



Agenda

CITY CLERK'S OFFICE

DATE 12-20-07 TIME 11:30

SERVED BY Gerardina Cruz

RECEIVED BY [Signature]

PLANNING COMMISSION

January 17, 2008 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES

December 06, 2007

- E. OLD BUSINESS
- F. NEW BUSINESS

1. An ordinance amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 regarding the calculation of allowable dwelling units and maximum number of dwelling units. (Councilors Calvert and Councilor Bushee) (Jeanne Price, case manager)
2. An ordinance amending Table 14-7.1-1 SFCC 1987 so that the maximum lot coverage for RM districts is fifty percent (50%) if private open space is provided. (Councilors Heldmeyer, Councilor Calvert and Mayor Coss) (Jeanne Price, case manager)
3. **Case #M 2007-39. The Villas at the Lensic Development Plan.** Karl Sommer, agent for Greer Enterprises, Inc. requests approval of a development plan for a commercial building comprising approximately 47,691 square feet, plus 2.5 levels of underground parking garage. The property is zoned BCDLEN (Business Capital District Lensic Block Redevelopment Subdistrict) and is located within the Downtown Eastside Historic Overlay District and Historic Downtown Archaeological Overlay District. (Dan Esquibel, case manager)
4. **Case #SP 2007-24. Janet Urian Lot Split and Access Variance.** Janet Urian, owner/agent, requests plat approval to divide 0.406± acres into two tracts. The application includes a request for a variance to allow access to the subdivision via an 18 foot private road where a 38 foot private road is required. The property is located on Agua Fria Street, west of Alejandro Street and is zoned R-5 (Residential, five dwelling units per acre). (Donna Wynant, Case Manager) **(REFERRED FROM SUMMARY COMMITTEE)**

5. **Case #M 2007-35. Plazas at Pecos Trail Variance to the South Central Highway Corridor Overlay District Sign Setback Regulations.** Linda Tigges, agent for William Chapman, requests a variance to the South Central Highway Corridor Overlay District setback regulations to allow for two entry signs with walls off Old Pecos Trail at the intersection with Plazuela Vista. The property is located on the west side of Old Pecos Trail and south of St. Michael's Drive and is zoned R-2 (Residential, two dwelling units per acre). (Lou Baker, case manager)
6. **Case #S 2007-11. Villas de Sophia Preliminary Subdivision Plat.** Monica Montoya, agent for Ted Chagaris requests preliminary subdivision plat approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, seven dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, case manager)

G. BUSINESS FROM THE FLOOR

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.
***An interpreter for the hearing impaired is available through City Clerk's Office upon 5 days notice. Please call 955-6521**

INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

January 17, 2008

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES December 06, 2007	Approved	1-2
E. OLD BUSINESS	None	2
F. NEW BUSINESS		
1. An ordinance amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 regarding the calculation of allowable dwelling units and maximum number of dwelling units.	Approved	2-4
2. An ordinance amending Table 14-7.1-1 SFCC 1987 so that the maximum lot coverage for RM districts is fifty percent (50%) if private open space is provided.	Approved	4-5
3. Case #M 2007-39. The Villas at the Lensic Development Plan. Karl Sommer, agent for Greer Enterprises, Inc. requests approval of a development plan for a commercial building comprising approximately 47,691 square feet, plus 2.5 levels of underground parking garage. The property is zoned BCDLEN (Business Capital District Lensic Block Redevelopment Subdistrict) and is located within the Downtown Eastside Historic Overlay District and Historic Downtown Archaeological Overlay District.	Approved	5-13
4. Case #SP 2007-24. Janet Urian Lot Split and Access Variance. Janet Urian, owner/agent, requests plat approval to divide 0.406± acres into two tracts. The application includes a request for a variance to allow access to the subdivision via an 18 foot private road where a 38 foot private road is required. The property is located on Agua Fria Street, west of Alejandro Street and is zoned R-5 (Residential, five dwelling units per acre).	Approved	14-16
5. Case #M 2007-35. Plazas at Pecos Trail Variance to the South Central Highway Corridor Overlay District Sign Setback Regulations.	Postponed per agenda	16
6. Case #S 2007-11. Villas de Sophia Preliminary Subdivision Plat. Monica Montoya, agent for Ted Chagaris requests preliminary subdivision plat approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, seven dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, case manager)	Approved	16-19

ITEM	ACTION TAKEN	PAGE(S)
G. BUSINESS FROM THE FLOOR		19
H. STAFF COMMUNICATIONS		19-20
I. MATTERS FROM THE COMMISSION		20
J. ADJOURNMENT		20

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

January 17, 2007

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Estevan Gonzales at approximately 6:00 p.m. on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT:

Bonifacio Armijo
Ken Hughes
Gloria Lopez
Matthew O'Reilly
John Salazar
Angela Schackel Bordegaray
Signe Lindell, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

Shayna Lewis (excused)

STAFF PRESENT:

Greg Smith, Director Permit and Development Review
Kelley Brennan, Assistant City Attorney
Jeanne Price, Legislative Liaison
Dan Esquibel, Land Use Planner Senior
Donna Wynant, Senior Planner
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Gonzales asked Commissioner Lindell to lead the pledge of allegiance.

C. APPROVAL OF AGENDA

Commissioner Hughes moved to approve the agenda as presented, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

D. APPROVAL OF MINUTES

December 06, 2007

Commissioner Hughes made the following correction to page 12: corrected the spelling of *Mr. Me* to *Mee*.

Commissioner O'Reilly made the following changes:

Page 8, third paragraph from the bottom, next to last sentence: added after true *that the need for* these clarifications.....

Page 17, fifth paragraph from the bottom: changed accurate to actual.

Page 17, last paragraph, last line: if the *property were sold* rather than *were sold property*.

Commissioner Armijo moved to approve the minutes of December 6, 2007, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS – None

F. NEW BUSINESS

- 1. An ordinance amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 regarding the calculation of allowable dwelling units and maximum number of dwelling units. (Councilors Calvert and Councilor Bushee) (Jeanne Price, case manager)**

Memorandum from Jeanne Price, Legislative Liaison, prepared January 4, 2008 for January 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Fact sheet prepared by Daniel Yohalem is incorporated herewith to these minutes as Exhibit "1(A)."

Jeanne Price presented the staff report included in Exhibit "1."

Public Hearing

Daniel Yohalem, explained that his neighborhood went from an R-2 zone to an R-4 zone. He stated that his home is the most important investment he has made, so he looked into the matter. In 2001, the City changed the way it calculated lots and dwelling units. Now all of a sudden the rules were totally changed with regards to calculating the allowable units. He described a lot that was split in half and treated as two half acre lots. He reviewed how the calculations work included in Exhibit "1(A)." Staff discovered that there has not been any positive effect from the ordinance in 2001, but there has been a doubling of density in all the zones in the City. He said many are concerned about something that happened in Bellamah, but it is clearly happening across the City. He noted that he worked with Councilors Calvert and Bushee on the amendment. He asked the Commission to give a positive recommendation. He pointed out that with the lot splits going on, the doubling of density cannot be undone. He said this is a stand alone provision. This is the same calculation that will appear for every single zone and this simple change will restore the zoning calculation.

Richard Horcasitas, spoke in opposition of this ordinance. He believes this ordinance contradicts the general plan section 1 referring to urban form.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly questioned the change proposed at the bottom of page 1 of the ordinance. In his opinion this falls in the category of serial subdivision, so he wondered why this would be required.

Ms. Price explained that this has been in the code for awhile and is an effort to prevent serial subdivisions. She explained that you may have a subdivision that has a mixture of lot sizes, but the total number of lots is what the zoning allows. This prevents the larger lots from getting split again and the whole development exceeding what is allowed. She said there has to be some way of noting the maximum density has been reached.

Commissioner O'Reilly thought they normally put notes on the plat.

Mr. Smith said that is typically the City's practice. He explained some of the ways the calculations do not work. The simplest way to describe this is that it enforces lot size averaging.

Commissioner O'Reilly asked if there have been problems with this.

Mr. Smith explained that most subdivisions have no provision for this, so it is not clear whether any of the lot owners or lot owners together should have the ability to create an additional lot. He said it happens more than you would think although it is not common.

Commissioner O'Reilly said he could see that clearly rounding up is a de facto rezoning of the property. He expressed concern with the areas where the land values make this worthwhile to someone doing that. He said it is clear that this has not produced the affordable housing they have been trying to get. He is worried about areas where this would be a benefit to affordable housing. He expressed concern with this calculation because when talking about denser zoning categories there is more likely to be product created in the affordable range. He wants them to still have the chance to get the affordable unit.

Commissioner Hughes thought this was another example of a change to incorporate into the new zoning update. He asked when that is done if it is the thought that the new zoning would be Euclidian based.

Mr. Smith was not sure specifically what Commissioner Hughes was referring to.

Commissioner Hughes said not performance zoning.

Mr. Smith stated that it is too early to say what form or basis for zoning will be incorporated. The other place this comes into play is the relatively small lots in the RM district.

Commissioner Hughes believed a form based code would be a better way.

Commissioner Salazar asked how family transfers would fall into this and wondered if they would round down.

Ms. Price replied yes, but said it is not exactly the same as one extra unit. She explained that in the SFHP you get a density bonus but it is not always exactly what was described.

Mr. Smith stated that in the EZ codes there are different rules for family transfers and the City uses the same rules for everything.

Commissioner Salazar clarified that .9 would be rounded down.

Ms. Price replied yes if you went through the calculation.

Commissioner Armijo asked how this works for going in front of the Summary Committee and under what ordinance they would fall. He also wanted to know how they would identify these cases where they have had multiple lot splits.

Ms. Price explained that if there was not a note on the plat then staff would not know unless they recalled that the property has been subdivided several times.

Commissioner Armijo questioned how they would know lot splits have occurred.

Ms. Price said hopefully the surveyor would pick that up and there would be a note on the survey.

Mr. Smith added that they could look at the original subdivision and see if the property had reached the maximum density. He said there are a handful of subdivisions where they run across this and the original density was less than allowed by the zoning.

Commissioner Armijo was still not sure how they would track all that.

Mr. Smith explained that the method of placing the note on the plat is designed to eliminate ambiguity. He pointed out that if you have a ten lot subdivision note it would permit the large lots from being subdivided, so rather than facing ambiguity the plats would make it clear what the zoning is and the boundary for the future. He added that the language has been in effect since 2001.

Commissioner O'Reilly moved to recommend approval of an ordinance amending Table 14-7.1-1 and Section 14-7.1(B) SFCC 1987 regarding the calculation of allowable dwelling units and maximum number of dwelling units with the following condition: Council consider that this ordinance should apply only when the calculated maximum density and he requested the staff present the Council with that minimum number of dwelling units for the parts of the ordinance that change and have to do with rounding and not the part that has to do with the calculations of the density for the site as a whole, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

- 2. An ordinance amending Table 14-7.1-1 SFCC 1987 so that the maximum lot coverage for RM districts is fifty percent (50%) if private open space is provided. (Councilors Heldmeyer, Councilor Calvert and Mayor Coss) (Jeanne Price, case manager)**

Memorandum from Jeanne Price, Legislative Liaison, prepared January 4, 2008 for January 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Jeanne Price presented the staff report included in Exhibit "2."

Councilor Heldmeyer explained that when they came up with the set of 2001 amendments they were under the impression that the changes would help not hurt districts. The changes did greatly affect mainly the core downtown neighborhoods that were zoned inappropriately. These are historic areas and have traditionally not fit that land use pattern. She said this has resulted in a lot of small casitas being placed that are oriented toward the tourist trade rather than places to live. She said when the changes passed almost all the residential areas were put to 50% lot coverage.

Public Hearing

There were no members of the public present to speak on this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Mr. Smith stated that the staff is able to enforce either rule. He agreed they have seen very little positive impact on affordability. He also agreed with the Councilors and Ms. Price that this is mainly a problem in RM-1 near the downtown.

Commissioner Lindell agreed that since this went into effect in 2001, the corridor between Palace Avenue and Cerros Gordo has seen a dramatic amount of inappropriate infill. She has seen some lots where the coverage is a little overwhelming. She said she will support this.

Commissioner Armijo asked why the roofed areas are included as part of open space because this reduces the open space and they would get more open space if this was not included.

Ms. Price explained that they messed with the private open space in 2001, so this still gives some leeway.

Commissioner Armijo asked for an explanation of item 7.

Ms. Price said she thinks this is talking about the dwelling unit providing the open space, so an accessory unit could share the same open space as the principle dwelling unit.

Commissioner Lindell moved to recommend approval of an ordinance amending table 14-7.1-1 SFCC 1987 so that the maximum lot coverage for RM districts is 50% if private open space is provided, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

- 3. Case #RM 2007-39. The Villas at the Lensic Development Plan. Karl Sommer, agent for Greer Enterprises, Inc. requests approval of a development plan for a commercial building comprising approximately 47,691 square feet, plus 2.5 levels of underground parking garage. The property is zoned BCDLEN (Business Capital District Lensic Block Redevelopment Subdistrict) and is located within the Downtown Eastside Historic Overlay**

District and Historic Downtown Archaeological Overlay District. (Dan Esquibel, case manager)

Memorandum from Daniel Esquibel, Land Use Planner Senior, prepared January 9, 2008 for January 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Letter from Thomas Romine, Walker Engineering Consultants dated January 15, 2008 is incorporated herewith to these minutes as Exhibit "3(A)."

Letter of opposition from The Old Santa Fe Association, Inc. dated January 17, 2008 is incorporated herewith to these minutes as Exhibit "3(B)."

Mr. Esquibel presented the staff report with a PowerPoint presentation included in Exhibit "3."

Staff recommends:

1. Submit complete lighting plan pursuant to 14-3.8(A)(6)(a) & 14-4.3(E)(3)(b)(A) & 14-8.9 (reference matrix number 17, page 12)
2. Submit plans showing internal vehicular & pedestrian circulation and avoidance of conflicts as required by 14-4.3(E)(3)(b)(A)(reference matrix number 18 page 12)
3. Applicants obtain Public Works design sign off for project prior to Major Project/Development Plan filing (reference matrix number 21 page 13)
4. Submit a loading plan that will provide reasonable loading facilities suitable for the proposed and existing development for the Lensic Block with safe pedestrian separation from loading facilities (reference matrix number 25 page 14)
5. Revise internal pedestrian thru pathways so that opening so not mingle with loading or refuse area (reference matrix number 30 page 30)
6. The number of bicycle stalls shall comply to 14-8.6(D) (reference matrix number 37 page 16)
7. Compliance to all DRT comments and conditions (reference Matrix number 40 on page 16 and Exhibit A for DRT comments and conditions:
 - a. August 23, 2006 response to Nicholas Schiavo, PE Wastewater Management Division
 - b. November 21 & 28, 2007 responses by E. Biathrow, Engineer Division Land Use Technical Review
 - c. November 6, 2007 responses by Antonio Trujillo, Engineer Sangre de CRisto Water
 - d. November 29, 2007 responses by John Romero, Public Works Department/Engineering Division/Traffic Impact Section
 - e. November 29, 2007 responses by Barbara Salas, Fire Marshal
 - f. December 6, 2007 response by Pacheco, James R, Office of Affordable Housing
 - g. October 1, 2007 amended January 9, 2008 response by David Rasch, Historic Preservation Division.

Public Hearing

Karl Sommer, PO Box 2476, was sworn. He stated that he is representing the Greer Family. He thanked the staff as they have treated this like a very important and significant part of the present and the future. He said Mr. Esquibel has done a good job of simplifying the case. He said at times they may disagree but they have worked through the issues. He wanted to correct one of the BCD recommendations as it was that the curve be made square rather than be made opposite, but still set back. He clarified that this will go to the Council for final approval. He ended saying that the Greer family has been here for over 100 years and have continued to help and be a significant part of the downtown.

Jeff Sears, 301 Staab Street, was sworn. He reviewed the elevations and drawings of how the project has progressed and changed with suggestions from the community.

Joseph Karnes, was sworn. He reviewed a PowerPoint slide show of the photos included in the packet. He stated that this proposal satisfies each and every design standard with the inclusion of public portals and it creates a mixed use asset for downtown Santa Fe.

Mr. Sommer explained that the BCD comments were that it was too busy are being considered as they move forward. He said there will be more comments at Historic Board related to height. He said they will not redesign the whole project, but will continue to incorporate recommendations into the plan as this moves forward. They are 3 feet below the allowed height for this zone, but 19 feet above what the H Board requires on one façade and 16 feet above on one other façade.

Alexis Girard, President Greer Enterprises, was sworn. She thanked staff and the opponents for their tireless concern for the City of Santa Fe. She said they have been going through the process for a lot of years, so she asked the Commission to consider the process they have gone through to bring this project forward. She noted that as the owner and developer she would prefer the Moorish flavor as it speaks to the history and her ancestors, but it was believed that they needed to keep the project more in line with the Historic Board requirements and they were trying to minimized the variances and exceptions.

Mr. Esquibel pointed out that the historic averaging calculations were placed on page 10.

Simon Brackley, President of Chamber of Commerce, was sworn. He urged the Commission to support this investment in the downtown area. He said it will create significant jobs, gross receipts and will contribute much needed parking. He noted that the number of visitors has been flat over the last few years and they predict less than 2% growth. He believes this will help support downtown merchants as everyone needs to ensure the economy of the Plaza area remains strong.

Ann Lacey, 81 Old Agua Fria Road, was sworn. She said she has been a member of the ad hoc community and has to say it has been a wonderful experience as it has brought positive collaboration over a controversial issue. She thanked everyone for their positive welcome to the community to work on the project. She admired the design changes, but would like this to only be approved if it does not have a fourth story. She explained that it has moved from residential to commercial. Now as a commercial enterprise virtually a hotel instead of condominiums it would be fractured use. She still believes a fourth story has no rationale and would not be in keeping with the historic status. She said the creation of subdistricts is not an excuse for building fourth stories. She commented that there are 10 major developments proposed for downtown, so she is hoping they look at the 4th story and the massing in the context of what is going on in the entire area. She requested the Commission approve this as a 3 story building.

Marilyn Bane, 622 ½ Old Canyon Road, was sworn. She read her letter into the record included in Exhibit "3(B)." She stated that she believes personally much of the tourist decline is because they continue to build taller and with greater mass which is not what people like about Santa Fe. For this reason she stated objection to the project. She echoed gratitude for the way the applicant worked with the ad hoc group and Old

Santa Fe Association as they were courteous and listened. She said the height is the biggest problem. She is also concerned with the traffic, loading dock and street capacities, and erosion of the historic character of the City. She said she cannot support the project as she is uncomfortable with the 16 feet.

Raymond Herrera, Hillside Avenue, was sworn. He stated that he has been involved since the inception and unfortunately was not invited to the ad hoc committee meetings. His concerns are with the health, safety and welfare of the community. The traffic is hazardous in this area and everyone knows the congestion. He said the proposed plan and the numbers calculated do not make sense. He hopes the Commission and Council take into consideration these factors and the tunnel effect between the development and the court house. This is a major area for the underground parking and in the winter time there will be ice causing problems and if there is an accident it could be detrimental to the City. He added that he does not feel this follows the streetscape of the surrounding buildings.

Laurie Silver, Garcia Street, was sworn. She spoke in favor of the project. She said she represents two populations as she came to Santa Fe as a visitor and has been a resident for two years. She believes this offers a great deal for both communities of those that live here and those that come to visit. The traffic will be addressed. She is mesmerized by the beautiful portals. In her opinion this anchors the west end of the City and the scale integrates Sandoval with the El Dorado. This project unifies the downtown.

Bruce Geiss, 2011 Botolph Road, was sworn. He urged the Commission to strongly endorse this project. He said the applicant has made a huge effort to go through the rezoning process and establish the criteria by which the project is designed. This is largely to the thanks of Alexis Girard and her family. The effort has proven how much they are invested in Santa Fe's future. He hopes the remaining technical issues are treated as graciously as they have treated the stakeholders. He said currently this is a missing link as you see a blank wall of a building that exists. He believes this building adds some meaning to the other buildings around it and adds a thoughtful geometry to extend around the corner. He said they need to remember that Santa Fe will continually be reinventing itself. There is social viability brought by this project. The architectural economics are natural and the height is essential to making this a viable project.

Patrice Ross, 1916 Thomas Avenue, was sworn. She wanted to thank her sister, Alexis Girard publicly for her hard work and dedication to the downtown and this project.

Peter Koomis, 610 Don Gaspar Avenue, Don Gaspar Neighborhood Association President, was sworn. He said he owns many downtown properties. He noted that he did not speak with Robert Frost so he would not have a conflict when this goes to the Historic Board. He supports the project. He grew up in the restaurant business and is a firm believer that if you have too many cooks in the kitchen you will spoil the stew. He liked the original drawing with the Moorish style. He said it should be a privilege presenting the case and it is a privilege speaking on the Greer family's behalf. He also said he speaks as a neighbor and anything is better than what is in existence right now as they have a parking lot filled with graffiti and broken glass.

Joe Schepps, East Alameda, was sworn. He said if it were not for Alexis there would not be any Lensic and there is no way there would be a performing arts center without the generosity of this family. He is in favor of the project. It provides parking and other

than the La Fonda all the downtown businesses have been built out to 0 lot lines with no parking and it is his understanding the in lieu of fee allowed for parking has never been collected through a series of lax communications. He is very impressed that the parking is being handled. He knows most of the people that are present are against this, but he said this project has been so micromanaged and the applicant has responded to every suggestion, but the opponents won't accept it. He explained the obvious rationale of the fourth story to pay for the parking spaces that will cost \$85,000 each. He understands it will not work without the fourth story and said the Lensic is taller than that.

Mr. Sommer responded saying all the subject has been put out on the table and he will answer any questions.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Bordegaray said it is a testament to the applicant that there were not more people present to speak. She understood there are 8 delivery trucks a year and asked what the nature of those deliveries are.

Mr. Esquibel was told that the 8 deliveries per year are for the equipment for a few shows.

Ms. Girard explained that it is due to the Lensic Performing Arts Center.

Stefan Smith, Operations and Facilities Manager for the Lensic, was sworn. He said the design they have worked on improves upon the existing condition. The 8 trucks bring shows in from presenters such as Music One and usually results in a 73 foot truck. They have worked with John Romero and the architect to basically tell the truck when it can show up, how long it can be there and when it has to leave. He showed how they entered previously dodging the corner of the building and how the proposed plan would work with the truck coming in from Grant Street without any major corners. The opening is widened and they are able to come in with the truck turning into the loading dock because of the fire exit.

Mr. Sears said the 8-10 per year is the count from staff.

Commissioner Bordegaray asked if they are squaring the corner of the building as well.

Mr. Sears replied on the northwest corner.

Commissioner Bordegaray asked if there are windows rather than the garage door appearance on the drawing and wanted to know if there are arches.

Mr. Sears explained that there are arches in the design and they are considering potentially bringing those forward. He said currently there are squared openings.

Commissioner Bordegaray commented that she likes the arches and would prefer the Moorish architecture.

Commissioner Hughes asked if they have designed a building that will be LEED certified.

Mr. Sears replied yes and said they have three LEED certified architects.

Commissioner Hughes asked if they have considered going for LEED gold.

Mr. Sears said they have not identified any LEED standard at this point.

Commissioner Hughes asked how deep the underground parking would be.

Mr. Sears pointed this out on the conceptual parking plan.

Commissioner Hughes asked what kind of heat pumps they will use.

Mr. Sears explained that it is a four pipe system with boilers and a cooling tower currently and they are looking to extend this throughout the building. He said it is conducive to a minimum duct work and good volume in the interior spaces.

Commissioner Hughes asked them to explore alternatives that are energy efficient.

Commissioner Armijo commented that he sat on the Downtown Steering Committee and they made a recommendation for a maximum height of 34 feet. He said in relationship to the El Dorado this blends in. He was opposed to the Spanish Territorial Style and in favor of the Moorish style as it fits better with the townscape. He expressed concern with the affordability and asked why there is no affordable requirement.

Mr. Smith explained that the affordable housing staff has been discussing this with the City Attorney in regards to what the proper treatment of these units are under code. The affordable housing applies to dwelling units and not transitory dwelling units which is what the time share proposed falls under. The applicant has been in discussion with the affordable housing staff as well.

Mr. Sommer stated that the code is specific about the definition for fractional uses and it is a commercial use under the code that is not allowed in residential zones. He said the initial indication was that because it is a commercial use the affordable housing did not apply. He thinks the question is being looked into, but his position is that it does not apply with this particular use. He questioned how it could apply because 1/8 unit could be made affordable, but that raises significant problems with relation to the time shares. He said the ordinance does not deal with this in a way that works as it is not a dwelling unit as defined by the code in the affordable housing ordinance.

Ms. Brennan agreed that there are arguments on both sides. There are some differences between the Chapter 14 provisions and the SFHP that they are trying to reconcile.

Commissioner Armijo said he thinks the project looks great, the step back works, and the height works. His only issue is the affordable housing and he suggested a donation could be made since a lot of developers are caught in this scenario where they have a fractional unit so he thought it could be handled similarly.

Chair Gonzales said his opinion is that the downtown area is remarkable and something should be done with this property. He agreed the business owners do contribute quite a bit. He had some concern about trucks coming in and out and recommended the City

consider assisting the project by turning the street into one way, so they would not have so much worry about the semis coming in and out. He said the City should try to accommodate the business due to the amount they give to the community.

Mr. John Romero said a one way street was not considered. He said the thing with one way streets is they add to the capacity, so they would have to figure out what other street or streets would be affected. He said regardless of one way or two way it will require a temporary flagged closure of the street when the large trucks come in.

Chair Gonzales thought if there was one way there would be more space to pull aside and back up. He said this project brings so much, yet he sees the issues with traffic.

Mr. Romero explained that Public Works does not see a huge issue with regards to the truck traffic and they are developing a set plan for bringing in the trucks with one lane closure. As you are coming around the curve, it is one lane and only opens up for two cars, so closing the lane does not degrade the capacity of the signal. He said he would have to study this to grasp what implications this would have.

Chair Gonzales agreed that he supports the more Moorish architecture.

Commissioner Lindell asked if they have a construction plan.

Mr. Sommer said some of that has not been worked out as they need to get the plan approved first.

Mr. Sears referred to C12 where the hatched area shows the closure of Sandoval Street for construction. He said the workers would be shuttled in and out.

Commissioner Lindell commented that as part of the Lensic block rezoning this is a required part of the plan, so she would like to see that. She said it is gratifying to see people in support and opposed be so gracious to each other. Her concerns are around health and safety issues. She agreed that she prefers the Moorish, but knows they do not have a big vote on that. She was not comfortable with the loading dock situation and the parking ingress and egress and how close they all are to a traffic signal at Grant.

Mr. Sommer said they share the same concern and have worked hard to address everything so the Commission got the right information. He said they are trying to rectify the issues.

Commissioner O'Reilly said he has toured major theaters and all of the theaters in downtown areas similar to Santa Fe are impacted by the shows that are brought in. He said any time you have a theater there will be a window of irritation that happens to get the equipment in the theater. He said that is one of the least irritating issues to him and it improves the condition that exists now.

Commissioner Lindell understood there is a net gain of 35 spaces and asked how much public use there will be.

Mr. Sommer explained that for the fractional uses the 12 units require 12 spaces. He said there will be a net gain of 23 parking spaces and noted that right now none of the spaces are open to public parking.

Commissioner Lindell stated that it is hard to embrace a project with 30,000 square feet of living space with no affordable component. She expressed concern with the long term problem with ice. She said currently you see the ice buildup from the first snow until spring. She is not sure how to address this.

Mr. Sears clarified that 6529 square feet is net leasable. He added that the overall square footage includes the loading area and trash area.

Commissioner Lindell did not think the numbers matched up. She said the project is pretty high, but believes that will be addressed at Historic Board.

Commissioner Lopez said she knows the Greer's have been here for 100 years and for those that have not been here for 200 years downtown Santa Fe means a lot. She said in the mid 50's it was beautiful and everything made the tourists come to Santa Fe. She agreed that the uniqueness is what brings the tourists here. She understands things cannot stand still and she does not want them to. She added that she does not believe the parking lot is becoming, but is concerned as to whether this project is appropriate. She said the two most important places were the Lensic Theater and the El Dorado. She truly believed the Moorish style should be kept. She said the height is a little too high. She believes they will not get as much criticism if they tone down the project. She noticed the sidewalks are narrow with no shrubbery or trees. She suggested more landscaping so the building does not look so large. She did not believe the one way streets will work and said traffic is going to be an issue. In her opinion, this is not an inviting building for Santa Fe.

Mr. Smith clarified that the proposal has a total of 81 parking spaces and they recently added 7 valet parking spaces. He said the existing Lensic theater building frontage could be called Moorish, but it is called Spanish Baroque. He said there are two sets of renderings with different styles. He said regarding the discussion of square footages, staff does confirm the calculations being consistent with the methodology.

Chair Gonzales said he feels this is a good project. He did not understand people complaining about the height when it is next to the El Dorado. This project meets the intent of the law and he believes there should be some creative solutions to the concerns. He said there is not a moratorium on the downtown area. He said he is considering the value the project brings to Santa Fe and urged the Commission to support this case.

Commissioner O'Reilly commented that he is heartened by what they have heard about this process; it shows that you can improve a project. He is glad that happened in this case because not every developer will go to these lengths. He referred to the loading zone; he noted that there is already a loading zone parallel along Palace and asked if it could be extended by moving the curb and with the addition of a mountable curb so the trucks could come in parallel. This would be out of the travel path.

Mr. Romero said he could look into that and see if there is enough length. He said the way it is set up now they have an easier way of patrolling. He was afraid if the mountable curb were put in the UPS trucks would park there daily without the proper signage. He said one option might be to look at having one through lane as they might be able to get rid of the travel lane altogether.

Commissioner O'Reilly said it is true that the minutes have not come back for approval to the BCD. He said regarding condition 2, the intent of the BCD was that the corner of the building at Sandoval and Palace be squared off and the other was that condition 5, that the building fit in with the other buildings in the block without imitating them.

Commissioner Bordegaray asked for the height calculations.

Mr. Esquibel referred her to the matrix.

Commissioner Bordegaray asked what is in the current building.

Mr. Sears said retail and the second floor is now office space and an art school.

Commissioner Bordegaray asked what the back of the house is.

Mr. Sears replied the areas in the alley.

Commissioner Armijo clarified that he prefers the Spanish Baroque, then Moorish and styles other than territorial. He read a quote regarding height, preservation and freezing the character of Santa Fe.

Commissioner Hughes moved to recommend approval of Case #M-2007-39 with staff conditions, Commissioner Armijo seconded the motion.

Commissioner O'Reilly made a friendly amendment to have the applicant work with the City to see about having a parallel loading zone. Commissioners Hughes and Armijo accepted the friendly amendment.

Chair Gonzales asked if staff could analyze the possibility of a one way street and the whole network around the area.

Commissioner Hughes did not accept this because he said he does not think another set of one way streets will work at this time.

Commissioner Bordegaray echoed the sentiment and said one way streets tend to speed up traffic and most of the downtowns with them have gone back to two way streets.

Commissioner Armijo asked exactly what the Historic Board will look at.

Mr. Rasch explained that the Historic Board will look at height, massing and style. He noted that mimicking the Moorish style will be rejected and Spanish Baroque would be an exception. He understood the applicant was trying to get away from more exceptions.

Commissioner O'Reilly clarified that this motion includes the BCD conditions 1-9 with the following clarifications #2 refers to the corner of the building at Sandoval and Palace and #5 – the building not rely on the territorial style, but be in the Spanish baroque style.

The motion passed by majority voice vote of 7 to 1. Commissioner Lindell voted against the motion.

- 4. Case #SP 2007-24. Janet Urian Lot Split and Access Variance. Janet Urian, owner/agent, requests plat approval to divide 0.406± acres into two tracts. The application includes a request for a variance to allow access to the subdivision via an 18 foot private road where a 38 foot private road is required. The property is located on Agua Fria Street, west of Alejandro Street and is zoned R-5 (Residential, five dwelling units per acre). (Donna Wynant, Case Manager) (REFERRED FROM SUMMARY COMMITTEE)**

Memorandum from Donna Wynant, Senior Planner, prepared January 9, 2008 for January 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Letters of opposition from the neighbors dated January 15, 2008 are incorporated herewith to these minutes as Exhibit "4(A)."

Site photos are incorporated herewith to these minutes as Exhibit "4(B)."

Donna Wynant presented the staff report included in Exhibit "4."

Staff recommends the request be denied since the minimum width of 20 feet as required by the Fire Code and Chapter 14 standards can only be provided on the subject property and not continuously from Agua Fria. The variance appears to only benefit the applicant and would set a precedent to allow new lots to access a driveway that is substandard in width.

Public Hearing

Karl Sommer, previously sworn, said this case went to the Summary Committee with most of the facts known. He explained that the subdivision ordinance does not say that the access road may be any particular requirement. There is clearly some confusion since the code does not say. The access easement to this subdivision is 17 and 15 feet. It does not meet a standard for a lane or any of the City standards. The issue they are being asked to consider is that the applicant is being told she needs a variance for something not asked for. He said they are being told the fire code requires a fire apparatus access road, so he is not sure how they are going to solve. He said the City cannot say you are unable to use your property. He said the fire issue is a red herring that has to do with construction. He said it is significant that this property is zone R-5 and complies with everything but an access not provided in the code. Most of the homes were created by substandard lots in the Pino family. He said the applicant is providing a fire turnaround which will improve the current situation. He said they are talking about a minor project that is less dense than what is already there. He said they will deal with the fire code during building permit. He conveyed an easement is not required under the code. A family transfer would not come in front of the Commission, so the code lets it happen and the density is appropriate for everybody else in the area. The special circumstance is a condition on an easement not created by the applicant. He said she is doing exactly what is commonly enjoyed up and down this lane and this is not going far beyond what others enjoy. He said they can find this property in the general plan as R-5. He does not think the addition of one home will be a health, welfare or safety hazard.

Mr. Sommer said they will hear from the Pino family who would like to see Miss Urian go away. He referred to the letters of opposition and said the family knew this transfer went on and in all those years the illegal subdivision was not brought up. He said this benefited one of their family members, so he thinks it is way too late in the game to complain about this.

Michael Pino, 1709 B Agua Fria, was sworn. He said he did not know this was a subdivision that could have gone before the Summary Committee. He said he is not going after Ms. Urian, but she has a rental property and has still not given the 3 feet. He said they have had 14 cars hit the barrier and she is not there to take care of these. He said there are some very good renters at this house. He objected to this subdivision. He stated that he did a family transfer and represented his father at the Summary Committee. He is tired of cars falling into his property. The property has been in the family for 3 generations and now somebody comes and says I take over. He said it calls for a 38 foot road to do what is proposed.

Alice Marie Pino, 1709 Agua Fria, was sworn. She said she owns the property entering the main road being discussed. She expressed opposition to this proposal because the road is so overwhelming and it is not taken care of. In her opinion adding another lot would be detrimental to everybody. She did not want to add additional cars to their dwellings.

Felix Pino, 1709 Agua Fria, was sworn. He said he is an heir to the family transfer and not an attorney. He said Miss Urian has no regard for any of the residents there. When her tenants block the fire hydrant, they have no way to reach them. He said the private road is required along with a dedication of 38 feet. He asked her not to pull any more underhanded things and he knows there are people that would like to buy that property as it is, so she could easily dispose of the property.

Javier Rael, Golden Mesa, was sworn. He said he grew up in this area and stands to give that property to his two children. He said this lot was their sand lot and he does not understand why she wants to push it and stress the land. The road is in a horrible state of disrepair. During the last snow the pot holes were bigger than anywhere else. He said he does work for the Fire Department and this area would be in danger if something happened. He said to get it paved is a whole other amount of money. He said he is adamantly opposed. He said to enjoy the liberties of the lot Ms. Urian should live there.

Rupert Vigil, 14 Arroyo Viejo, was sworn. He owns one of the houses going down to the property which is over $\frac{3}{4}$ of an acre. He is opposed to splitting the lot and does not think a lot split will make things better for her. The turnaround does not leave that much space on her lot.

Rita Vigil, 14 Arroyo Viejo, was sworn. He owns the house on top of the hill built by his great grandfather which went on to generations to generations. He said what they have was used as a family driveway and that is all it is. He was against the lot split.

Nick Pino, 1709 C Agua Fria, was sworn. He stated that he lives close by where this lot split is being looked at. It is a private road and the hill is pretty dangerous. The more traffic they get, the worse it will become. He said that he has nothing against Miss Urian and there are nice people renting which is the party interested in buying the lot from her.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Mr. Smith apologized that the Commission did not have the collection of historic plats. He said they were pulled and reviewed, so he is not sure why they are not in the file. He questioned if there was a hearing on the family transfer. The regulations say the standards apply within the boundaries of the subdivision. He said the language in all the standards shall apply to all, but it is not clear if this applies to access to the subdivision. He said over the years, the Summary Committee has made different interpretations. He said the correct interpretation is to have access to the subdivision not within the subdivision. He said the Fire Code is relevant and section 14-3.7 states that the highest or most restrictive standard shall apply which will take precedence over the subdivision standards. He noted that he is not prepared to measure the steepness of the road and it would require another variance.

Mr. Sommer pointed out that the fire code says construction, so the issue will not go away whether this is approved or not. He said they couldn't do a 10 lot subdivision because they would have to do a traffic analysis, but with this proposal there is no requirement for a traffic analysis. He disagreed with this interpretation.

Commissioner Bordegaray asked how they access Agua Fria.

Mr. Sommer said the access is off Agua Fria.

Mr. Smith said it is implied when approving a lot split that there is a buildable area and staff would hope not to have an approved subdivision plan with no buildable area.

Commissioner Hughes said it does come down to public health and safety, so he moved to deny Case #SP-2007-24, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.

- 5. Case #M 2007-35. Plazas at Pecos Trail Variance to the South Central Highway Corridor Overlay District Sign Setback Regulations. Linda Tigges, agent for William Chapman, requests a variance to the South Central Highway Corridor Overlay District setback regulations to allow for two entry signs with walls off Old Pecos Trail at the intersection with Plazuela Vista. The property is located on the west side of Old Pecos Trail and south of St. Michael's Drive and is zoned R-2 (Residential, two dwelling units per acre). (Lou Baker, case manager)**

This case was postponed per approval of the agenda.

- 6. Case #S 2007-11. Villas de Sophia Preliminary Subdivision Plat. Monica Montoya, agent for Ted Chagaris requests preliminary subdivision plat approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, seven dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road. (Donna Wynant, case manager)**

Memorandum from Donna Wynant, Senior Planner, prepared January 9, 2008 for January 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Site photos are incorporated herewith to these minutes as Exhibit "5(A)."

Donna Wynant presented the staff report included in Exhibit 5.

Staff recommends approval based on the following conditions:

- Engineering Division Review memo
- Engineering Division Landscape Review Memo
- Engineering Division Traffic Review Memo
- Wastewater Management Division Review Memo
- Solid Waste Division Review Memo
- Fire Department Memo
- Water Division Memo
- Parks, Open Space & Trails Review Memo

Public Hearing

Monica Montoya, 726 Gregory Lane, was sworn. Ms. Montoya introduced the engineer, Oralyn Guerrero Ortiz. She stated that this subdivision has been here for rezoning and preliminary plan and the basic configuration has been approved. She said they worked closely to satisfy the codes and accommodates the wishes of the neighbors and staff. They proposed and received approval for a private drive and another road for a cluster of 8 homes. This was originally a cul-de-sac, but at the request of City staff's concern about potential future development, the applicant agreed to the current design. The intent is to provide as much open space as possible which is mainly at the front end and south ends of the property. They have already incorporated all the conditions into the development such as the streetscape and landscaping. City Council asked them to build under the energy star requirement which was agreed to by the applicant. There will be two units dedicated for affordable housing which will go to Habitat for Humanity which is more than the City can do. They meet all the requirements for parking. She showed a preliminary elevation of what the units will look like. This will have a compound look that is similar to what is seen across the street.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Mr. Smith explained the procedure they are following preliminary plat approval and then the applicant will be back for the final approval step in 2-4 weeks. He said at that time the dimensions will be finalized.

Commissioner Armijo noticed that this is scheduled on the February 7th meeting for final approval and asked if that is normal to place a case on an agenda prior to approval.

Mr. Smith explained that it is not normal, but it is not prohibited. He said they have concluded that the preliminary and final approvals cannot be at the same meeting.

Commissioner Armijo questioned that the two affordable units have sidewalks going into the properties.

Ms. Montoya said part of the design initially intended to provide some yard space for the units, although the other units do not have them.

Commissioner Armijo said his only opposition is that the affordable units keep getting smaller and smaller and some of the yard space might be better used as additional square footage for the home.

Ms. Montoya pointed out that the affordable units will have two stories.

Commissioner Armijo understood that they are not supposed to be able to tell what the affordable house is. He is opposed to taking space off of it and the additional sidewalk takes away from the future housing units. He wished the entire compound looked the same, although he understands there is some give and take. He thought the affordable units were definitely identifiable.

Ms. Montoya said they tried to address the concern he had at the previous meeting because the intent was to not make it look like it was a separate entity. She noted that it has the same architecture as the rest of the development, but she was willing to take another look at it.

Chair Gonzales commented that the applicant stated there is more parking than needed, so he suggested taking away 2 of those spaces and stretching the building so they could have the same size for the affordable as the others. He wondered if they could shift the units down.

Oralynn Guerrero Ortiz, PO Box 2758, Santa Fe, was sworn. She said there is a requirement for unassigned parking for guests, so she would feel a little uncomfortable getting rid of those spots. She added that the square footages are defined under code. She thought from the streetscape it would be hard to see where one unit ends and another begins.

Chair Gonzales asked where they have more parking spaces.

Ms. Ortiz pointed them out.

Ms. Montoya commented that they are limited in the flexibility of moving units due to the ponding and open space. She said they are losing some of the property due to the future development possibilities that have to be accounted for. Commissioner Armijo pointed out that lot 3 abuts lot 2 and if lot 1 gave five feet it would make it just as large.

Ms. Ortiz stated that Habitat sells homes far below what the City can and to get the costs down common walls are used and defines everything. She said they have a design that Habitat liked. She said it wasn't just pulling out a smaller lot, but they are trying to work with the future developer and keep their costs down.

Commissioner Bordegaray agreed and thought the features that work for affordable housing fitting in are the middle units are two stories. She would like to see the benefit more of a compound feel because this makes it look like taking two slivered houses. She liked the energy savings and mixture in sizes.

Commissioner O'Reilly asked in comparing the grading plan to the landscape plan why they were pulling back the grade in the common open space.

Ms. Ortiz explained that they were trying to balance the site, but said they can look at that. She said it worked on an earlier version of the grading plan.

Commissioner O'Reilly said they have a nice slope on the north side of the units, so he would like to see it continued and wrapped around. He stated that he has difficulties with projects this small and dense with base coarse on the street going in. He said this is basically a parking lot and a lot of turning and twisting will occur and they all know what will happen over time. He felt it would be more than a maintenance effort. He suggested half the base coarse which will prevent them from having to pay for maintenance on the road.

Ms. Ortiz pointed out that the drainage calculations were based on paving.

Commissioner Bordegaray asked how the property to the south will access their property once this is built out.

Ms. Montoya showed the 40 foot wide access easement dedicated earlier with other subdivisions for the purpose of access.

Commissioner Bordegaray asked if they will they be able to walk to the rail trail.

Ms. Montoya said that could be a potential access.

Commissioner O'Reilly moved to approve Case #S-2007-11 with staff conditions and condition that the access road and areas be paved and grading of the common open space area be pulled back to the north to match the slopes behind lots 1,2, and 3; Commissioner Hughes seconded the motion.

Commissioner Bordegaray asked if there is the possibility when they dedicate the easement that trail access be included.

Ms. Montoya explained that it is an irrevocable offer to dedicate, so there will be a trail no matter what.

The motion passed by majority voice vote of 6 to 1. Commissioner Armijo voted against the motion.

G. BUSINESS FROM THE FLOOR – None

H. STAFF COMMUNICATIONS

Mr. Smith noted that there are 3 new staff starting next week. He believes the 1711 West Alameda case will be going to Council at their next meeting and said he will report the results as action is taken. He said the initial presentation for training will be on the afternoon of February 8th with the details to come of what other staff or consultants would be making presentations.

Commissioner Bordegaray was disappointed as she would not be able to attend this session.

I. MATTERS FROM THE COMMISSION

Chair Gonzales welcomed Barbara Salas, Fire Marshal and had her introduce herself and give a brief background of her experience.

Commissioner Salazar said the Rocky Mountain Land Use conference will be held March 6-10th and stated that he had the information if anyone was interested in attending.

Commissioner O'Reilly explained that the subcommittee did meet and will be meeting again this coming Tuesday. He inquired about the approved changes that had to do with sidewalks and the new city street details. He said he would like to get an update on that.

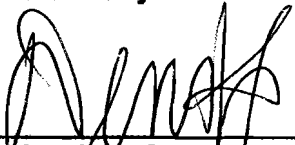
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner O'Reilly moved, seconded by Commissioner Armijo to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 10:45 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer