



Agenda

AMENDED

PLANNING COMMISSION

February 07, 2008 – 6:00 P.M.

CITY COUNCIL CHAMBERS

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

January 03, 2008

E. MATTERS FROM THE MAYOR

F. OLD BUSINESS

G. NEW BUSINESS

1. "Establishing the Long Range Planning Subcommittee of the Planning Commission". (Richard Macpherson, case manager)
2. An ordinance amending Chapter 14 Land Development Laws and Chapter 26 Affordable Housing SFCC 1987 relating to appeals. (Greg Smith, case manager)
3. ***Case #M 2007-35. Plazas at Pecos Trail Variances to the South Central Highway Corridor Overlay District Sign Setback Regulations.*** Linda Tigges, agent for William Chapman, requests variances 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; and to allow a sign larger than 32 square feet; and to allow more than 32 square feet of sign area. 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) **(POSTPONED FROM JANUARY 17, 2008) (TO BE POSTPONED TO FEBRUARY 21, 2008)**
4. ***Case #M 2007-40. Villas de Sophia Final Development Plan.*** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The application includes variances approved at preliminary development plan to the minimum lot size and maximum lot coverage/private open space requirements of Article 14-7.1. The property is zoned R-7 PUD (Residential, 7 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)



Agenda

CITY CLERK'S OFFICE

DATE 1-16-08 TIME 2:15

SERVED BY [Signature]

RECEIVED BY [Signature]

PLANNING COMMISSION
February 07, 2008 – 6:00 P.M.
CITY COUNCIL CHAMBERS

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

January 03, 2008

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. "Establishing the Long Range Planning Subcommittee of the Planning Commission". (Richard Macpherson, case manager)
2. An ordinance amending Chapter 14 Land Development Laws and Chapter 26 Affordable Housing SFCC 1987 relating to appeals. (Greg Smith, case manager)
3. **Case #M 2007-40. Villas de Sophia Final Development Plan.** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The application includes variances approved at preliminary development plan to the minimum lot size and maximum lot coverage/private open space requirements of Article 14-7.1. The property is zoned R-7 PUD (Residential, 7 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)
4. **Case #S 2007-16. Villas de Sophia Final Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 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)
5. **Case #M 2007-41. 1045 and 1049 Stagecoach Road Escarpment Regulations Variances.** Karl Sommer, agent for David Weininger requests a variance to the escarpment regulations to allow for 1) construction of a 709 square foot addition to 1045 Stagecoach Road 2) construction of a 494 square foot carport on the north side of 1049 Stagecoach Road. The properties are located in the Ridgetop Subdistrict of the Escarpment Overlay District and are zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

5. **Case #S 2007-16. Villas de Sophia Final Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 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)

6. **Case #M 2007-41. 1045 and 1049 Stagecoach Road Escarpment Regulations Variances.** Karl Sommer, agent for David Weininger requests a variance to the escarpment regulations to allow for 1) construction of a 709 square foot addition to 1045 Stagecoach Road 2) construction of a 494 square foot carport on the north side of 1049 Stagecoach Road. The properties are located in the Ridgetop Subdistrict of the Escarpment Overlay District and are zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)

H. BUSINESS FROM THE FLOOR

I. STAFF COMMUNICATIONS

J. MATTERS FROM THE COMMISSION

1. *Neighborhood Conservation Overlay Districts Sub-Committee Report.*

K. 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**

- 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

February 7, 2008

ITEM	ACTION TAKEN	PAGE(S)
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1-2
D. APPROVAL OF MINUTES January 03, 2008	Approved	2
E. MATTERS FROM THE MAYOR		2 & 5-6
F. OLD BUSINESS		2
G. NEW BUSINESS		
1. "Establishing the Long Range Planning Subcommittee of the Planning Commission". Members appointed		2-3
2. An ordinance amending Chapter 14 Land Development Laws and Chapter 26 Affordable Housing SFCC 1987 relating to appeals. Approved		4-5
3. <i>Case #M 2007-35. Plazas at Pecos Trail Variances to the South Central Highway Corridor Overlay District Sign Setback Regulations</i> Postponed		6
4. <i>Case #M 2007-40. Villas de Sophia Final Development Plan. Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The application includes variances approved at preliminary development plan to the minimum lot size and maximum lot coverage/private open space requirements of Article 14-7.1. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road.</i> Approved		6-9
5. <i>Case #S 2007-16. Villas de Sophia Final Subdivision Plat. Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 dwelling units per acre, Planned Unit Development) and is located on Siringo Road and south of the intersection of Calle Contento and Siringo Road.</i> Approved		6-9
6. <i>Case #M 2007-41. 1045 and 1049 Stagecoach Road Escarpment Regulations Variances. Karl Sommer, agent for David Weininger requests a variance to the escarpment regulations to allow for 1) construction of a 709 square foot addition to 1045 Stagecoach Road 2) construction of a 494 square foot carport on the north</i>		

ITEM	ACTION TAKEN	PAGE(S)
	side of 1049 Stagecoach Road. The properties are located in the Ridgetop Subdistrict of the Escarpment Overlay District and are zoned R-1 (Residential, 1 dwelling unit per acre).	
	Approved	9-12
H.	BUSINESS FROM THE FLOOR	12
I.	STAFF COMMUNICATIONS	12
J.	MATTERS FROM THE COMMISSION	
	<i>1. Neighborhood Conservation Overlay Districts Sub-Committee Report.</i>	12-14
K.	ADJOURNMENT	14

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

February 7, 2008

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:

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

MEMBERS ABSENT:

Bonifacio Armijo (excused)

STAFF PRESENT:

Greg Smith, Director Permit and Development Review
Tamara Baer, Planning Manager
Jeanne Price, Legislative Liaison
Lou Baker, Senior Planner
Tony Raeker, Senior Planner
Donna Wynant, Senior Planner
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Mr. Smith requested postponement of item 3 to the February 21, 2008 meeting – Case #M-2007-35 Plazas at Pecos Trail.

Chair Gonzales introduced Tamara Baer, Planning Manager and Tony Raeker, Senior Planner and asked them to say a word about themselves.

Ms. Baer explained that she worked for the City previously from 1994-2002 in development review, case planning, and then long range planning. She then began her own business as a landscape architect and later did the same for the State.

Mr. Raeker has worked mostly in regular planning with green building as his specialty along with sustainability.

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

**D. APPROVAL OF MINUTES
January 03, 2008**

Commissioner Bordegaray made the following corrections:
Page 15, first line under questions and comments from the Commission, she requested that *in relation to this lot* replace *in comparison to this lot*.
Page 17, 8th paragraph: *went* should be *want to have separate training sessions....*

Commissioner Lindell moved to approve the minutes of January 3, 2008 as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

E. MATTERS FROM THE MAYOR

This item would be heard as soon as the Mayor arrived from another meeting.

F. OLD BUSINESS – None

G. NEW BUSINESS

1. “Establishing the Long Range Planning Subcommittee of the Planning Commission”. (Richard Macpherson, case manager)

Memorandum from Richard Macpherson, Senior Planner, prepared for February 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit “1.”

Richard Macpherson presented the staff report included in Exhibit “1.”

Public Hearing

There was no public testimony on this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair Gonzales asked how often staff anticipates the subcommittee would meet.

Mr. Macpherson stated that they would meet approximately once a month. He reviewed some of the current projects and subjects that the long range planning staff is working on.

Chair Gonzales asked if this would be similar to the CPPC.

Mr. Macpherson stated the CPPC became a committee that met on long range planning, but they also reviewed cases.

Chair Gonzales asked if they would review materials given by staff on things that are being looked at already or if they could bring up new issues.

Mr. Macpherson said there would be a big variety of projects.

Chair Gonzales asked if the prep time would be equivalent to or less than what they do for Planning Commission.

Mr. Macpherson stated that it would be more of a working group, more of an idea generating group that would get together and decide how to help along and make recommendations on current issues in long range planning. He said the intent is to not repeat what the Planning Commission is doing already.

Commissioner O'Reilly commented that the CPPC in some cases heard general plan amendments.

Mr. Macpherson agreed.

Commissioner O'Reilly understood they would not be looking at those and would make recommendations back to the whole Commission on the items they look at.

Mr. Macpherson agreed that everything that goes on should be reported back to the Commission.

Commissioner O'Reilly asked if they would be hearing general plan amendments or ordinances that would come to the Planning Commission already.

Mr. Macpherson explained that during the first few meetings this would be discussed.

Mr. Smith stated that the legislation adopted by the Council did not have specifics, but nobody expects they would review general plan amendments. He said they would not officially recommend to the City Council, so a working relationship will evolve. He noted that as the Commission wants help they will ask the subcommittee to look at things and staff will do the same.

Commissioner Bordegaray clarified that the CPPC is now dissolved and the BCD/DRC is a different body.

Mr. Smith explained that the BCD has specific authority over certain subdistricts and may have authority over development plans in those subdistricts.

Chair Gonzales asked who was interested in serving on the Long Range Planning Subcommittee. Commissioners Bordegaray, Hughes, O'Reilly and Salazar expressed interest. Since there was only room for four Commissioners, Commissioner Salazar offered to step aside as he already serves on the Summary Committee.

Commissioner Lindell moved to appoint Commissioners Bordegaray, Hughes and O'Reilly to serve on the Long Range Planning Subcommittee, Commissioner Lopez seconded the motion which passed by unanimous voice vote.

2. An ordinance amending Chapter 14 Land Development Laws and Chapter 26 Affordable Housing SFCC 1987 relating to appeals. (Greg Smith, case manager)

Memorandum from Jack Hiatt, Land Use Director, prepared January 17, 2008 for February 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Greg Smith presented the staff report included in Exhibit "2."

Public Hearing

There was no public testimony on this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner O'Reilly asked Ms. Price if she prepared this draft.

Ms. Price replied no. She said there was a contract attorney that prepared this document while working with staff.

Commissioner O'Reilly said the staff report mentions they are trying to avoid having an appeal used to obtain privately negotiated results. He asked for an example.

Mr. Smith referred to 127 Duran Street. He said the decision of the Board of Adjustment was appealed to City Council where there was substantial testimony related to the attempts of the permit holder to negotiate with the appellate so they would find it satisfactory enough to withdraw the appeal. He said they do not want people to gain leverage to win concessions that are not required under Chapter 14. He said there might be other examples, but that is one he recalls.

Commissioner O'Reilly stated that the most important reason for the changes is the limiting of frivolous appeals, but he feels that some provisions aren't in this draft. The ability to appeal a building permit immediately after an appeal of a development case does not seem to be addressed. He gave the example that a subdivision plat final action might be taken, then it is appealed and immediately after that the applicant applies for a permit and the previous appellants immediately appeal that. He said there needs to be some fairness if the original development case is approved and this needs to be addressed. He said under the staying of proceedings, if it is okay for the applicant to continue working on approvals staff should continue working also on the parts that do not have to do with the appeal. Under the notice procedures, he said they need to define timely as that is not clear. He pointed out that under item 4 you must provide evidence of notice, but it does not define what that means. He said if someone shows up right before the meeting with evidence it limits the fairness. He said he is not sure whether injury is defined well enough as he could see someone saying it threw off their biorhythm and considering that injury. He referred to page 22 and 23 and said if a hearing officer or process is called for, the appellant and applicant are supposed to share the cost. He felt if someone were appealing a decision they should have to pay all

the fees in the same way that the applicant does not share their review fees with anyone. He thought that seemed very unfair.

Mr. Smith responded to one of the concerns by referring to page 14 of the draft language under subsection 5 that talks about multiple appeals. It states that you must have an independent basis for appealing at each stage of the project.

Commissioner O'Reilly said they have all seen legitimate appeals and those that are not, so he thinks someone could invent another reason for an appeal. He is not suggesting that it would be upheld, but he would like to see that tightened up.

Ms. Price explained that this is being shared for input and it is not going forward for quite a while. She said her understanding is that it will become part of the Chapter 14 rewrite, so this is not like a public hearing. She said it is going on to Public Works.

Commissioner Hughes asked Ms. Price to share this again after they take it to Public Works.

Mr. Smith stated that as he understands the Commission wants to make a motion to postpone action pending consideration with the Chapter 14 update.

Commissioner Hughes so moved, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

E. MATTERS FROM THE MAYOR

Mayor Coss explained that he is starting with the Planning Commission as he makes an effort to get out and talk to the Committees. He thanked them for all the work they do. He has noticed quite a turnaround in the number of appeals and the contentiousness of those appeals, so he appreciates the work the Commission is doing as they all have to work together. He wanted to draw attention to where the Commissioners have helped. He said the short term rental issue would probably not be over without the work done with the Planning Commission and he knows how much the subcommittee worked with Councilor Wurzbarger. He said last week while in Washington, DC, Councilor Heldmeyer called him to say that the subcommittee on neighborhood conservation overlay districts had worked with her and she accepted the changes and wanted this placed on the agenda. He knows that will be difficult, but was surprised that it was ready so soon, so he commended the Commissioners for that work. He said he is committed to having the historic districts zoning match their built out densities. His other focus will be a global annexation agreement with Santa Fe County which is almost put to rest. He said the agreement would bring the Southwest Sector and Koomis property into the City. He said this is not getting a lot of press coverage, but feels it is significant that after banging it out they are on the cusp of coming to an agreement.

Chair Gonzales reported that the long range planning subcommittee was appointed prior to the Mayor's arrival and he understands two people will be placed on that by the Mayor.

Commissioner Lindell applauded the commitment to bringing zoning concurrent with the general plan as they see it coming up a fair amount. She noted Juanita Street and said they will be happy to ward off some more of those.

Commissioner O'Reilly thanked the Mayor for getting the Land Use Department staffed up and also for appointing his fellow Commissioners.

Mayor Coss said he is proud of the Commission. He commented that it is difficult to recruit in the public sector due to the wages and they have not had full staffing for many years, so he is also pleased.

Chair Gonzales added that Councilor Heldmeyer thanked the subcommittee for the hard work on the neighborhood conservation overlay districts.

Commissioner Bordegaray thanked the Mayor for coming to the meeting and agreed the appointments are working. She added that everyone likes working together and respects one another.

Chair Gonzales commented that now with the long range planning looking out into the future it will make the work more interesting.

3. **Case #M 2007-35. Plazas at Pecos Trail Variances to the South Central Highway Corridor Overlay District Sign Setback Regulations.** Linda Tigges, agent for William Chapman, requests variances 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; and to allow a sign larger than 32 square feet; and to allow more than 32 square feet of sign area. 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) (POSTPONED FROM JANUARY 17, 2008) (TO BE POSTPONED TO FEBRUARY 21, 2008)

This item was postponed per approval of the agenda.

4. **Case #M 2007-40. Villas de Sophia Final Development Plan.** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The application includes variances approved at preliminary development plan to the minimum lot size and maximum lot coverage/private open space requirements of Article 14-7.1. The property is zoned R-7 PUD (Residential, 7 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)

Items 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

5. **Case #S 2007-16. Villas de Sophia Final Subdivision Plat.** Monica Montoya, agent for Ted Chagaris, requests final development plan approval to create 8 single family lots on 1.00± acres. The property is zoned R-7 PUD (Residential, 7 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)

Items 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.

Memorandum from Donna Wynant, Senior Planner, prepared January 28, 2008 for February 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Copy of a ordinance creating a new section 7-15 SFCC 1987 requiring the posting of home energy rating scores for all new residential units is incorporated herewith to these minutes as Exhibit "3(A)."

Design Standard Comparison presented by Maggie Monroe Castle, Executive Director Habitat for Humanity, dated February 2007 is incorporated herewith to these minutes as Exhibit "3(B)."

Donna Wynant presented the staff report included in Exhibit "3."

Staff recommends that the request for Final Development Plan and Final Subdivision Plat be approved subject to conditions found in the attached memos from various departments:

- Engineering Division Review Memo
- Public Works Traffic Review Memo
- Fire Department Review Memo
- Water Division Review Memo
- Solid Waste Division Review Memo
- Parks, Open Space and Trails Review Memo
- Engineering Division Landscape Review Memo

Public Hearing

Monica Montoya, 1710 Paseo De Peralta, agent for Ted Chagaris, was sworn. She said from the very beginning the applicant has worked very hard to accommodate and take input from all parties which consists of the Commission, neighbors, staff, and Habitat for Humanity. They have worked with staff on the dedication of a portion of the property. The applicant agreed to meet energy star requirements. They have worked hard to take the input of the Planning Commissioners and incorporate them into the project including the paving of the driveways. They feel they have come up with a great development. They have complied with all the conditions of the development review team. She said the engineer has worked to make sure the landscaping is covered. She noted that there were submitted statements from the property owner agreeing to comply and there are revised homeowners documents regarding the parking. The owner agreed to update the document to make sure that future homeowners understand how this will work for the future. They have worked with Solid Waste regarding pickup. She said this all proves that a great deal of effort has gone into this project.

Maggie Monroe Castle, Executive Director Habitat for Humanity, was sworn. She said her organization was excited to be invited to be a part of this development. She said their goal is to enable a community to address its own needs. Volunteers help build the houses and Mr. Chagaris is making this exceedingly affordable to them. She said this project enables them to address the housing needs and build simple, decent, affordable housing. This opportunity captures the reality of the un-affordability of so much of the work force. She said this is their opportunity to get a chance to own

property and get equity and this takes it to a different level. Habitat is able to get to families who make as little as 30% of the area median income. This will provide an opportunity of ownership for people who don't fall in the category of anyone else. She said this will help the folks who are cleaning up after the nurses and firefighters. They will have the opportunity to live in simple, decent affordable houses and not live in substandard housing. This is a great offer in terms of affordability, location, size and living under the ordinances make it possible to build these affordably. She presented some comparisons for the sizes of house required under different programs included in Exhibit "3(B)."

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Hughes questioned the energy standards and asked what that entails.

Mr. Smith stated that he was not officially prepared to respond.

Ms. Baker commented that the project would trigger the new ordinance, but she believes Katherine Mortimer would be the person who would be a more expert witness because she is spearheading the green team and working with Nick Schiavo.

Commissioner Hughes wanted an understanding of the rating.

Ms. Baker stated that she does not want to give misleading information.

Mr. Smith stated that there are generally accepted federal standards and an energy star rating requires certain standards, but he is not sure if there is a direct correlation with the ordinance as the ordinance only requires that the rating be posted. He said the energy star rating is based on energy use standards for devices in the building including the heating, but he is not prepared to give specifics.

Ms. Price commented that they did not set a standard in the ordinance it was just for information that all buildings have to be posted with the rating.

Commissioner Hughes said the buyer will know the rating and what that means.

Chair Gonzales asked how the homeowner association dues will be handled with the Habitat for Humanity homes.

Ted Chagaris, 24 Ridge Road, was sworn. He said he has not discussed this with Maggie, but he does not anticipate it being much due to the low amount of maintenance that will be needed.

Chair Gonzales asked if they could do something to reduce those fees he would appreciate it.

Mr. Smith said the SFHP standards for affordability include a provision for this and they must include the monthly fees in the payment.

Commissioner Bordegaray asked what the acronyms meant on the handout (Exhibit "3(B)").

Ms. Castle stated that SFHFH is Santa Fe Habitat for Humanity and HFHI is Habitat for Humanity international.

Commissioner O'Reilly moved to approve Case #M-2007-40 with staff conditions, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

Commissioner O'Reilly moved to approve Case #S-2007-16 with staff conditions, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

- 6. Case #M 2007-41. 1045 and 1049 Stagecoach Road Escarpment Regulations Variances. Karl Sommer, agent for David Weininger requests a variance to the escarpment regulations to allow for 1) construction of a 709 square foot addition to 1045 Stagecoach Road 2) construction of a 494 square foot carport on the north side of 1049 Stagecoach Road. The properties are located in the Ridgetop Subdistrict of the Escarpment Overlay District and are zoned R-1 (Residential, 1 dwelling unit per acre). (Lou Baker, case manager)**

Memorandum from Lou Baker, Senior Planner, prepared January 28, 2008 for February 7, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Memorandum from Antonio Trujillo, Water Division Engineer dated December 21, 2007 is incorporated herewith to these minutes as Exhibit "4(A)."

Letter of support from Virginia Higginbotham and Barbara McClung is incorporated herewith to these minutes as Exhibit "4(B)."

Project Criteria for lot 1 and lot 2 presented by the agent for David Weininger is incorporated herewith to these minutes as Exhibit "4(C)."

Lou Baker presented the staff report included in Exhibit "4."

Approval shall include the following conditions:

1. Construction will occur in an existing neighborhood, therefore, applicant shall submit a construction staging plan (Exhibit D) detailing activities in a manner as to not to disrupt the harmony and safety of the neighborhood and existing vegetation; and
2. The applicant shall comply with the Water Allocation and/or Water Offset Retrofit provisions of Ordinance No. 2002-29 and resolution 2002-55 at the time of permit application or water hookup request. Compliance shall be achieved by use of either retrofit credits or water transfer; and
3. Comply with comments from the Technical Review Division (Exhibit E).

Public Hearing

Karl Sommer, agent for David Weininger, was sworn. He stated that there is no leeway to add a bathroom to a house the way the ordinance is written. The addition has

to be placed somewhere else on the property which everyone knows is not practical. He said this is a waste of money and time and does not advance the goals of the Commission, but only adds money to the pockets of consultants when cases like this have to come before the Planning Commission.

Eric Enfield, 612 Old Santa Fe Trail, Architect, was sworn. He explained that the owner wants to add a place to put his new piano, rebuild an existing carport and add a walkway to connect the two residences. He said due to the restrictive slopes he has to build in the flat part of the site which is in the middle. He reviewed the proposed site plan that showed the existing structures and proposed new structures. He said they are talking about 600 square feet on one lot and 1100 on the other. He said there was a mistake so he handed out revised square footages included in Exhibit "4(C)." He said the proposed improvements meet all city zoning and codes and the clients goals cannot be met without this variance.

Mr. Sommer entered a letter of support into the record included in Exhibit "4(B)."

Jim Rabey, president of SF Hills Homeowners Association, was sworn. He stated that the association is immediately east of the property and abuts the property, but after polling the members there is no objection to this project.

Forest Thomas, 1040 Camino Manana, was sworn. He lives across from the project and showed a photograph taken from his home. He wanted to show that when they walk out the backdoor they will be staring at the two houses, but it would not be visible and he is about 400 yards from house. He said he stands in favor of the project as it has no visual effect to the corridor.

Janet Guggenheim, 627 Gomez Road, was sworn. She stated that she admires what David does, although she knows the Commission does not want to hear what a good person he is. He is a good citizen. She has seen groups of Native American school children visiting his home. He is a neighbor anyone would be lucky to have.

Bruce Dunlap, Open Arts Association, 1808 Second Street, was sworn. He spoke on behalf of what Mr. Weininger has done for the neighborhood and he has been responsible for pulling them together. He said that anything he does should be supported as his home is a gathering place for the neighborhood.

Vera Volma, 1884 Candelero Street, was sworn. She stated support and said the project has larger positive affects for the environment and for musical appreciation. This project will be green and she believes it is positive.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lopez commented that it is nice to see neighbors come out in support. She can't see how anyone would want to see a carport falling down and the owner knows where the bedroom should go. She agreed it looks as if it will not obstruct the view.

Commissioner Bordegaray thanked Forest Thomas for the visual. She asked Mr. Enfield to describe the massing.

Mr. Enfield explained that Ted Luna designed the house adjacent and there is a subterranean lower story which today would be illegal to build. He said it is kind of cantilevered.

Commissioner O'Reilly said he read the escarpment ordinance and it is not clear that a variance is required for this. He referred specifically to page 556 of the land use code regarding the guidelines for determining the visual impact. He said staff says this will ease the visual impact. He said the lot was platted before 1992, so it seems this could have been approved by staff without an alternate siting.

Mr. Smith stated that the staff analysis concludes that development is prohibited without a variance.

Commissioner O'Reilly did not want to potentially approve or deny variances where they may not be required. He noted that the applicant testified that the area outside the ridgetop is prohibited by slope.

Mr. Sommer stated that there is a site outside the ridgetop that is buildable, so they need a variance.

Commissioner O'Reilly understood the slope restriction would prohibit building in an alternative site. He asked if the slope is restricted.

Mr. Enfield explained that there are 30% slopes surrounding both houses.

Mr. Sommer added that there is a site off the ridge that meets the buildable area but it is not logical to add a room that is not attached.

Commissioner O'Reilly stated that the City is lucky to have Charlie Gonzales and the staff report says this will ease the visual impact. In his opinion that informs the section of the code that allows staff to approve an alternate siting when it meets the full intent of the ordinance. He said if that is not the opinion of staff then they can keep the staff recommendation.

Mr. Smith said staff could judge the decision of the Commission as final or might appeal to the City Council. In his opinion they can't issue the permit unless the variance is approved. He stated that he is a little hesitant as he is not as familiar with that section. He said none of the variance procedures make a provision for a little addition. He said the procedural rules are the same if you are adding 700 square feet or 7000 square feet.

Commissioner Lindell said the final sentence says the requested variances are the minimum. Her understanding was that this has been a single family residence for a long time.

Mr. Sommer said that is correct. He said the question of minimal and minimal easing is not defined in the code for an area variance, so they have difficulty explaining how it is a minimal variance. He said there is no standard to go by, so he appreciates the sympathy.

Commissioner Lindell said to her this means that if they were not to grant this variance there is no way this could be a single family residence. She was surprised that there was no map showing where the subdistrict was so she did not know if the entire lot was in the subdistrict or not.

Commissioner Hughes agreed and said having the aerial maps is a great context and he wished they had them on every case because he does not know some of these areas well.

Commissioner O'Reilly moved to approve Case #M-2007-41 with all staff conditions, Commissioner Lopez seconded the motion which passed by unanimous voice vote.

H. BUSINESS FROM THE FLOOR

I. STAFF COMMUNICATIONS

Mr. Smith reminded the Commission there would be training tomorrow afternoon.

Chair Gonzales pointed out that the training is for the Commission, so they need to make their best effort to attend. He said it will be recorded.

J. MATTERS FROM THE COMMISSION

1. Neighborhood Conservation Overlay Districts Sub-Committee Report.

Councilor Heldmeyer thanked the Commission for the hard work and coming up with a very good consensus bill.

Commissioner O'Reilly stated that the report speaks for itself, so he was open for questions. The report is incorporated herewith to these minutes as Exhibit "5."

Chair Gonzales asked about the use issue and the types of uses allowed.

Commissioner O'Reilly explained that they considered the different things the neighborhood conservation district could restrict or prohibit, but a lot of these tend to talk more about physical things, setbacks, heights, and some include density and uses. He said some uses appropriate included not being prohibited from operating a business out of their home. He said they reached a consensus that some property uses could be regulated, but the way it was written someone could form a district and not want a dog. He said that may be the reason they do not include uses in most areas. He said the subcommittee felt comfortable with the language.

Councilor Heldmeyer pointed out that there is a table of uses in Chapter 14 and those are the ones that could be regulated. She said it is not in the purview of the ordinance to make up new uses.

Chair Gonzales asked when this would be heard.

Councilor Heldmeyer said it will be heard at the last Council meeting in February.

Commissioner Bordegaray said she was satisfied with the process and it was a group effort with a great deal of diligence from the chair.

Commissioner O'Reilly asked that they officially dissolve this subcommittee.

Commissioner Hughes asked what happens to those that do not take advantage of this ordinance.

Commissioner O'Reilly said if they cannot come up with the proper boundaries and minimum sizes then they cannot take advantage, but anyone else can. He said if they do not come to consensus then they will be unable to form a conservation district also.

Commissioner Hughes asked what happens to those outside the conservation district.

Commissioner O'Reilly explained that they will operate as they are.

Commissioner Bordegaray explained that nothing prevents anyone from forming a district. She said they discussed neighborhood association boundaries and the danger of overlapping districts. She pointed out that this is a danger with neighborhood planning because you can have neighborhoods that become their own governing units. She said for those that do not have the means or wherewithal they have this as a tool and hopefully with the city staff working with them they would find ways to define districts.

Commissioner O'Reilly stated that they looked at how much this would cost and if that would be a barrier to neighborhoods. He included some hard costs and the subcommittee felt they were low enough that the City could pick up the cost. He said they do not want it to be a financial restriction.

Commissioner Hughes said he sees the ability to educate the previously unincorporated areas.

Councilor Heldmeyer said the people that have expressed an interest are not the upper class, but middle class neighborhoods that do not have the means for lawyers and consultants. She assumes the same split as annexation as she knows of some areas that want to be annexed even at rural densities. There are some of the neighborhoods along Airport Road that are so built out that they have issues with access to services and utilities.

Ms. Baer said there may be some cultural value issues that people who study planning will need to have in mind. There are some that are either uncomfortable or historically have not done anything in the past like this so they will need to be educated sensitively.

Councilor Heldmeyer believed that is easy to overcome when they are offered a fair process. She said there was a tremendous amount of participation in the Southwest Sector Plan and this will be in the same part of town.

Ms. Baer said another approach is there are certain things staff could do in a proactive way that would address in a broader way some of the same issues. She agreed the tools can provide other opportunities to achieve some of the positive ends. She suggested requiring responses to the adjacent property and added that they could bring forward broad based code amendments to address this.

Commissioner Salazar said it was a pleasure working with Councilor Heldmeyer. He believes this is a good ordinance and a great tool for neighborhoods to work with. He hoped this goes through the process unscathed.

Commissioner O'Reilly said he is disappointed that he cannot attend the training session, but he has a class he has to teach. He handed a list of questions to the Chair that he would like to have answered.

Mr. Smith said they see this as an ongoing effort and there will be requests for more intensive training on specific topics. He commented that if any of the Commissioners have any questions about how something applies they are likely not alone, so it is wise to ask. He said the more lead time the staff has to respond the better job they can do. He seconded the comments of the Mayor and believes the Commission is doing an excellent job. He said it is a pleasure to work with the Commission.

Commissioner Bordegaray said they have heard talk about the LEED program, so she would like an introduction and an overview of that.

K. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Salazar moved, seconded by Commissioner O'Reilly to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 8:25 p.m.

Approved by:

Chair Estevan Gonzales

Submitted

by:



Denise Cox, Stenographer