

City of Santa Fe, New Mexico

memo

DATE: June 28, 2016

TO: Governing Body

VIA: Public Works, C.I.P., & Land Use Committee

FROM: 

Matthew O'Reilly, P.E.
Asset Development Director

RE: **SUBSTITUTE BILL:** AN ORDINANCE RELATING TO SECTION 23-5 SFCC 1987, "REGULATIONS FOR THE USE OF THE PLAZA AND PLAZA PARK" AND TO SECTION 18-8.9 SFCC 1987, THE "VEHICLE VENDOR ORDINANCE"; AMENDING SUBSECTION 23-5.1 TO ADD A DEFINITION OF "CANYON ROAD PERIPHERY AREA"; AMENDING SUBSECTION 18-8.9 TO CLARIFY THE DEFINITION OF VEHICLE VENDORS TO EXCLUDE TRANSPORTATION SERVICES AND TO CLARIFY THE CUSTOMER SERVICE ENTRY LOCATION ON VEHICLES USED FOR VENDING; AND MAKING OTHER SUCH CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

AND: **SUBSTITUTE RESOLUTION:** A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE CANYON ROAD PERIPHERY AREA AT SPECIFIC LOCATIONS, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.

BACKGROUND

On May 13, 2015 the Governing Body adopted the "Vehicle Vendor Ordinance" (Ordinance 2015-13). The ordinance renamed and amended the so-called "Street Vendor Ordinance" which had been in place for many years. Among a number of amendments¹, the Vehicle Vendor Ordinance retained the existing provision prohibiting Vehicle Vendors within the Plaza Periphery area².

On May 27, 2015, in accordance with the provisions of the Vehicle Vendor Ordinance, the Governing Body adopted Resolution 2015-55 authorizing Mobile Vehicle Vendors at three specific locations within the Plaza Periphery area beginning on June 8, 2015.

¹ Ordinance 2015-13 also included the option for the Governing Body to authorize Vehicle Vendors within the Plaza Periphery area by adoption of a Resolution.

² As defined by Section 23-5.1(V) SFCC 1987, the "Plaza periphery area means an area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary streets."

INITIAL BILL & RESOLUTION

The subject Bill and accompanying Resolution under consideration, as initially introduced, were approved by the Public Works Committee and the Finance Committee along with various amendments. The initial Bill and Resolution were then heard by the Governing Body on May 27, 2016. The Governing Body heard public testimony and postponed action on the Bill and Resolution with direction that both be sent back to the Public Works Committee prior to returning to the Governing Body for action on July 27, 2016.

In postponing action, the Governing Body directed staff to: 1) explore the possibility of expanded hours of operation of vehicle vendors beyond those proposed by the initial Resolution; and 2) to explore additional parking spaces for Vehicle Vendors within the proposed Canyon Road Periphery Area including side streets and possibly along Canyon Road itself.

Staff explored these possibilities as directed and presented a draft Substitute Bill and Resolution to representatives of the Canyon Road Gallery Owner's Association, Axle Contemporary gallery, and Councilors Maestas and Lindell at a meeting on June 21. Feedback was received at that meeting which was incorporated into the attached Substitute Bill and Resolution.

PROPOSED SUBSTITUTE BILL

The Substitute Bill contains two sections:

Section 1

Section 1 of the Substitute Bill remains the same as the initial amended Bill. It establishes a new area called the "Canyon Road Periphery Area" and defines the area's geographic boundaries.

Section 2

Section 2 of the Substitute Bill remains the same as the initial amended Bill with respect to transportation services. It amends the definition of "Vehicle Vendor" to clarify that "transportation services" are not among the services associated with vehicle vending.

New material is added to relax the previously-proposed prohibition against vehicle vendors within the Canyon Road Periphery Area to now include a prohibition only against vehicle vendors parked on streets (where safety concerns have been greatest) and to thereby remove any prohibitions against vehicle vending on private property within the Canyon Road Periphery Area. Of course, the general requirement that all vehicle vendors must operate in compliance with all other provisions of the Vehicle Vehicle Ordinance remains unaffected.

New material is also added to clarify that those vehicle vendors that are parked on streets and that allow the public to enter their vehicles do so from the rear- or sidewalk-side of the vehicle only for safety.

PROPOSED SUBSTITUTE RESOLUTION

The Substitute Resolution contains several differences from the previously-proposed version.

First, the idea of a single parking location for mobile vehicle vendors at the city's municipal parking lot on Canyon Road is abandoned in favor of two, 25-foot on-street locations on Canyon Road itself as shown on the attached map. Second, these parking spaces would be available at all times of the day and would have no time-of-day restrictions other than the 3-hour restriction already present in the Vehicle Vendor Ordinance. Third, these spaces would be posted as reserved only for mobile vehicle vendors; parking by other vehicles would be prohibited. Fourth, a city street sign would be installed at the western end of Canyon Road near Paseo de Peralta as notification that mobile vehicle vendors are prohibited within the Canyon Road Periphery Area except at posted locations. Finally, the effective date of the resolution is changed to August 1, 2016. All other provisions of the Substitute Resolution are the same as the initially-proposed Resolution.

REQUESTED ACTION

If the Governing Body desires to adopt the Substitute Resolution, the Substitute Bill must first be adopted.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

INTRODUCED BY:

Councilor Joseph M. Maestas

Councilor Peter N. Ives

A RESOLUTION

AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE ~~[PLAZA]~~ CANYON ROAD PERIPHERY AREA AT SPECIFIC LOCATIONS [AND AT LIMITED TIMES], PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.

WHEREAS, on May 13, 2015, the Governing Body adopted Ordinance No. 2015-13 which established the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987; and

WHEREAS, the Vehicle Vendor Ordinance prohibits vehicle vendors within the Plaza Periphery Area, prohibits mobile vehicle vendors from parking for more than three (3) hours at any location, and prohibits mobile vehicle vendors from parking within one hundred fifty (150) feet of the street-level entrance to any restaurant, unless such ~~[prohibited]~~ activities are authorized by a resolution of the Governing Body; and

WHEREAS, on May 27, 2015 the Governing Body, in accordance with the Vehicle Vendor Ordinance, adopted Resolution No. 2015-55 which authorized mobile vehicle vendors to operate at three (3) specific locations within the Plaza Periphery Area at specific times of day; and

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locations; and

(2) City staff shall install parking signs at the locations identified by this resolution.

The signs shall state that parking is reserved for mobile vehicle vendors at these locations; and

([2]3) Mobile vehicle vendors parked at these locations shall remain in compliance with the Vehicle Vendor Ordinance at all times; and

([3]4) Licensed mobile vehicle vendors shall pay a “Supplemental [Plaza] Canyon Road Periphery Fee” of \$150.00 in addition to the vehicle vendor license fee to vend at the above locations; and

([4]5) The city manager is authorized to adopt administrative procedures for the management and enforcement of the use of the above locations should the need arise.

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PLAZA PERIPHERY AREA (CANYON ROAD) – VEHICLE VENDOR MAP

CANYON ROAD PERIPHERY AREA - MOBILE VEHICLE VENDOR MAP

(AUTHORIZED LOCATIONS FOR MOBILE VEHICLE VENDING ON CITY STREETS)

LOCATION 2

AUTHORIZED LOCATION BEGINS $\pm 45'$ WEST OF EXISTING DRIVEPAD AT 550 CANYON ROAD AND EXTENDS $\pm 25'$ WEST. (EXACT LOCATION TO BE IDENTIFIED BY CITY SIGNAGE)

LOCATION 1

AUTHORIZED LOCATION BEGINS $\pm 10'$ WEST OF EXISTING DRIVEPAD AT 515 CALLE CORVO AND EXTENDS $\pm 25'$ WEST. (EXACT LOCATION TO BE IDENTIFIED BY CITY SIGNAGE)



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PASSED, APPROVED, and ADOPTED this _____ day of _____, 2016.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

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

Section A. General Information

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

Short Title(s): A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE [PLAZA] CANYON ROAD PERIPHERY AREA AT SPECIFIC LOCATIONS [AND AT LIMITED TIMES], PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.

Sponsor(s): Councilors Maestas and Ives

Reviewing Department(s): Asset Development Office

Person Completing FIR: Matt O'Reilly Date: 6/27/16 Phone: x6213

Reviewed by City Attorney: Kellie A. Brennan Date: 6/28/16
(Signature)

Reviewed by Finance Director: [Signature] Date: 6-28-2016
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the Bill/Resolution.

The Resolution would authorize mobile vehicle vendors within the Canyon Road Periphery Area at two (2) designated locations. These areas, shown on the map attached to the resolution, are situated as to have the least impact on existing brick and mortar businesses currently located on Canyon Road and the surrounding area.

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)

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 resolution requires that the city install parking signs at two locations along Canyon Road. The exact locations are specified in the map attached to the resolution. This will require an estimated expenditure of \$250.

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.

This resolution does not duplicate/conflict with any City code, approved ordinance or resolution, or other adopted policies or proposed legislation. This resolution is being presented in conjunction with a bill to create a Canyon Road Periphery Area that will similarly put limits on the number and location of vehicle vendors within the established perimeter of the area. The Vehicle Vendor Ordinance allows vehicle vendors within the Canyon Road Periphery Area if authorized by a resolution of the Governing Body.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this Bill/Resolution? If so, describe.

This resolution is accompanied by a bill that would restrict Vehicle Vendors from the Canyon Road Area. If this resolution is not adopted, the one or two Mobile Vehicle Vendors that from time to time vend from in this area would not have an alternate vending location with the immediate area.

3. Technical Issues:

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

None identified.

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.

This resolution represents an opportunity to ameliorate the effects of a companion Bill restricting Vehicle Vendors within this area by providing an alternate and safe location from which to vend.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2016-__

INTRODUCED BY:

Councilor Joseph M. Maestas

Councilor Peter Ives

A RESOLUTION

AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.

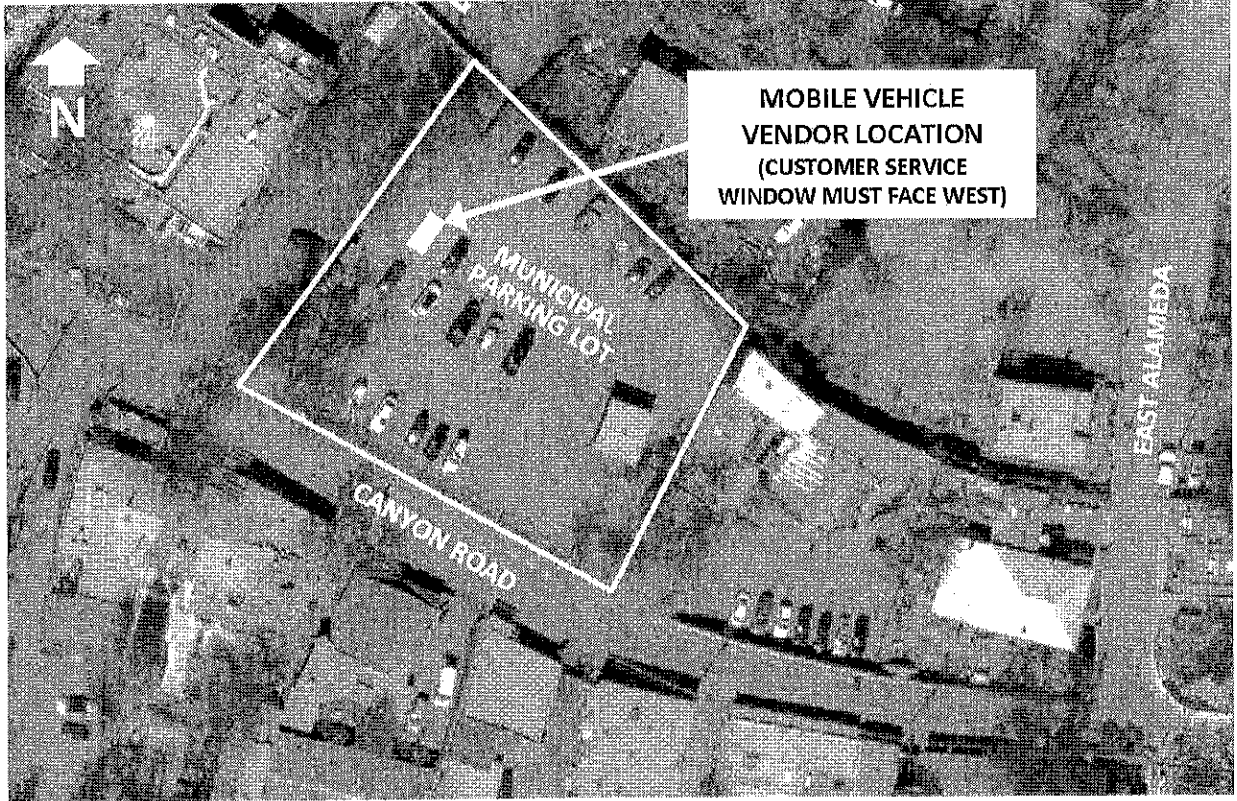
WHEREAS, on May 13, 2015, the Governing Body adopted Ordinance No. 2015-13 which established the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987; and

WHEREAS, the Vehicle Vendor Ordinance prohibits vehicle vendors within the Plaza Periphery Area, prohibits mobile vehicle vendors from parking for more than three (3) hours at any location, and prohibits mobile vehicle vendors from parking within one hundred fifty (150) feet of the street-level entrance to any restaurant, unless such prohibited activities are authorized by a resolution of the Governing Body; and

WHEREAS, on May 27, 2015 the Governing Body, in accordance with the Vehicle Vendor Ordinance, adopted Resolution No. 2015-55 which authorized mobile vehicle vendors to operate at three (3) specific locations within the Plaza Periphery Area at specific times of day; and

PLAZA PERIPHERY AREA (CANYON ROAD) – VEHICLE VENDOR MAP

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PASSED, APPROVED, and ADOPTED this _____ day of _____, 2016.

JAVIER M. GONZALES, MAYOR


ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

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M/Legislation/Resolutions 2016/Vehicle Vendors on Canyon Road