Ordinance. (Councilor Dominguez) (Matthew O'Reilly)~~

~~Councilor Dominguez said the resolution is a reiteration of a previous resolution passed (2011-15) and directs Staff to focus on that conversation as well. He said the intent is to ensure the Airport Road District is not oversaturated with unhealthy food and that healthier options and fresh fruits and vegetables are provided.~~

~~**Ms. Aquilina moved to approve the Resolution as presented. Mr. Warhanek seconded the motion and the motion passed by unanimous voice vote.**~~

VI. ITEMS FROM THE PUBLIC

~~Ms. Donna Dempsey, with the American Plastic Bag Alliance said she represents plastic bag manufacturers across the United States. She thanked the Committee for the opportunity to comment.~~

~~She said she read the ordinance and the Alliance is against bans, but two big reasons are: one, the bans do not decrease litter. San Francisco did a litter study a year before they banned grocery bags and litter increased from .6% to .64 percent a year after the ban. She said it is correct that bags not properly disposed of, reused or recycled are a visual blight.~~

~~Ms. Dempsey said she heard from City Staff that a goal of the ordinance is to reduce items that go into the landfill by 30 percent. She said the ordinance as written is counterintuitive to that. She said plastic bag recycling allows all other film plastic made from polyethylene, to be bundled and recycled; banning plastic bags takes that away and film plastic would go into the landfill.~~

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

RESOLUTION NO. 2013-__

Airport Road Overlay District – Healthy Food Zone

SPONSOR(S): Dominguez

SUMMARY: The proposed resolution directs staff to explore the options for incorporating healthy food zone legislation into the Airport Road Overlay District Ordinance. Such legislation shall include, without limitation, incentives to lure supermarkets, farmers' markets and healthy food restaurants to the Airport Road area and to encourage convenience stores to stock fruits and vegetables and to limit fast-food restaurants near schools.

PREPARED BY: Melissa D. Byers, Legislative Liaison

FISCAL IMPACT: No

DATE: December 4, 2012

ATTACHMENTS: Resolution

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Councilor Carmichael Dominguez

A RESOLUTION

DIRECTING STAFF TO EXPLORE THE OPTIONS FOR INCORPORATING HEALTHY FOOD ZONE LEGISLATION INTO THE AIRPORT ROAD OVERLAY DISTRICT ORDINANCE.

WHEREAS, communities from across the Country have incorporated healthy food zones into their communities by giving incentives to lure supermarkets and farmers' markets to "food deserts," or encouraging corner stores to stock fruits and vegetables; and

WHEREAS, communities have also established "healthy food zones" near schools to ban the fast-food restaurants that so often tempt students to skip school meals; and

WHEREAS, on _____, 2013, the Governing Body adopted Ordinance No. 2013-__ which established the Airport Road Overlay District in Subsection 14-5-5(C) SFCC 1987; and

WHEREAS, the purpose and intent of the Airport Road Overlay District is to:

- Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;
- Promote a healthy and safe environment through the development of walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms associated with alcohol sales and advertising;
- To support the efforts of local public schools by promoting the health of children by regulating the location and operation of mobile food vendors near public schools and public parks, libraries, youth centers and recreation centers.

WHEREAS, as part of the Airport Road Overlay District, the Governing Body desires to incorporate a healthy food zone to make it easier for the residents of the Airport Road area to buy fresh, nutritious food close to home, school, and work.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that staff is directed to explore the options for incorporating healthy food zone legislation into the Airport Road Overlay District Ordinance. Such legislation shall include, without limitation, incentives to lure supermarkets, farmers' markets and healthy food restaurants to the Airport Road area and to encourage convenience stores to stock fruits and vegetables and to limit fast-food restaurants near schools.

PASSED, APPROVED and ADOPTED this ___ day of _____, 2013.

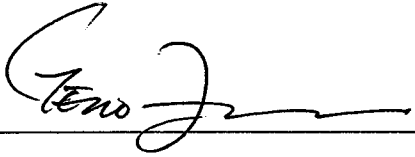
ATTEST:

DAVID COSS, MAYOR

YOLANDA VIGIL, CITY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM:



A handwritten signature in cursive script, appearing to read "Geno Zamora", is written over a horizontal line.

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2012/Airport Road Healthy Food Zone

recommendations be incorporated. Councilor Rivera seconded the motion.

Councilor Rivera said he was hesitant to be a cosponsor because Councilor Dominguez deserved all of the credit. He said Councilor Dominguez has worked on the issue for a year and a half.

Chair Wurzbarger said she would also be happy to cosponsor the ordinance.

Ms. Aquilina said as a vision as a healthy food zone throughout the City of Santa Fe, she wondered what that could look like nationally as an inspiration. She said a few years ago banning national franchises was discussed but never went very far. She thought other communities would follow if Santa Fe takes leadership to do something visionary.

She thanked Councilor Dominguez and said she appreciated that he took the leadership in the issue.

Councilor Dominguez said the issue has come up throughout the course of the hearings on the issue. He said Airport Road has an abundance of vacant land and is the fastest growing part of the community and this is an attempt to jump ahead and address the issue now instead of later. He agreed some of this needs to be citywide but would be much more complicated. He said he wouldn't mind leading that charge and having that discussion with others once this ordinance is done.

The motion to approve the ordinance was passed by unanimous voice vote.

- B. Resolution Directing Staff to Explore the Options for Incorporating Healthy Food Zone Legislation into the Airport Road Overlay District Ordinance. (Councilor Dominguez) (Matthew O'Reilly)

Councilor Dominguez said the resolution is a reiteration of a previous resolution passed (2011-15) and directs Staff to focus on that conversation as well. He said the intent is to ensure the Airport Road District is not oversaturated with unhealthy food and that healthier options and fresh fruits and vegetables are provided.

Ms. Aquilina moved to approve the Resolution as presented. Mr. Warhanek seconded the motion and the motion passed by unanimous voice vote.

VI. ITEMS FROM THE PUBLIC

Ms. Donna Dempsey, with the American Plastic Bag Alliance said she represents plastic bag manufacturers across the United States. She thanked the Committee for the opportunity to comment.

She said she read the ordinance and the Alliance is against bans, but two big reasons are: one, the bans do not decrease litter. San Francisco did a litter study a year before they banned grocery bags and litter increased from .6% to .64 percent a year after the ban. She said it is correct that bags not properly disposed of, reused or recycled are a visual blight.

Ms. Dempsey said she heard from City Staff that a goal of the ordinance is to reduce items that go into the landfill by 30 percent. She said the ordinance as written is counterintuitive to that. She said plastic bag recycling allows all other film plastic made from polyethylene, to be bundled and recycled; banning plastic bags takes that away and film plastic would go into the landfill.