



Agenda

DATE 4/28/14 TIME 11:10

SERVED BY [Signature]

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AMENDED

PLANNING COMMISSION
Thursday, May 5, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: None

FINDINGS/CONCLUSIONS:

Case #2016-17. 195 Brownell Howland Road Escarpment Variance.

Case #2016-23. 701 Camino De La Familia Railyard Flats Master Plan Amendment.

Case #2016-25. 701 Camino De La Familia Railyard Flats Development Plan.

Case #2016-20. Spectrum Senior Housing at Las Soleras Development Plan.

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

- 1. Case #2016-37. Santa Fe Place Mall Signage Variance and Plan.** JenkinsGavin Design and Development, agent for Santa Fe Mall Property Owner LLC, requests approval of a master signage plan for the Santa Fe Place Mall and variances to signage standards. The property, located at 4250 Cerrillos Road, is zoned SC-3 (Regional Shopping Center) and is within Zone Four of the Cerrillos Road Highway Corridor. (Dan Esquibel, Case Manager)
- 2. Case #2016-38. 3760 Buffalo Grass Final Subdivision Plat.** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests final subdivision plat approval to divide approximately 1.19 acres, into five individual lots. Each proposed lot will be approximately 0.24 acres. The property is located at 3760 Buffalo Grass Road. The property is zoned Mixed Use (MU) and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) 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 will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



Agenda

DATE 4/18/16 TIME 3:30
SERVED BY [Signature]
RECEIVED BY [Signature]

PLANNING COMMISSION
Thursday, May 5, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: None

FINDINGS/CONCLUSIONS:

Case #2016-17. 195 Brownell Howland Road Escarpment Variance.

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

1. **Case #2016-37. Santa Fe Place Mall Signage Variance and Plan.** JenkinsGavin Design and Development, agent for Santa Fe Mall Property Owner LLC, requests approval of a master signage plan for the Santa Fe Place Mall and variances to signage standards. The property, located at 4250 Cerrillos Road, is zoned SC-3 (Regional Shopping Center) and is within Zone Four of the Cerrillos Road Highway Corridor. (Dan Esquibel, Case Manager)
2. **Case #2016-38. 3760 Buffalo Grass Final Subdivision Plat.** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests final subdivision plat approval to divide approximately 1.19 acres, into five individual lots. Each proposed lot will be approximately 0.24 acres. The property is located at 3760 Buffalo Grass Road. The property is zoned Mixed Use (MU) and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
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SUMMARY INDEX
PLANNING COMMISSION
 May 5, 2016

ITEM	ACTION TAKEN	PAGE(S)
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B. Pledge of Allegiance	Recited	
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes & Findings and Conclusions Minutes:	None	
Findings of Fact & Conclusions of Law		
• <u>Case #2016-17</u> 195 Brownell Howland Road Escarpment Variance	Approved as amended	2
• <u>Case #2016-23</u> 701 Camino de la Familia Railyard Flats Master Plan Amendment	Approved as presented	2
• <u>Case #2016-25</u> 701 Camino de la Familia Railyard Flats Development Plan	Approved as presented	2
• <u>Case #2016-20</u> Spectrum Senior Housing at Las Soleras Development Plan	Approved as presented	2-3
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1. <u>Case #2016-37</u> Santa Fe Place Mall Signage Variance and Plan	Approved with conditions	3-5
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G. Staff Communications	Discussion	7
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I. Adjournment	Adjourned at 7:00 p.m.	10

PLANNING COMMISSION
Thursday, May 5, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Commissioner Vince Kadlubek, Chair, on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Vice-Chair
Commissioner John B. Hiatt, Secretary
Commissioner Roman Abeyta
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Sarah Cottrell Propst

Members Absent

Commissioner Piper Kapin

OTHERS PRESENT:

Ms. Lisa Martinez, Land Use Department Director
Mr. Greg Smith, Planning Division Director and Staff Liaison
Mr. Dan Esquibel, Current Planning Division, Senior Planner
Ms. Katherine Mortimer, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Commissioner Hiatt moved to approve the agenda as published. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT

1. MINUTES: None

2. FINDINGS OF FACT & CONCLUSIONS OF LAW

a. Case #2016-17. 195 Brownell Howland Road Escarpment Variance.

A copy of the Findings of Fact and Conclusions of Law for Case #2016-17 is attached to these minutes as Exhibit 1.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2016-17 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

b. Case #2016-23. 701 Camino de la Familia Railyard Flats Master Plan Amendment.

c. Case #2016-25. 701 Camino de la Familia Railyard Flats Development Plan

A copy of the Findings of Fact and Conclusions of Law for Case #2016-23 and Case #2016-25 is attached to these minutes as Exhibit 2.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2016-23 and Case #2016-25 as presented. Commissioner Propst seconded the motion and it passed by unanimous voice vote.

d. Case #2016-20. Spectrum Senior Housing at Las Soleras Development Plan.

A copy of the Findings of Fact and Conclusions of Law for Case #2016-20 is attached to these minutes as Exhibit 3.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2016-20 as presented. Commissioner Propst seconded the motion and it passed by unanimous voice vote.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. **Case #2016-37. Santa Fe Place Mall Signage Variance and Plan.** JenkinsGavin Design and Development, agent for Santa Fe Mall Property Owner LLC, requests approval of a master signage plan for the Santa Fe Place Mall and variances to signage standards. The property, located at 4250 Cerrillos Road, is zoned SC-3 (Regional Shopping Center) and is within Zone Four of the Cerrillos Road Highway Corridor. (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the Staff Report for Case #2016-37. A copy of the staff report is incorporated herewith to these minutes as Exhibit 4. Please refer to Exhibit 4 for details concerning this report.

Mr. Esquibel reminded the Commission that they approved the signage for World Market, Bed Bath and Beyond and for the Sports Authority recently. He clarified that Staff could not find how many of the signs got approved. However, not one sign at the mall meets the criteria for the current rules and regulations. The applicant argued that, as a regional facility, it should have signage more appropriate to allow for better economic development.

The Sign Ordinance says one sign is allowed to advertise the mall and one sign to advertise the businesses in between and that hasn't worked for the mall since it was built. So they are asking for a variance. On page 4 of his memo, it identifies some of the sign areas there. They are trying to regulate it so future signage can meet a better understanding of what the mall is looking for as a regional facility but not the extremes for variances in the future.

The off-site sign request has been withdrawn.

Staff recommended some conditions if the Commission approves the variance.

The applicant had a presentation but the equipment is not working properly. They have met all the variance criteria associated with Chapter 14.

Applicant's Presentation

Present and sworn was Ms. Jennifer Jenkins 130 Grant Avenue, Suite 101. She said they are

requesting a comprehensive signage plan to address the signage needs of the Santa Fe Place Mall. They have had a series of variances approved that are consistent with this one, including the Sports Authority in 2012 and last year for Bed, Bath, and World Market.

She said it is critical for the ongoing redevelopment of the Mall. It was built in 1984-85 and has not received the care and reinvestment such a facility requires. It changed ownership over the decades. Spinoso has now made a significant investment. The Mall is supposed to be the largest generator of GRT for the City. You can see the improvements happening and this is very exciting and positive for this community.

After the last variances were approved, City Staff asked her to bring in a signage plan so that it will not be done piecemeal. She thought that was great. To make it a success, they need to attract national tenants with consistency and uniformity. These older malls have had lifestyle center improvements where more stores have their own exterior entries, rather than interior access. Stores want a façade - a presence, an exterior façade and interior entry. So it brings more architecture.

The City ordinance doesn't address a mall of this size. She quoted the ordinance - that every store is allowed an 80 sq. ft. sign. It would look ridiculous, terrible. They need an appropriate signage proportionate to the scale. The pictures were taken hundreds of feet away and two stories below Rodeo Road and the pictures show it doesn't look out of scale.

Present and sworn was Mr. Lance Ferrell, 3161 Vista Sandia, Marketing Manager for Santa Fé Place. He read a statement that indicated the signage plan will enhance the mall and attract other national companies here. They appreciate the Commission's previous approvals of sign variances that have helped and future approvals will do the same.

Ms. Jenkins also noted the letter of support from Santa Fé Chamber, Simon Brackley. [A copy of the letter is attached to these minutes as Exhibit 5].

Public Hearing

There were no speakers from the public regarding this case and Chair Kadlubek closed the public hearing.

Commission Discussion

Commissioner Hogan asked Ms. Jenkins to identify the changes to the three pylon signs.

Ms. Jenkins said there are two on Rodeo Road and one on Cerrillos Road and they will get new skin but no changes structurally.

Commissioner Hogan asked if they were also making landscaping improvements.

Ms. Jenkins agreed. It is a condition of approval.

Commissioner Hochberg asked if they are coming together to reduce what they can.

Ms. Jenkins said no. They want the ability to have signs up to 100 square feet on the exterior but limited to certain stores that have an exterior door.

Commissioner Hochberg asked if they want it in the lease.

Ms. Jenkins said they want it in the plan. And future tenants would have to comply with the signage plan. So it creates the limitations. They won't allow exterior signs for stores without exterior access.

Commissioner Hochberg asked if there are some now that are grandfathered in.

Ms. Jenkins agreed. If a larger anchor goes away, like when Mervyns left, the Sports Authority took a portion of that space and is a junior anchor. A sign can be replaced in kind but not a bigger one. She said nobody is more invested in it than the owners. Anything they do requires a permit.

Commissioner Hochberg asked if it is just size and not uniformity in design.

Ms. Jenkins agreed.

Mr. Shandler asked about the pad sites.

Ms. Jenkins said they are not asking for an increase in sign size for pad sites. A couple of restaurants are coming in. Because of the grade change, the 80 sq. ft. size is okay but they are asking for an additional sign facing the road and one facing the mall.

Mr. Shandler said one of the requirements for the variance is a minimum amount. He could make the argument on recent variances for 169, 136, 158, 147, generally around 150 square feet. The Cost Plus variance is for 136. So he asked why they are not asking for a maximum of 136 for the plan.

Ms. Jenkins said they are just trying to strike a balance with an average number that is reasonable but not to push the envelope. There are currently signs there that are 330 square feet.

Mr. Shandler said 150 is the number in the code. It is not arbitrary.

Mr. Smith said for the record, that the pad sites are shown on sheets 3 and 4 in the submittals.

Commissioner Greene said he appreciates the refresh. In addition to the pads, there is a tree lot and a potential future pad.

Ms. Jenkins agreed - over on the northwest side.

Commissioner Greene asked whether that corridor for traffic would be taken out and if so, if traffic would be addressed to have more than just one lane.

Ms. Jenkins said there are no huge changes that will be made to the circulation. But they will make

modifications to everything to the right of Dillards. They are working with staff on the changes to circulation.

Commissioner Greene said at a previous meeting he had encouraged having outside areas for eating.

Ms. Jenkins said they are considering that on the south side. It always felt sleepy so we have some new tenants facing the south side.

Commissioner Greene asked if they have a sign for the transit center.

Ms. Jenkins said no, since it is supposedly moving to a new location. There will still be a bus stop but not a transit center.

Commissioner Gutierrez asked if they are in agreement with the conditions of approval.

Ms. Jenkins agreed.

Commissioner Gutierrez pointed out that the total is not to exceed 4,500. They now have about 2,600 now. So he asked if that is adequate.

Ms. Jenkins said they do estimate it will be adequate. The signs are for junior anchors up to 30,000 sq. ft. there is only so much space for more of them. And some may not want as much as 150.

Chair Kadlubek felt bad for Santa Fe Place that they have to come here for this. It is unfortunate the regulations have not been updated.

Action of the Commission

Commissioner Hiatt moved in Case #2016-37 at Santa Fe Place Mall, to approve the Signage Variance and Plan, subject to conditions of Staff. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. **Case #2016-38. 3760 Buffalo Grass Final Subdivision Plat.** Santa Fe Planning Group, Inc., agent for Buffalo Grass, LLC, requests final subdivision plat approval to divide approximately 1.19 acres, into five individual lots. Each proposed lot will be approximately 0.24 acres. The property is located at 3760 Buffalo Grass Road. The property is zoned Mixed Use (MU) and is located in the Airport Road Overlay zone. (Katherine Mortimer, Case Manager)

Ms. Mortimer presented the staff report for Case #2016-38. A copy of the staff report is incorporated herewith to these minutes as Exhibit 6. Please refer to Exhibit 6 for details concerning this report. She noted that the preliminary subdivision plat was approved by the Planning Commission on March 3, 2016.

Ms. Mortimer said the project is in substantial compliance with the approved preliminary plat with most of the conditions addressed. She recommended approval with the conditions in the report, which will be

addressed before the plat is recorded.

Applicant's Presentation

Present and sworn was Mr. Scott Hoeft, 109 St. Francis, who said they agree with all staff conditions and he stood for questions.

Public Hearing

There were no speakers from the public regarding this case and the public hearing was closed.

Commission Discussion

Commissioner Gutierrez referred to Finding of Fact #13 - The Commission finds under code 14-U-6 that due to lack of curb site parking, and that the lot sizes would limit the amount of off-street parking, the applicant shall provide a plan to address visitor parking at the final plat stage. He did not see that addressed anywhere in the packet.

Ms. Mortimer agreed. That condition did not get into the table. It was in the text so she didn't catch until late. She discussed with the applicant the options for that parking and they agree that parking will be provided and Staff will make sure it meets all fire access, parking standards. It will be provided before the plat is recorded.

Action of the Commission

Commissioner Hochberg moved in Case #2016-38 to approve the 3760 Buffalo Grass Final Subdivision Plat subject to the staff conditions for approval. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

G. STAFF COMMUNICATIONS

Mr. Smith said, as discussed previously, there will be no second meeting in May but both June meeting dates will be held.

Ms. Martinez is following up on finding a date for the study session. Members should have received an email today for the tour at Rust Presbyterian Hospital and Pulte Homes, scheduled for next Friday. She asked the Commissioners to respond. The meeting starts at 9:00 a.m. at the hospital and the Pulte home tour will be after lunch.

H. MATTERS FROM THE COMMISSION

Commissioner Greene reported completion of the West River Corridor Plan draft which was presented to Long Range Planning Committee. It was viewed by the neighborhood and he hoped to distribute it to the Commissioners.

He requested of staff an update on the escarpment regulations.

Chair Kadlubek said regarding the West River draft, that the meeting with Long Range Planning was a pretty good meeting. There were a lot of items to pass on to Land Use. They are in email form. That was a significant meeting. It should have minutes. The plan is a hefty document. The group met 20 times once per week. It is one of the most significant things done. So we'd like to have study session without a public hearing to better understand the information and add some things for Long Range Planning from various staff members like Alexandra Ladd on Affordable Housing; traffic from John Romero on Agua Fria and Stan on sewer and water. This seems like a great neighborhood point of view and it needs to be fleshed out with other points of view.

Once we have study session date, we can open it up for what we want to see on the agenda. He will help craft that agenda and would also like a copy of the draft made available to Commission members. He believed the public hearing portion when the Commission recommends approval will be lively.

Commissioner Greene said their next meeting is the first Wednesday in June and plan to have a General Plan update but not comprehensive.

Ms. Martínez said that will be an important meeting to see what it looks like. One thing that came up in budget hearings, the Mayor recommended that we put together a comprehensive update of the General Plan. But there are no specifics or details yet.

Commissioner Hiatt said he read the Mayor's comments on the "Birdy" Fund and planned to use \$300,000 in excess fees from the Land Use Department. He asked if there are \$300,000 of excess fees in that fund.

Ms. Martínez said there is far more than \$300,000 or will be. It will be closer to about \$3 million. What we presented at budgeted hearing was all of current projects approved here and by Council moving forward in next fiscal year. Some will be in next fiscal year and some after that. Those are from building fees and impact fees. Putting those together will become a little more than \$3 million. So what was recommended was to take some of it for technology improvements; some for a thorough update of the General Plan. She is thinking the added workload will need additional staff. We are keeping fingers crossed on economic recovery here. That is the funding source he is looking at.

Commissioner Hiatt supported that and her budgetary priorities.

Ms. Martínez appreciated that. The City, as a whole, has a huge deficit that is being made up. There will be cuts in next fiscal year. Part of what Land Use needs is two positions that are being cut - an engineer for Terrain Management and a Senior Planner - a person who puts together our cases that the Commission hears at every meeting. The thinking behind that was that Long Range Planning combined

with Land Use would bring two planners but their role has been very different in the past. They will have to start doing case management. It could be a potential serious loss.

Commissioner Hiatt said, as General Counsel for Homebuilders, heard talk on the street is that you are short on planners.

Commissioner Hogan asked what limitations there are on use of impact fees.

Ms. Martínez said the impact fees are specifically used for fire, roads, into a special fund and a city committee determines what they are used for. The Ordinance says the Land Use can utilize up to 3% for administrative services so that is a request in her budget. That is close to \$2 million so 3% of that could be used for another position.

Commissioner Greene asked if that balance is there now or anticipated from future intake.

Ms. Martínez expected intake from those future projects that are known.

Commissioner Gutierrez said in the West River Corridor, there is more buildable vacant land than you would expect. We need to know if the owners are aware of that plan.

Commissioner Greene agreed. They should reach out to some of the land-locked pieces. A catalog and an outreach campaign would help. He did not think that was what they were doing but it is a good thing to do.

Chair Kadlubek asked where in the process the Commission would do that.

Commissioner Greene said he and Mr. McPherson identified most of those parcels. Using tax records would be a good process and sending out post cards. He was doing sleuth work on it. He had looked closer at certain intersections and access points and had not figured out how to present it. They are a consensus-driven group so we will see how it happens. He asked if the City accepts new wells or if they put everyone on city water.

Chair Kadlubek said this plan comes to the Planning Commission as a plan that shows some rezoning and an overlay district. He asked if this would this be a case.

Commissioner Hochberg left the meeting at 6:51 p.m.

Mr. Smith said it would not be a case, although it might get into quasi-judicial on the plan itself. Any amendments would be legislative rather than judicial. We haven't figured out the sequence yet.

Chair Kadlubek asked if he had a general sense of the time line.

Mr. Smith said they might do the study session by the second meeting in June. Staff will make that decision next week and the study session follow-up would be two weeks later with a public hearing. It might be best to allow staff time to do the follow up since it might have to go back to the drawing board. It

would be no later than the second meeting in July and the public hearing no later than September.

Chair Kadlubek thought it should be kept fresh. It might make sense to have the study session in June. But the Commission should take both the study session and the public hearing into account. He might not be here for the second meeting in June and would really like to be at the study session.

Mr. Smith informed the Commissioners of the need to send a letter to the Mayor if you want to continue since it is end of the fiscal year coming up.

Ms. Martínez agreed to contact those whose terms are up.

Chair Kadlubek said he is looking for some information from the working group itself. He asked who he should request the information from.

Ms. Martínez said he could request it from her.

Commissioner Greene asked if they could find or identify the property owners of those vacant land-locked lots and those whose land is likely to be rezoned.

Mr. Smith said the state statute has rules about public notice on rezoning. So when we get there with a recommendation from the Planning Commission on rezoning, Staff will look at that and see if we can get a mailing list ahead of time.

Commissioner Greene clarified that it is probably no more than 20 lots.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Commission, the meeting was adjourned at approximately 7:00 p.m.

Approved by:



Vince Kadlubek, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, LLC.

Planning Commission
May 5, 2016

EXHIBIT 1

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2016-17

195 Brownell Howland Road Escarpment Variance

Owner's Name- Anne Thompson Davenport

Agent's Name – Thomas Lechner

THIS MATTER came before the Planning Commission (Commission) for hearing on April 7, 2016, upon the application (Application) of Thomas Lechner as agent for Anne Thompson Davenport (Applicant).

The Applicant seek a variance from the requirements of Santa Fe City Code (SFCC) §14-5.6(D) to allow an addition to an attached garage within the Ridgetop Subdistrict (Ridgetop) of the Escarpment Overlay District (Escarpment). The Applicant proposes to build a 300 square foot addition to the east side of the 4,112 square foot footprint of an existing house to create an attached accessory dwelling unit (guest house). The property is on 5.08 acres of land at 195 Brownell Howland Road (Property). The subject property was subdivided in 2009 (lot split). As SFCC §14-5.6(D) prohibits development in the Ridgetop on lots subdivided or resubdivided after February 26, 1992, the 2009 subdivision necessitates the need for a Variance to allow development within the Ridgetop on the subject property.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were no members of the public that offered public comment.
2. SFCC §14-2.3(C)(5)(a) authorizes the Commission to review and grant or deny requests for variances from the SFCC §14-5.6 in compliance with SFCC §14-3.16.
3. SFCC §14-5.6(K) authorizes the Commission to vary the requirements of the Ordinance so that substantial justice may be done and the public interest secured where the Commission finds that strict compliance with those requirements may result in extraordinary hardship.
4. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification meeting is not required for variances requesting construction of an individual single-family dwelling and appurtenant accessory structures.
5. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variance based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
6. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) and Conditions together with a recommendation that the Commission approve the variance.

7. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-5.6(D) that pursuant to §14-3.16(C):

(a) special circumstances exist as unique physical characteristics do exist that distinguish the land from others in the vicinity that are subject to the escarpment overlay district.

a. The residence was designed by John Gaw Meem in 1958, which was before the Escarpment Overlay Zone was created.

b. Requiring the structure to be built outside of the Ridgetop boundary would change the character of the house and destroy the surrounding landscape.

(b) the special circumstances make it infeasible to develop the Property in compliance with the Ordinance since:

a. The Applicant wants to place the structure in the Ridgetop boundary because placing the structure outside of the Ridgetop boundary would change the character of the house, destroy existing natural vegetation and would require grading on steeper portions of the site.

(c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the Ordinance as:

a. The amount of development on the site, including the house, and would continue to be, one of the smallest in the surrounding neighborhood.

b. The footprints of the development on other lots around the subject lot range from 4,800 to 9,300 square feet.

c. The proposed footprint would be 4,412 square feet.

d. This data was taken by analyzing nine homes located adjacent to, or within 2 lots, of the subject property and most are either partially or completely within the Ridgetop Subdistrict.

e. The proposed 4,412 square foot footprint would be less than the median footprint size of 5,970 square feet.

(d) the variance is the minimum variance:

a. The Applicant has taken steps to reduce impacts by asking for a small addition.

b. The size of the structure is consistent with adjacent structures and is consistent with the General Plan.

(e) the variance is not contrary to the public interest, in that the proposed addition will be sited in a manner to meet the purpose and intent of the Escarpment regulations by minimizing visual impact.

8. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicants' request for a variance from the requirements of SFCC §14-5.6(D) that extraordinary hardship will result from compliance with such requirements, in that without the variance the Property could not be developed to an intensity similar to adjacent properties.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

1. The Commission has the power and authority under the Code to review and approve the Applicant's request for a variance.
2. The Applicant has met the criteria for a variance set forth in SFCC §14-3.16(C) and §14-5.6(K).

WHEREFORE, IT IS ORDERED ON THE _____ OF _____ 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the variance is approved as applied for.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date:

Planning Commission
May 5, 2016

EXHIBIT 2

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2016-23

701 Camino De La Familia Railyard Flats Master Plan Amendment

Case #2016-25

701 Camino De La Familia Railyard Flats Development Plan

Applicant's Name- Aberg Property Company

Agent's Name-Santa Fe Railyard Company & Dekker Perich Sabatini Architects

THIS MATTER came before the Planning Commission (Commission) for hearing on April 21, 2016 upon the application (Application) of Santa Fe Railyard Company & Dekker Perich Sabatini Architects, agents for Aberg Property Company (Applicant).

The Applicant requests a Master Plan Amendment to the Santa Fe Railyard Master Plan to increase the allowable height on Lease Parcel A2 to 35 feet and to decrease the build-to line. The Applicant requests a development plan approval to allow a 58 unit, 35 foot high apartment building to be located on Lease Parcel A2 in the North Railyard. The property is zoned BCDRED (Business Capital District Redevelopment Subdistrict).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were eighteen members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove amendments to master plans and development plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN); notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on February 11, 2016 at Warehouse 21 at 1614 Paseo de Peralta.

7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 80 interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. The Applicant is requesting approval from the Governing Body for two amendments to the Railyard Master Plan for Parcel A-2.
10. The Governing Body has previously adopted Master Plan amendments, specifically in 2005 and 2010, regarding Parcel A-2.
11. Pursuant to Code §14-3.8(C)(2)(e), if review and approval of a master plan by the Governing Body is required, and there is a development plan, the applicant may submit a development plan for review and approval "concurrently with the master plan."
12. Pursuant to Code §14-3.8(B)(8), approval of a development plan by the Commission is required for a new development with a gross floor area of ten thousand square feet or more that is located within two hundred feet of a residential district.
13. Code §14-3.8(C)(1) and §14-3.9(C)(1) requires applicants for master plan amendments and development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
14. The Applicant has complied with the Submittal Requirements.
15. Code §14-3.9(D)(1) sets out certain findings that must be made by the Commission to approve Master Plan Amendments, including:
 - a. The Master Plan is consistent with the General Plan [§14-3.9(D)(1)(a)].
 - 1) *The proposed Master Plan amendment will be consistent with Chapter 3.3 of the General Plan, which has described the Railyard Area with the following statement: The City of Santa Fe purchased 50 acres of railyard property and is presently pursuing redevelopment of this property.*
 - 2) *The Railyard Area is one with an active railyard, mix of retail, offices, public and private services, affordable housing, live/work opportunities and other residential uses.*
 - b. The Master Plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts. [§14-3.9(D)(1)(b)].
 - 1) *The Master Plan amendment will be consistent with the purpose and intent of the BCD Redevelopment zoning district standards and with the overall intent of the adopted Railyard Master Plan.*
 - 2) *The existing Master Plan has Design Elements and Architectural Standards that permit a 100% build-out area and no front or side set back is required.*
 - 3) *The City Council has previously approved an amendment to the Railyard Master Plan to have a built-to line for Parcel A2 up to the parcel line.*

- 4) *The proposed Master Plan amendment would decrease the built-to line for Parcel A2 by six feet (from the north parcel line), by ten feet and nine and half inches (from the east parcel line), by seven and half feet (from the south parcel line) and by four feet (from the west parcel line).*
- 5) *The "Railyard Master Plan Amendment Handout" provided by Mr. Richard Czoski (on page 4) illustrated the current built out area in blue and illustrated the proposed built out area in yellow.*
- 6) *The existing Master Plan has Design Elements and Architectural Standards that permit a flat roof up to 26 feet and a pitched roof up to 34 feet.*
- 7) *These heights do not require an applicant to factor in chimneys, mechanical equipment, or towers.*
- 8) *The City Council has previously approved an amendment to the Railyard Master Plan, in the Masque Building Master Plan Amendment, governing building height for Parcel A2.*
- 9) *The proposed Master Plan amendment would increase the building height, with a flat roof, to 35 feet.*
- 10) *The "Railyard Master Plan Amendment Handout" provided by Mr. Richard Czoski (on page 3) provided a drawing of the proposed roof height amendment.*
- 11) *The "Railyard Master Plan Amendment Handout" provided by Mr. Richard Czoski (on page 2) stated that the proposed height would be only one foot higher than the existing ArtYard building.*
- c. *Development of the master plan area will contribute to the coordinated and efficient development of the community. [§14-3.9(D)(1)(c)]. The proposed Master Plan amendment and development plan are consistent with efficient development of the Railyard.*
- d. *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development. [§14-3.9(D)(1)(d)]. The proposed development is supported by the existing infrastructure within the Railyard master plan area as infrastructure to accommodate the various tracts have already been developed as part of the part of the Railyard Master Plan.*
16. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - a. *That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)(a)]. The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*
 - b. *That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)].*
 - 1) *The Project will not adversely affect the public interest because the development plan is in compliance with the standards required by the Land Development Code.*