



Agenda

CITY CLERK'S OFFICE

DATE 3/26/08 TIME 2:35 pmSERVED BY QuadroneRECEIVED BY JS**PLANNING COMMISSION****April 17, 2008 – 6:00 P.M.****CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**
March 20, 2008

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

1. An ordinance amending Section 14-6.2(A)(6)(a)(i)D. SFCC 1987 in order to terminate the category of existing (prior to January 30, 2008) short term rental units on January 1, 2013, regardless of change of ownership and amending Section 14-6.2(A)(6)(a)(ii)A. SFCC 1987 to clarify the minimum rental period for short term rental units. (Councilor Wurzburger) (Jeanne Price)
2. **Case #SP 2008-03. La Triada Business Park Lot Split.** Jennifer Jenkins, agent for Soñar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael's Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, case manager)
3. **Case #M 2008-03. La Triada Business Park General Plan Amendment.** Jennifer Jenkins, agent for Soñar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)
4. **Case #ZA 2008-01. La Triada Business Park Rezoning.** Jennifer Jenkins, agent for Soñar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

5. **Case #M 2008-05. 1733 Hopewell Street General Plan Amendment.** Richard Horcasitas, agent for Hunter Wakeman, requests approval of a General Plan Future Land Use Map amendment to change the designation of 0.22± acres of land from Industrial to Low Density (3 – 7 dwelling units per acre). The area is located at the corner of Third Street and Hopewell Street. (Lou Baker, case manager)
6. **Case #ZA 2008-02. 1733 Hopewell Street Rezoning.** Richard Horcasitas, agent for Hunter Wakeman, requests rezoning of 0.22± acres of land from I-1 (Light Industrial) to R-5 (Residential, 5 dwelling units per acre). The property is located at the corner of Third Street and Hopewell Street. (Lou Baker, case manager)
7. **Case #ZA 2008-03. 1711½ West Alameda Rezoning.** Jennifer Jenkins, agent for Eric and Carrie Rowland, requests rezoning of 1.98± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-3 (Residential, 3 dwelling units per acre). The property is located north of West Alameda, east of El Rancho Road. (Lou Baker, case manager)
8. **Case #M 2008-10. 701 Calle Vibora Escarpment Regulations Variances.** Arthur Seligman, agent for Hollis Logan and Robert Wienberg requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically a variance to Article 14-5.6(D)(1), to allow for additions of 54 square feet and 534 square feet to the existing residence located within the ridgetop, for an overall total of 588 square feet, and a variance to raise the existing roof on a portion of the existing residence, not to exceed 14 feet. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre) (Lou Baker, case manager)
9. **Case #M 2008-02. Del Norte Credit Union Development Plan.** Slagle Herr Architects, agent for Del Norte Credit Union, request development plan approval for a 7,044 square foot addition to the 2.97± acre lot. The property is located on the south side of Cerrillos Road, between Richards Avenue and Camino Consuelo and is zoned C-2 (General Commercial). (Tony Raeker, case manager) **(POSTPONED FROM APRIL 03, 2008)**

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**

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CITY OF SANTA FE
PLANNING COMMISSION

April 17, 2008

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F. NEW BUSINESS		
1. An ordinance amending Section 14-6.2(A)(6)(a)(i)D. SFCC 1987 in order to terminate the category of existing (prior to January 30, 2008) short term rental units on January 1, 2013, regardless of change of ownership and amending Section 14-6.2(A)(6)(a)(ii)A. SFCC 1987 to clarify the minimum rental period for short term rental units.	Approved	2-3
2. <u>Case #SP 2008-03.</u> La Triada Business Park Lot Split.	Postponed per approval of agenda	4
3. <u>Case #M 2008-03.</u> La Triada Business Park General Plan Amendment.	Postponed per approval of agenda	4
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9. Case #M 2008-02. Del Norte Credit Union Development Plan. Slagle Herr Architects, agent for Del Norte Credit Union, request development plan approval for a 7,044 square foot addition to the 2.97± acre lot. The property is located on the south side of Cerrillos Road, between Richards Avenue and Camino Consuelo and is zoned C-2 (General Commercial).	Postponed to June 5th	20
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MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

April 17, 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:

Angela Schackel Bordegaray (late)
Gloria Lopez
Signe Lindell
Shayna Lewis
Bonifacio Armijo
John Salazar (late)
Ken Hughes, Vice Chair
Estevan Gonzales, Chair

MEMBERS ABSENT:

Matthew O'Reilly (excused)

STAFF PRESENT:

Greg Smith, Director Permit and Development Review
Tamara Baer, Planning Manager
Kelley Brennan, Assistant City Attorney
Wendy Blackwell, Director Technical Review Division
Tony Raeker, Senior Planner
Lou Baker, Senior Planner
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

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

C. APPROVAL OF AGENDA

Mr. Smith said staff is recommending postponement of all the La Triada cases, SP-2008-03, M-2008-03 and ZA-2008-01 be postponed to May 1st to allow correction of the notification. He noted that the staff has included the findings of fact for approval with the minutes.

Chair Gonzales said the findings of fact were received earlier in the day so he would give the Commission some additional time to review this if needed.

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

D. APPROVAL OF MINUTES

March 20, 2008

Commissioner Lindell moved to approve the findings of fact. Commissioner Hughes seconded the motion.

Commissioner Armijo did not want to approve something that he had not had a chance to read. He did not think this was a good practice.

Chair Gonzales understood the concern. He said he did have the opportunity to review them as well as Commissioner O'Reilly sent his comments. He said staff called to see if they could have the training today at 5 p.m. which did not work for him, so he thought they could postpone the discussion until they had training. He agreed the practice of approving something they have not seen is not a good idea, but this is the first attempt at approving these. He suggested they take a break so they can read through them.

Ms. Brennan said if they are more comfortable approving these at the next meeting that would be fine.

Commissioner Lindell withdrew the motion and made a motion to postpone approval until the May 1st Planning Commission meeting, Commissioner Hughes, seconded the motion which passed by unanimous voice vote.

Commissioner Hughes moved to approve the minutes of March 20, 2008 as presented, Commissioner Lindell seconded the motion which passed by unanimous voice vote.

E. OLD BUSINESS

F. NEW BUSINESS

- 1. An ordinance amending Section 14-6.2(A)(6)(a)(i)D. SFCC 1987 in order to terminate the category of existing (prior to January 30, 2008) short term rental units on January 1, 2013, regardless of change of ownership and amending Section 14-6.2(A)(6)(a)(ii)A. SFCC 1987 to clarify the minimum rental period for short term rental units. (Councilor Wurzbarger) (Jeanne Price)**

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

Ms. Price reviewed the staff report included in Exhibit "1." She said they have been challenged in a lawsuit on the issue of the category of change of ownership so the City Attorney is recommending terminating the category of existing.

Commissioner Bordegaray arrived at this time.

Chair Gonzales asked if there are any other challenges.

Ms. Price said there are a half dozen or so parties combined in one complaint.

Chair Gonzales explained that he was trying to get a feel if this will continue to come back.

Ms. Price was unsure.

Public Hearing

There was no public testimony on this issue.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell wanted to clarify the termination on 1/1/2013. She asked what categories are terminated then.

Commissioner Salazar arrived at this time.

Ms. Price explained the category is existing units that do not qualify under other categories. Those that live in the house and are going away for two weeks, so they want to rent the home will still be allowed to do so. She said there is no ending for this or the accessory dwelling unit category, the contiguous lot category or the resort category. All the others will terminate.

Commissioner Armijo was concerned with this because he thought there would either be a lottery or form for people that were not doing the short term rentals so they are allowed to apply for it. He said it is totally impossible for those that were not breaking the law to apply for this. He thought there should be a lottery for additional folks to apply. In his opinion that is another reason to bring on a lawsuit.

Ms. Price said there is a lottery provision if the number of existing units falls below 350 to come up to a total of 350. She said this may happen sooner rather than later as there were not as many applicants as anticipated.

Commissioner Armijo asked how many applied.

Ms. Price understood they were slightly under the 350.

Commissioner Armijo said he feels that those that were abiding by the law did not have a means to apply.

Ms. Price stated that in 1 ½ years the Council has to evaluate what has happened and how they have complied and what complaints there have been.

Commissioner Hughes moved to recommend approval as presented, Commissioner Lindell seconded the motion which passed by majority voice vote of 6 to 1 with Commissioner Armijo voting against the motion.

2. **Case #SP 2008-03.** La Triada Business Park Lot Split. Jennifer Jenkins, agent for Soñar LLC, requests plat approval to divide 7.44± acres into two tracts. The property is located east of Fifth Street and south of St. Michael's Drive and currently zoned R-5 (Residential, 5 dwelling units per acre). Proposed rezoning to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for Tract 1 (5.28± acres) and proposed Tract 2 (2.169± acres) to C-2-PUD (General Commercial, Planned Unit Development). (Donna Wynant, case manager)

This item was postponed per approval of the agenda.

3. **Case #M 2008-03.** La Triada Business Park General Plan Amendment. Jennifer Jenkins, agent for Soñar LLC requests approval of a General Plan future land use map amendment to change the designation of a total of 7.44± acres from Institutional to Residential, Low Density (proposed Tract 1) consisting of 5.28± acres and Community Commercial (proposed Tract 2) consisting of 2.16± acres. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

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4. **Case #ZA 2008-01.** La Triada Business Park Rezoning. Jennifer Jenkins, agent for Soñar LLC, requests rezoning of 7.44± acres from R-5 (Residential, 5 dwelling units per acre) to R-7 PUD (Residential, 7 dwelling unit per acre, Planned Unit Development) for 5.28± acres (proposed Tract 1) and to C-2-PUD (General Commercial, Planned Unit Development) for 2.169± acres (proposed Tract 2). The application includes a preliminary development plan for 39 town homes on Tract 1 and 200 indoor, climate controlled storage units in three buildings and four residential units on Tract 2. This application also includes variances to allow for bridge construction within arroyo setback and to allow for the placement of off-site signage. The property is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

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5. **Case #M 2008-05.** 1733 Hopewell Street General Plan Amendment. Richard Horcasitas, agent for Hunter Wakeman, requests approval of a General Plan Future Land Use Map amendment to change the designation of 0.22± acres of land from Industrial to Low Density (3 – 7 dwelling units per acre). The area is located at the corner of Third Street and Hopewell Street. (Lou Baker, case manager)

Items 5 and 6 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

6. **Case #ZA 2008-02.** 1733 Hopewell Street Rezoning. Richard Horcasitas, agent for Hunter Wakeman, requests rezoning of 0.22± acres of land from I-1 (Light Industrial) to R-5 (Residential, 5 dwelling units per acre). The

property is located at the corner of Third Street and Hopewell Street. (Lou Baker, case manager)

Items 5 and 6 were combined for purposes of staff report, public hearing and comment, but were voted on separately.

Memorandum from Lou Baker, Senior Planner Development Review, prepared April 9, 2008 for April 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Comments from Risana "RB" Zaxus, City Engineer for Land Use, dated April 15, 2008 are incorporated herewith to these minutes as Exhibit "2(A)."

Lou Baker presented the staff report included in Exhibit "2."

Staff recommends:

General Plan Amendment:

Staff recommends approval of Case #M-2008-05. The requested land use classification of Low Density (3-7 dwelling units per acre) complies with the City of Santa Fe 1999 General Plan and its Future Land Use Map. Should the Planning Commission consider approval that action must be based on the findings of fact pursuant to Chapter 14 of the City Code of the City of Santa Fe, New Mexico Article 14-3.2(D).

Rezoning:

Staff recommends approval of Case #ZA-2008-02. should the Planning Commission consider approval that action must be based on the following findings of fact pursuant to Chapter 14 of the City Code of the City of Santa Fe, New Mexico Article 14-3.5(C). In addition, staff recommends the following conditions of approval:

1. Applicant shall work with the City of Santa Fe GIS staff to correct the addressing error and submit documentation when completed to the City of Santa Fe Land Use Department; and
2. Applicant shall work with the City of Santa Fe GIS staff to correct property owner information and submit documentation when completed to the City of Santa Fe Land Use Department.
3. the property lies within the 1% chance floodplain. In accordance with Article 14-8.3(C)(2), no construction is allowed on lands within a flood hazard area. A letter of map amendment will be required in order to determine the exact location of the floodplain boundary and the impact on potential building sites.
4. Prior to any building permit submittal for property within the flood fringe, a variance will be obtained.

Wendy Blackwell referred to the additional correspondence for the case with two additional conditions included in Exhibit "2(A)." She explained that these conditions were discussed with the applicant several weeks ago and the technical review memo was not included. The first additional condition explains that the entire property is within the new FEMA map flood plain so before there is development a letter of map amendment would have to be obtained and they are already working on that. The second condition is that if the area within the flood fringe is an area they want to develop then they will need to get a variance.

Ms. Baker pointed out that the applicant will have to come back for a variance and there is no variance included with this application.

Public Hearing

Richard Horcasitas, 1421 St. Francis Drive, was sworn. He said they feel comfortable with the recommendations and will continue to work with staff to meet the requirements.

Mike Rivera, 1718 Third Street, was sworn. He said they have some concerns. He asked why this is listed as Hopewell when it can only be accessed through Third Street. Another concern is what the owner has planned for the property. He asked what the 0.22 acres entails and what is allowed on the property. Natural boundaries for the industrial area may go into the arroyo, but he is not sure. His property is in the arroyo as well, but was never zoned for industrial. The biggest concern is the huge amount of items on the property currently and how the owner will build with so much stored there.

Eloy Armijo, 1714 Third Street, was sworn. He said he has lived here all his life. He recalls when this was the edge of town. The owner has filled the property with nothing but junk including part of a crane down in the arroyo which could cause a flood. It is disgusting. The neighbors have worked hard to build up their properties and to destroy the look of the neighborhood is devastating. He said there is all kinds of junk such as old truck and car parts. He noted that he had an old truck on the back of his property and he was told to remove it, so he does not know why this is allowed.

Chris Feliz, 1708 Third Street, was sworn. He asked why they are zoning R-5 when everyone else is R-1. He also is unsure what they are planning to build on this property. He questioned how much of that arroyo is part of the industrial part the owner is trying to get rezoned.

John Chavez, 1729 Third Street, was sworn. He has lived next to the lot which has turned into a wrecking yard and he feels the same as the other neighbors.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked what the other zoning is.

Ms. Baker referred to the zoning map in the packet. This parcel is zoned R-5 and then I-1 zoned on the south route of the arroyo. She said there are some dual zoning regulations and she found it has been zoned in this matter since 1962 when the City adopted zoning.

Commissioner Armijo asked what he can build on R-5 if he gets the variance with the flood plain.

Ms. Baker said that would take some calculation since it is a .22 acre parcel. She would have to determine the depth of the arroyo, the setback requirements and setback of the R-5, height, open space requirements, parking and quite a few variables that would go into this calculation.

Mr. Smith agreed there are a number of variables that would have to be given to staff before they could calculate anything. He said it is likely that no development would occur without variances. With variances, the maximum dwelling is a single dwelling and possibly an accessory unit.

Commissioner Armijo asked if they would have to come back.

Mr. Smith explained that the Planning Commission has jurisdiction over the flood plain regulations. If the zoning is approved by the Council then it would come back for the variance.

Commissioner Armijo asked what the intent is if this is approved.

Mr. Horcasitas said they are trying to clean up the history so the lot is consistent with the R-5 zoning. This would mean a single family residence which is what the applicant wants. This has been a vacant lot for a long time.

Commissioner Armijo asked about the state of the lot at this time.

One of the neighbors handed him a picture of the state of the lot.

Mr. Smith said it is fair to state that due to the issue having been raised with the flood enforcement staff they will work to make sure any obstructions would be abated immediately.

Commissioner Armijo asked why the neighbors did not issue a complaint to make the necessary arrangements to clean it out.

Chair Gonzales asked the neighbors to point to where the debris is.

Mr. Rivera said there is a piece of machinery in the arroyo, so they are concerned because they have seen the arroyo run heavily. He said you cannot see this in the photo provided.

Commissioner Armijo asked why the address is not accurate.

Mr. Horcasitas said he needs to work on this with staffing and GIS to make sure the address is correct.

Ms. Blackwell explained that the current policy for addressing is that the address has to be on the road where the driveway comes off for emergency personnel purposes. She said they may need to modify this once staff sees the site plan.

Commissioner Hughes clarified that there was an ENN meeting on this.

Ms. Baker referred to page 7 of Exhibit "2." She said the meeting was held January 23rd at City Hall with only one attendee from the public.

Commissioner Hughes did not want to reward someone that has used this lot as a dumping ground. He asked how they can get this lot cleaned up.

Mr. Smith stated that there may be an obstruction, so he would imagine Ms. Blackwell will send an inspector to issue direction to abate the hazard and he suspects the applicant will resolve that prior to the Council hearing where it could come up again.

Mr. Horcasitas nodded his head yes.

Commissioner Hughes informed the neighbors that the applicant will take care of this immediately to avoid embarrassment at the City Council meeting.

Commissioner Lindell asked how long the owner has owned the lot.

Mr. Horcasitas replied a couple of months.

Commissioner Lindell asked if this was a clear lot until two months ago.

Mr. Horcasitas replied yes.

Commissioner Lindell understood the intent is to build a single family home. She knows this is not in the purview of the Commission, but said to function as a good neighbor owning the lot for less than three months and to fill it with things the neighbors find offensive does not seem like a good start. She wanted to make sure they are agreeable to cleaning up the lot.

Mr. Horcasitas agreed.

Hunter Wakeman, 326 Ojo de la Vaca, was sworn. He explained that what is called junk by the neighbors is his work. He has been doing sculpture and metal work on a moderate scale for the last ten years. He is trying to sell a piece of property on the outside of town so he has brought his RV and sculpture supplies. He is about to ask for a permit to put fencing around these items. He said what he has put on the lot takes up less than 1/5 of the lot. He said once they have corrected the engineering issues, he is interested in putting up a single family residence with a large garage space so all the stuff comes within the space. He sculpts and collects historic New Mexico rust patina and makes pieces of art that reflect the history and industry of this state. He said he put a container on the lot and he is trying to keep it up. He understands how this might look to others, but he is a low budget person. In the ditch is a gear system off a 1935 crane that has been saved because he is going to make a piece out of it. He said most likely it will be out of the arroyo tomorrow. He said as a builder and knowing his square footage, he is taking up every square inch that he can on the lot without taking up the building footprint. He said there is a specific plan.

Chair Gonzales asked the applicant if he understands that the City will be visiting the property and will make him keep up with the code.

Mr. Wakeman said he understands.

Mr. Armijo commented that one mans junk is another man's treasure.

Chair Gonzales understood and said the City will take care of this. He suggested more neighbors attending if there is another neighborhood meeting.

Commissioner Armijo moved to approve Case #M-2008-05, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.

Commissioner Armijo moved to approve Case #ZA-2008-02 with staff conditions, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.

- 7. Case #ZA 2008-03. 1711½ West Alameda Rezoning. Jennifer Jenkins, agent for Eric and Carrie Rowland, requests rezoning of 1.98± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-3 (Residential, 3 dwelling units per acre). The property is located north of West Alameda, east of El Rancho Road. (Lou Baker, case manager)**

Memorandum from Lou Baker, Senior Planner Development Review, prepared April 9, 2008 for April 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Email correspondence from Jennifer Jenkins dated April 10, 2008 is incorporated herewith to these minutes as Exhibit "3(A)."

Lou Baker presented the staff report included in Exhibit "3(A)."

Staff recommends:

Staff recommends approval of Case #ZA-2008-03. Should the Planning Commission consider approval, that action, must be based on the following findings of fact pursuant to Chapter 14 of the City Code of the City of Santa Fe, New Mexico Article 14-3.5(C).

Public Hearing

Jennifer Jenkins, 130 Grant Avenue, Ste 101, was sworn. She said they are requesting zoning from R-1 to R-3. She reviewed the surrounding densities on a map. Currently the property is not compliant with the General Plan and the proposal would bring it into compliance. The intent is to create a traditional style compound with significant preservation of open space and incorporating green building. There is an existing 30 foot access and utility easement that serves this property and the one to the north. She pointed out the one acre property that was rezoned recently from R-1 to R-2. They are proposing to widen the easement to 38 feet so they can accommodate future development for other landowners. It would not be required for this property because there will only be 8 units. She concurred with the findings and asked for support to bring this property in compliance with the General Plan and the opportunity to develop a sustainable compound of homes. She introduced Eric Rowland.

Eric Rowland, 1711 ½ West Alameda, was sworn. He said he purchased this parcel of land from the Garcia family with the idea that one day they would build a small and sustainable group of homes. They have modified the plan to fit with the needs of the neighbors. He said they are not developers but homeowners. They feel a sense of stewardship with regard to improving the land and neighborhood in which they live. His wife is a general contractor and he is a partner in the Santa Fe renewable energy business. He said they are using their backgrounds as a base to execute this plan. He said they will employ building standards from Build New Mexico and experts in water management. All the homes will employ strategies to minimize energy and water use. The homes will have as light an energy footprint as feasible. He said the water management plan is the greatest concern from immediate neighbors due to the water that flows down through the property. The development project will assist in paying for a remedy to that problem.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Mr. Smith clarified the zoning. He said one lot removed has been R-5 PUD for some time. The property immediately east was rezoned to R-2 last year, but the map has not been updated.

Commissioner Hughes asked what the aspirations of the General Plan are for this part of West Alameda.

Mr. Smith stated that the General Plan designates 3-7 units per acre, which is R-3 to R-5.

Commissioner Hughes commented that it is accurate that this is in conformance with the General Plan. He asked if staff has been to the site.

Ms. Baker said there was no site visit.

Commissioner Hughes pointed out that some parcels do exude dirt.

Ms. Baker referred to the aerial photo in the packet. She said there has been some discussion regarding how the erosion has occurred. There is definitely a drainage issue from the photo.

Commissioner Hughes worried about covering the property. He asked what the experience is with that kind of coverage.

Ms. Blackwell said she has not been out for this particular project. The property just north of it is the area they have had difficulty with where the cut road is and you can see eroded areas. She said they looked at the area for the people that wanted to develop the parcel north. She said there may be some additional erosion control issues that the applicant will have to handle. She added that it may not be this property owner that caused the problem.

Commissioner Hughes hopes the owner will look into walking across the street to see Tres Placitas because they have done a good job there.

Commissioner Lopez asked if there was an ENN meeting and how many attended.

Ms. Baker stated that there was an ENN held October 25th with 3 neighbors attending. She pointed out that the applicant started out with another agent and now Ms. Jenkins assumed the file so in the process there are things that fell through the cracks. She referred to Exhibit "3(A)."

Ms. Jenkins agreed the meeting was on October 25th at 1730 Camino Carlos Rey #301. She has requested a copy of the sign in sheet from the previous agent. The city also maintains that, but are unable to find it either. There were approximately 3 neighbors in attendance.

Commissioner Lopez asked how they contact people that get mail at a P.O. Box.

Ms. Jenkins said they always send mail to the physical address and wherever the County Assessor has their mailing address listed.

Commissioner Lopez expressed concern with the traffic and adding five more homes.

Ms. Jenkins corrected her and said they are adding four homes to the existing one home. She explained that the traffic engineer reviewed this and did not have comments. Typically from a traffic engineering standpoint, four homes are considered negligible on the larger arterial network. She said this property has the ready accessibility of the infrastructure so this is a more appropriate way for the property to be used minimizing the impact at a greater scale.

Commissioner Lopez stated that it appears there are some large parcels that are R-2, so she is concerned if this is changed to R-3 there may be others that want to change. She did not see how they could say yes to one and not to another. In her opinion, this could really impact the area.

Ms. Jenkins agreed that can be a valid concern, but said it is the policy of the City that one rezoning request is not a precedent because every site is different and every project is different. This parcel has some gentle gradual grades but does climb from south to north so it would not be fair to say that other properties accommodate an increase in density based upon their terrain. She said they are only looking at about 20% lot coverage when 40% is permissible.

Commissioner Lindell asked if 7 or 6 units are allowed as it is unclear. She questioned how the accessory dwelling unit is granted.

Mr. Smith explained that the subdivision regulations state a maximum of 8 dwelling units are allowed to be served by no less than 38 feet in width all the way to Alameda. The calculation does not include accessory dwelling units as part of that number. The applicant intends to have five lots for a total of 7 units using the driveway. If they look to the north, there is another parcel which under R-1 zoning that would have the ability to create 1-2 dwelling units. In the absence of a 38 foot access, the access issue may be resolved by conditions where lot splits and subdivisions occur.

Commissioner Lindell understood that the applicant intends to widen to the access to 38 feet.

Ms. Jenkins said as part of the development plan they will create a 38 foot easement for the future, although they are still looking at five homes and one guest house per lot of record for a total of six. She added that one home will be an affordable home.

Mr. Smith said they would require a 38 foot access all the way to Alameda for more than 8 units.

Commissioner Lindell commented that this type of rezoning and building appears to be well thought out infill that she wished she saw more of. This does comply with the General Plan which is pleasing.

Commissioner Armijo asked if it is important for staff to do a site visit.

Mr. Smith pointed out that they did have a site visit for the other site that was rezoned although they did not communicate between the various staff members on that.

Commissioner Armijo said there is an area that looks more like a cut than erosion.

Ms. Jenkins said the owners have not made any modifications since they owned the property. The condition at the north end of the property was existing. She said it is important to this redevelopment effort to address the stormwater management so there are appropriate drainage structures and they will redevelop the access road. The site will be fully reviewed and engineered as they hope to restore the area and landscaping.

Commissioner Armijo stated that it is important to know if that is an actual cut. He noted that it looks like a 45 foot drop which is pretty significant.

Ms. Blackwell pointed out that the road was built illegally and was red tagged because it has caused downstream problems. There has been an effort to do some informal controls with boulders and the placement of fill to redirect flow. She said they had talked to a property owner to the north that was going to develop the north property, but that never happened. There will have to be some resolution and restoration.

Chair Gonzales understood that the owner is trying to make the conditions better. He said they are asking for a minimal rezoning and they still have to come back with the development plan that fits the density.

Mr. Smith said that is correct. He said there is the degree of hazard to the general public and hazard to other property owners. The Summary Committee or Planning Commission will see development plans for this property and the Cera property with an opportunity for more technical analysis regarding the best way to correct the problem. Staff will likely be investigating this with the property owners. The north property owner seems to have significant responsibility for the damage.

Chair Gonzales did not think it made sense to hold up the applicant because they are trying to improve the conditions.

Commissioner Armijo commented that generally they have tried to get a staff report as to how this cut or damage was done and when it occurred.

Commissioner Bordegaray agreed and had more questions about the illegal cut accessing through the same easement. She was also interested in knowing how that came about.

Chair Gonzales asked how knowing the history makes it better. He said they need to come up with a plan anyways.

Commissioner Armijo said the point is to make sure the current owners are not responsible for the cut because if they allow people to cut the land and then come in and want to build on it later it does not seem fair. He thought it was normal practice to do a site visit and in this instance staff did not.

Mr. Rowland stated that he did not make the cut. He explained that there are two cuts; one that caused the property north to be red tagged. He understands that was done 6-8 years ago. This has been problematic and has not been resolved. The apparent cuts on his property were done by the previous owners. His house was built in 1953 by a local family and below his property there are still two generations of the Garcia family. The

previous owners were there for 50 years and he reported the upper 2/3 was done around 1975 by the owner. He said they were planning a family compound long before this was watched or cared about by the City.

Commissioner Hughes moved to recommend City Council approve Case #ZA-2008-03 with staff conditions, Commissioner Salazar seconded the motion which passed by majority voice vote of 5 to 2. Those for the motion were Commissioners Lewis, Bordegaray, Lindell, Hughes and Salazar. Those against the motion were Commissioners Armijo and Lopez.

Mr. Smith pointed out that there are development plan requirements for this case. He said there are a number of scenarios that would require the applicant to come before the Commission. if a variance is required or a 30 foot access road was planned, if the land was subdivided to create more than two lots or if they create two lots they would come back. There is also a scenario where a conceptual plan is handled administratively although Ms. Blackwell has made it clear this would require resolution of the drainage problems.

The Commission took a brief break at this time.

- 8. Case #M 2008-10. 701 Calle Vibora Escarpment Regulations Variances. Arthur Seligman, agent for Hollis Logan and Robert Wienberg requests a variance to Article 14-5.6 of the Escarpment Overlay District Regulations. More specifically a variance to Article 14-5.6(D)(1), to allow for additions of 54 square feet and 534 square feet to the existing residence located within the ridgetop, for an overall total of 588 square feet, and a variance to raise the existing roof on a portion of the existing residence, not to exceed 14 feet. The property is located in the Ridgetop Subdistrict of the Escarpment Overlay District and is zoned R-1 (Residential -1 dwelling unit per acre) (Lou Baker, case manager)**

Memorandum from Lou Baker, Senior Planner Development Review, prepared April 9, 2008 for April 17, 2008 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Comments from Charlie Gonzales, Technical Review Coordinator, dated April 14, 2008 is incorporated herewith to these minutes as Exhibit "4(A)."

Letters of support from surrounding neighbors are incorporated herewith to these minutes as Exhibit "4(B)."

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

Staff recommends:

It is not clear that the proposed variance meets each of the approval criteria mandated by Sections 14-3.16(C) and 14-5.6(K) SFCC 2001. A decision by the Commission to approve the variances would require specific findings in support of those approval criteria, as listed below. Staff is attempting to provide an accelerated review process for this application, and had not completed review at the staff report deadline. Additional analysis by technical review staff will be presented at the meeting.

In order to be consistent with the purpose and intent of the Escarpment Overlay District Ordinance, staff cannot support these variances because the proposed additions are in the Ridgetop Subdistrict.

Public Hearing

Arthur Seligman, 641 Calle Mejia, agent for the applicant, was sworn. He said the owners are residents of Santa Fe, but are out of town. He submitted letters from the neighbors around the property included in Exhibit "4(B)."

Ed Boniface, 1024 Don Cubero, was sworn. He wanted to clarify a couple of issues. He said they are trying to build within the ridgetop although there is no construction allowed within the ridgetop. He said if you want to add a window you have to get a variance. They are seeking to add onto an existing house that was built in the 1960's. There are rooms with 7 foot ceilings and they want to take those up to normal height. He said they are not going up to the limit, but are going to 12'4" and 11'8". In one place they are going up to 14 feet. This is nothing beyond what is normally allowed. He added that they are proposing to tear down the portal and put a lower portal in its place. They are adding 350 square feet of new construction, but by removing the portal they are actually reducing the overall footprint by 200 feet. The house is two stories in some areas and the area they are adding is hidden the way the topography works. He said the property slopes up towards the back of the house, so the home is hidden from the neighbors.

Doug Sayre, 705 Calle Vibora, was sworn. He noted that he is the neighbor to the northwest. He sees this as a minor modification to the existing residence. The owners have been good about showing everyone what they will do which has no unsightliness in what they will do. He does not consider this a non-conforming use. He said they have to consider making the space more livable. He believes there is a benefit to what is going on. He does not see reason not to allow this variance considering the changes and additions proposed.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Ms. Blackwell wanted to make sure they are specific that the 14 foot measurement is from natural grade or finished grade whichever is more restrictive. At the building permit they would need additional information to know that the 14 foot is met.

Chair Gonzales asked if this evidence was provided if the conclusion of staff would be different.

Ms. Blackwell said the applicant is aware of this rule and they are not asking for a variance to the height.

Commissioner Armijo said if this were approved then the screening requirements apply.

Ms. Blackwell said the change in the structure would need to meet the current screening requirements.

Commissioner Armijo commented that it looks like they are removing 1700 square feet of the roofline.

Mr. Boniface stated that sounds correct. He referred to the submitted photographs that showed story poles around the perimeter of the house.

Commissioner Armijo pointed out that this is a significant tear down of the roofline as there is 1800 square feet of roofline being torn down and replaced within the 14 foot height requirement. He said it is not just what they are tearing down and putting back up, it is also the existing building being raised.

Mr. Boniface showed on an exhibit and photographs where the height would be increased and added on.

Commissioner Armijo asked if this goes to the City Council.

Mr. Smith said the decision of the Planning Commission is final unless there is an appeal to the City Council.

Commissioner Hughes referred to the criteria for variances and asked legal counsel if this rises to this level of an extraordinary case.

Ms. Brennan apologized that she cannot answer that. She explained that the Commission is the decision maker. She said these are the criteria and this is what the findings and conclusions show. She noted that the applicant has provided a response in the packet addressing each item.

Commissioner Hughes asked what her opinion on granting variances is.

Ms. Brennan stated that she comes from an environment where variances were rarely granted. She was surprised to find how many variances are granted. She added that the environment she came from had more special exceptions in the code so there was more room.

Commissioner Hughes asked where they are on modifying the escarpment codes.

Mr. Smith stated that there are some technical amendments to the escarpment regulations, but most of this work will be in the second or third phase of the Chapter 14 overhaul. The Commission has reviewed other cases and there should be a safety valve other than a variance in the escarpment rules, but the staff has cited the findings to approve variances. He said the current rules state there should not be development in the ridgetop, you get to keep what you have if there is building in the ridgetop, but to add to that building the Commission must find extreme hardship and minimum relief required to make reasonable use of the property.

Chair Gonzales commented that these are interesting cases because sometimes there is a packed house with neighbors opposing a project, but staff stated the variance makes sense. He said in this case the neighbors support this, but the staff memo seems to indicate that it is not clear this meets the variance criteria.

Commissioner Lindell asked what the square footage of the residence is.

Mr. Seligman replied approximately 6600 square feet.

Commissioner Lindell asked how much of the residence is being remodeled.

Mr. Seligman said the new construction will consist of 250 square feet.

Mr. Boniface said from the ground up it will be 350 square feet and the area touching as far as raising the existing parapet would be about another 1600 square feet.

Commissioner Lindell did not consider this a small area.

Mr. Seligman understood, but said it depends on how you look at it.

Commissioner Lindell did not understand the heights being requested.

Mr. Boniface said the 12 foot plus would be on the public side and the interior courtyard is not seen from anywhere outside the property and that area will be 14 feet.

Commissioner Lindell said these discrepancies jump out as it is really not clear what is being raised and how much.

Mr. Seligman said none of the ceilings being raised are even near the two story level and they cannot be seen from surrounding properties which is why there is so much support from the neighbors. He said this will soften the look of the home and it fits into the purpose of the ordinance.

Commissioner Lindell asked what the normal height for a ceiling is.

Mr. Seligman said at least 12 feet.

Commissioner Lindell asked if this is a primary residence.

Mr. Seligman said the person lives now down the street on Gonzales Road and they want to move here. He does not think they were aware when they bought the property of the ordinances.

Chair Gonzales said the Commission needs to pay attention to what is in the ordinance and what the intent of the ordinance is.

Mr. Seligman said he was trying to ask what the intent of the ordinance is. He said they are trying to fit into the ordinance.

Commissioner Salazar asked staff if they were not adding on and just raising the roof if they would still need a variance.

Ms. Blackwell replied yes because it applies to anything structural. She said if they are re-roofing or modifying the structure they need a variance. She believes maintenance does not require a variance.

Mr. Smith stated that he is not sure they can state exactly what situation would require a variance. If they do not require non-conformity then they do not require a variance. A window might or might not depending if the structure of the building was modified. New construction requires a variance.

Commissioner Salazar clarified that if a portal was falling down they would need a variance.

Mr. Smith explained that if they demolish a substantial portion then they would need a variance, but repairs do not require variances.

Commissioner Salazar asked if they paved the driveway if they would need a variance.

Ms. Blackwell said within the ridgetop for access and utilities they do not need a variance. If they add more parking not required they might need a variance. She said typically grading for access or utilities does not require a variance. She said they have to look at each case individually. She pointed out that in the escarpment memos there is standard language not recommending approval which is with the intent to apply the letter of the law.

Commissioner Bordegaray stated that they need to find the conditions of a variance have been met. If the escarpment overlay has been revised it would be better. She said these are minor modifications, but there does not seem to be a legal way to support this. She does not have a solution. She said she strongly supports proposals that have the support of every neighbor in the vicinity. She asked if there are any neighbors who felt otherwise.

Mr. Seligman said he stopped at every house and spoke to every neighbor.

Commissioner Bordegaray would like that to be a possible consideration. She commented that it is difficult to enforce the ordinance. She believes the intent is to prevent visual intrusion into those view sheds and this is now being strictly interpreted to disallow any changes to houses that are in these less than perfectly mapped areas. She asked for guidance from staff.

Mr. Smith said it is safe to say that there are cases where the Planning Commission has accepted the recommendations of staff and when there are amendments there may be some sentiment for different standards for lots that were developed prior to the escarpment ordinance. He said the Commission has discussed not significantly increasing the visual impact and it would be possible to write standards like that. He understands the catch 22.

Ms. Blackwell said as part of the discussions that led up to the ordinance amendments, there are individuals that feel the intent was to limit the visual impact and not allow development at all in the ridgetops. The current ordinance reads that there is protection in a much more stringent way. Staff brought forward changes to clarify and what was recommended were not changes in content or intent, but the wildfire guidelines to make that integrate better into the rule book. She said there are all sorts of ideas about how to rewrite these provisions.

Commissioner Armijo noted that there is a comment that states the current homes have ceilings of similar height. He does not understand why they make the comment when there are 14 foot height elevations, but they are stating they do not want to go above 8-9 foot ceilings.

Mr. Boniface explained that they are trying to keep the parapet as low as possible. He said the difference is the amount of insulation and slope of roof for drainage. The finished floor is probably about 4-5 feet above grade in the interior courtyard. The interior has a retaining wall and garden wall that wraps around the home. He said the grade is in the planter which is 4 feet above the surrounding grade.

Ms. Blackwell stated that this is why they need more detail at the time of building permit because she is unsure if that calculation is correct. She said a planter that raises the grade may be questionable.

Commissioner Armijo asked without the second story building if the ordinance had not gone through if this project would have been approved.

Ms. Blackwell said if they did not have the 14 foot issue it would have been approved administratively.

Chair Gonzales commented that this is a poor application. He said they are trying to come up with the details on the spot. He said the memo says one thing and Ms. Blackwell says this is standard language. He said they need specific information to come up with specific findings and approve them. He said if they deny this case the applicant can appeal and City Council can say the Planning Commission did not do a good enough job. Staff is attempting to provide an accelerated review process. He believes this case should not have even come before them tonight.

Mr. Smith explained that the applicant came to staff being misled by the contacts they had with staff on every aspect of the review process. He said staff did not intend on giving an incomplete application. There are three basic recommendations; approval with findings and conditions; staff recommending denial, and then the memo stating it is not clear the applicant has met their burden to approve the criteria. He said they can postpone and ask the applicant to make a more thorough application on why the findings are met.

Chair Gonzales stated that if the Commission is looking to approve this application on this information, they are in trouble as there are not very specific findings they can come up with. He said if more information were available they could possibly grant a variance, but they are trying to come up with what if scenarios and numbers on the spot.

Mr. Seligman apologized as this is the first application. He said the misleading was that they submitted for a building permit and went through the whole process receiving a demolition permit and then staff withdrew the permit making them start all over again. He said if they need to table this they will take the suggestions and rewrite the application and resubmit.

Chair Gonzales said they wasted almost an hour on reviewing a case that has little or poor information and not that much review in a memo. He does not want to approve stuff on little information. He wished this was a staff review process, but unfortunately it is not. He said a nice compromise would be to postpone this for more details. He said they are trying to achieve a fair level game field for the applicant and the City. He added that when they are trying to make a decision based on information that does not help the case it is not good for the applicant either.

Ms. Baker stated that she has been the case manager on four escarpment variances and each one of her staff reports has recommended denial based on that article of Chapter 14 because the intent of the code is to guide the decision. When an application is contrary to the law, she said she will always recommend denial. She said if these are approved, over time it will erode the code. She said each time the Commission has reviewed the cases and made a decision.

Chair Gonzales wanted staff to know he is not trying to come down on staff, but when they are trying to accelerate the process there is opportunity to let things fall through the cracks. He knows staff works hard, but they need to do a much better job in having information here.

Ms. Baker concurred with the applicant and was willing to work with the applicant.

There was discussion regarding the report deadlines and when the case could be heard again.

Commissioner Hughes stated that they all wish for better rules and regulations to be worked on, but they have to do what they can with what they have. He said he has enough information and he does not see how the applicant can come up with an extraordinary hardship.

Commissioner Hughes moved to deny Case #M-2008-10. Commissioner Lindell seconded for purposes of discussion.

Commissioner Armijo agreed the ordinance needs to be looked at, but said with all the properties existing they will need some remodeling or at some point they will fall apart. He said this would have been approved prior to the amendments. He did not like all the missed information and agreed there were a lot of areas that staff should have noted to the Commission. He noted there is strong neighborhood approval which is a big issue.

Commissioner Bordegaray wanted to go back to the code as it exists today as she thinks there are extenuating circumstances. She said she is not prepared to deny applications based on the way the code is today.

Ms. Brennan pointed out that the code is the applicable statute and establishes the rule to be applied. This is the standard that is defined that needs to be evaluated.

The motion failed on a 2 to 5 voice vote. Commissioners Lindell and Hughes voted for the motion. Commissioners Armijo, Salazar, Lopez, Bordegaray and Lewis voted against the motion.

Commissioner Salazar moved to postpone this case to the second meeting in May with direction for a more thorough application from the applicant and a more thorough memo from staff, Commissioner Lopez seconded the motion which passed by majority voice vote of 6 to 1 with Commissioner Hughes voting against the motion.

Chair Gonzales said there would be discussion after more thorough review, but he did not want to reopen the case.

- 9. Case #M 2008-02. Del Norte Credit Union Development Plan. Slagle Herr Architects, agent for Del Norte Credit Union, request development plan approval for a 7,044 square foot addition to the 2.97± acre lot. The property is located on the south side of Cerrillos Road, between Richards Avenue and Camino Consuelo and is zoned C-2 (General Commercial). (Tony Raeker, case manager) (POSTPONED FROM APRIL 03, 2008)**

Chair Gonzales referred to the letter from a neighbor stating that there was not proper notification included in Exhibit "5(A)." He asked if this is accurate.

Mr. Raeker reported that he spoke with branch manager who said the sign was posted. He showed pictures of the signs and where they were placed. He said there is no actual requirement regarding the height of placement in the code. He said when they built the bank initially they were not required to give notification which is where some of the issues come from with the neighbor. The neighbors had spoken to the architects about the issues and agreements, but there was no record of any written agreement between the neighborhood association and the credit union. A different architect is working on this project. He noted that the neighborhood association is outside the 200 foot area.

Commissioner Lewis stated that there is a sage brush blocking the sign. She thought it should be visible from the street.

Commissioner Armijo agreed as he banks there twice a week and he has never seen the sign.

Chair Gonzales asked the Commission if they wanted to postpone allowing for proper notification with the sign oriented properly.

Mr. Smith explained the options. He said it would be safer to wait for June 5th.

Commissioner Salazar moved to postpone Case #M-2008-02 to June 5th so the applicant can notice better. He said they should put the sign closer to Cerrillos Road. Commissioner Hughes seconded the motion which passed by unanimous voice vote.

Mr. Raeker asked if the applicant has to re-mail the notices.

Mr. Smith said if they correct the posted notice that meets the minimum requirements. He encouraged the applicant to write a letter to the neighborhood association although it is not required by code.

Commissioner Salazar asked the applicant to do so.

G. BUSINESS FROM THE FLOOR - None

H. STAFF COMMUNICATIONS

Ms. Brennan asked the Commission to reconsider the findings of fact postponement because the Juanita street matter is being heard by the Council prior to the next meeting and they should have the recommendation at that time.

Chair Gonzales suggested taking a five minute break to review the findings of fact.

Commissioner Lopez said she did not open the email until 4:30 p.m., so she will vote not to approve it. She commented that it is not that she does not agree with the contents of the document.

Chair Gonzales agreed and said the schedule is unfortunate on this case.

Ms. Brennan apologized and said they could not approve them if they want.

Commissioner Armijo asked if this could be delayed to City Council.

Mr. Smith explained that the notification process for the April 30th meeting of the City Council has been initiated, so the Council would make the decision at the meeting. He said the Commission would make a motion to reconsider the previous motion and could vote on findings of fact.

Ms. Brennan stated that the information is largely taken from the staff report and represents the Commission's findings. She said the code provisions are cited word for word and this is not new material.

Commissioner Lindell moved to reconsider the motion to postpone the approval of the findings of fact, Commissioner Salazar seconded the motion which passed by majority voice vote. Commissioner Hughes abstained from voting.

The Commission took a five minute break to review the findings of fact.

Commissioner Lindell moved to accept the presented findings of fact, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

Mr. Smith apologized for the late memo and understands the awkward position the Commission was in. He said the technical review division made commitments that they were unable to meet. He said in the future if the Commission feels backed into a corner, the sooner they let staff know the better.

Ms. Brennan wanted to have training on findings of fact and conclusions of law. She suggested having Mr. Rasch do a presentation at this training as well.

There was discussion as to the best time to have a training meeting.

Chair Gonzales suggested that Geraldine check some dates and availability and then contact the Commissioners.

Mr. Smith reported that they have a full agenda for May 15th.

I. MATTERS FROM THE COMMISSION – None

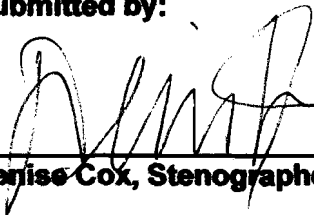
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Armijo moved, seconded by Commissioner Salazar to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:20 p.m.

Approved by:

Chair Estevan Gonzales

Submitted by:



Denise Cox, Stenographer