



Agenda

SECOND AMENDED

PLANNING COMMISSION

~~Thursday, January 16, 2020 – 6:00pm~~

**Thursday, January 23, 2020 – 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: December 5, 2019

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS

F. NEW BUSINESS

1. **Case #2019-1330. Villa Sendero Apartments Development Plan.** JenkinsGavin, agent for TA Las Soleras, LLC requests Development Plan approval of a 252-unit multi-family apartment community on approximately 11.4-acre acres. The property is zoned C-2 (General Commercial) and is located at 5132 Beckner Road. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325).
2. **Case #2019-1325. 4075 & 4085 Cerrillos Road Staybridge Development Plan.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM LLC, Owner, requests preliminary and final Development Plan approval to build an 81,822 square foot extended stay hotel. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).
3. **Case #2019-1326. 4075 & 4085 Cerrillos Road Staybridge Sign Variance.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM, LLC, Owner, requests a Variance to SFCC Subsection 14-8.10(G)(7)(d) to exceed the maximum wall sign height of 25 feet. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

*January 16, 2020 Planning Commission meeting was cancelled due to inclement weather.

4. **Case #2019-1204. Vacation of Lot Consolidation Plat.** JenkinsGavin, Inc., Agent, for Brenner Development Company, Owner, requests a vacation of the recorded plat entitled "Lot Consolidation of Contenta Ridge Townhomes Subdivision into Tract 51," consisting of 4.47+/- acres, which would allow the re-recording of the final subdivision plat entitled "Contenta Ridge Townhomes Subdivision" (50 residential lots), which was approved by the Planning Commission on March 30, 2006. The application includes a request to reinstate previously approved variances to the Tierra Contenta Design Standards, which affect lots 1, 7, 11-14, 15-17, 24-29, 32-37, 40-45 and 48-50. The property is located in the northwest quadrant of the Plaza Central and Contenta Ridge intersection. The property is zoned PRC (Planned Residential Community), and lies within the Suburban Archaeological Review District. **(POSTPONED FROM DECEMBER 5, 2019).**
5. *Request from Staff to Appoint a Non-Quorum Subcommittee of the Planning Commission for the Purpose of Consulting with Staff About Proposed Draft Amendments to Santa Fe City Code Section 14-8.11 (Santa Fe Homes Program), Prior to Submission of a Draft for Consideration by the Full Planning Commission.*

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.
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***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.**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 16, 2020

TIME: 2:04 PM



Agenda

AMENDED

PLANNING COMMISSION

Thursday, January 16, 2020 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

Cancelled due to inclement weather

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
 - MINUTES: December 5, 2019
 - FINDINGS/CONCLUSIONS: None
- E. OLD BUSINESS
- F. NEW BUSINESS

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: January 7, 2020

TIME: 3:45 PM



Agenda

PLANNING COMMISSION
Thursday, January 16, 2020 - 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: December 5, 2019**
 - FINDINGS/CONCLUSIONS: None**
- E. OLD BUSINESS**
- F. NEW BUSINESS**

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RECEIVED AT THE CITY CLERK'S OFFICE

DATE: December 18, 2019

TIME: 9:20 AM

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
JANUARY 23, 2020**

<u>ITEM</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes and Findings/Conclusions		
1. Minutes:		
December 5, 2019	Approved as Amended	2
2. Findings of Fact and Conclusions of Law	None	2
E. Old Business:	None	3
F. New Business		
1) Case #2019-1330 Villa Sendero Apartments Development Plan.	Approved	2-9
Findings/Conclusions	Approved	9-10
2) Case #2019-1325 4075 & 4085 Cerrillos Road Staybridge Development Plan	Postponed to February 20, 2020	9
3) Case #2019-1326 4075 & 4085 Cerrillos Road Staybridge Sign Variance.	Postponed to February 20, 2020	9-10
4) Case #2019-1204 Vacation of Lot Consolidation Plat	Approved	10-20
Findings/Conclusions	Approved	20

5) Appointment of Subcommittee to Consult with Staff about Draft Amendments to Santa Fe Homes Program	Clow, Faulkner, Lawrence	10
G. Staff Communications	Comments	20-21
H. Matters from the Commission	Comments	21
I. Adjournment	Adjourned at 7:40 pm	21

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION

Thursday, JANUARY 23, 2020 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

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

A. ROLL CALL

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

Members Present

Commissioner John B. (Jack) Hiatt, Chair

Commissioner Janet Clow

Commissioner Pilar Faulkner, Secretary

Commissioner Lee Garcia

Commissioner Brian Patrick Gutierrez

Commissioner Mark Hogan

Commissioner Jessica Lawrence

Commissioner Dominic Sategna

Members Absent

(One Vacancy)

Others Present:

Mr. Eli Isaacson, Interim Land Use Director

Mr. Noah Berke, Planner Manager and Staff Liaison

Ms. Sally Paez, Assistant City Attorney

Ms. Melissa D. Byers, 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

Chair Hiatt said this is an amended agenda from January 16, 2020.

Mr. Berke stated that he thought the agenda had been amended to reflect that Items 2 and 3 had been postponed to the second meeting in February.

Chair Hiatt announced to the Commissioners and the audience that Items 2 and 3 had been postponed.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Garcia, to approve the agenda, as amended.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES:

December 5, 2019

Chair Hiatt said that he provided minor amendments to the stenographer. He asked if there were any other amendments to the minutes. There were no other amendments.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence, to approve the minutes of December 5, 2019, as amended.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

2. Findings of Fact and Conclusions of Law: There were none

E. OLD BUSINESS:

There was no old business.

F. NEW BUSINESS

1. **Case #2019-1330. Villa Sendero Apartments Development Plan.** JenkinsGavin, agent for TA Las Soleras, LLC requests Development Plan approval of a 252-unit

multi-family apartment community on approximately 11.4-acre acres. The property is zoned C-2 (General Commercial) and is located at 5132 Beckner Road. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325).

Chair Hiatt referred to a memo from staff, attached hereto as Exhibit "1", that had four pieces of communication from members of the public: John McAndrew; April Butler; John Conrow; and Jeff Brauchar. Amended Findings of Fact and Conclusions of Law are attached as Exhibit "2"

Staff Report

Ms. Wynant said the owner requests development plan approval of a 252-unit multifamily apartment community on approximately 11.4 acres. The property is zoned C-2 which is general commercial, and it is located at 5132 Beckner Road. The property is located East of the outlet mall, between Beckner and I-25. The requirements of Chapter 14 have been met. The criteria for a development plan have been met. The conditions of approval are in the staff report, along with the technical corrections.

Ms. Wynant added that there has been a reevaluation of the temporary signal at Beckner and Richards Avenue. The traffic engineer and the applicant are available to discuss whether a temporary signal is necessary.

She said the communications received from the public are related to affordable housing. She said a staff person from the Affordable Housing office is present to answer any questions. The applicant is meeting that criteria of providing a "payment in lieu of" to go into the housing trust fund.

Applicant's Presentation

Jennifer Jenkins, 130 Grant Ave #101, was sworn. She said this project is located directly off Beckner Road, on the East side is the newly constructed VA clinic. This site is not part of the Los Soleras Master Plan. She said the project is adjacent to Las Soleras. The site is zoned C-2, general commercial. Multifamily residential is a permissible use within the C-2 zoning district. The site is surrounded by C-2 on all sides. Referring to the site plan, she said the site has never been developed. The site is adjacent to the parking area for the outlet mall and the VA clinic. She pointed out the PNM substation.

She said the applicant is proposing 252 multifamily apartment homes on 11.4 acres. She showed the context of the proposed site plan in relationship to what is the surrounding area. She pointed out that access to the site is at the Northeast corner. They worked closely with John Romero, City Traffic Engineer, to identify the most optimal location for access into the site. Basically, there is a loop road system with the individual buildings surrounding the site. At the entry, is the main clubhouse, fitness center and the pool. One other element of the development is that they are building and dedicating a public trail easement that will connect at the Northwest

corner of the property. The trail will connect to the sidewalk on Beckner Road, will travel down the West boundary and then also travel along the setback along I-25. The trail will connect into the future trail system in Los Soleras. This will be a 10-foot wide asphalt multipurpose trail. The trail will be accessible not only to the public, but there will be access points from the interior pedestrian access to the trail improvements, for the residents.

She said the project includes a combination of one, two and three-bedroom units. They are exceeding the minimum parking requirement by 14 spaces and exceeding the open space requirement. There's about half an acre of open space required and they are providing over two acres of open space. The maximum height is 45 feet. She pointed out that the buildings are three story (maximum height of 38 feet), except for the clubhouse, which is a single-story building. There is a little fenced dog park area on the East side; and a natural design children's play area in the interior courtyard area. There's also an enclosed bicycle storage area adjacent to the dog park.

They will be doing some improvements on Beckner Road to accommodate access into the site. She pointed out that they are building a right turn deceleration lane along Beckner. They will be dedicating additional public right of way to the City of Santa Fe to accommodate that right turn lane. There will also be a planting strip as well as a new five-foot sidewalk that, as required by Code, that will all be within that new strip of public right of way. They are also constructing a left turn lane westbound on Beckner that will provide left turn access into the site and that will be constructed within the existing median on the site.

As stated in the staff report, based upon the traffic study, the Traffic Engineer requested installation of a temporary traffic signal at the Beckner Road and Richards Avenue intersection. After further discussions between John Romero and their traffic engineer, Mike Gomez, it was determined that Mr. Romero would prefer what they call a signal warrant analysis, which is often part of a traffic study. If the signal is warranted, then they will proceed to construct that temporary signal, with the condition, as it reads now. But if it turns out that in that location, they don't meet the warrants and then a traffic signal is not going to be appropriate in that location.

The reason it is temporary is because as this part of Los Soleras develops, it's unknown if this intersection control is going to be a signal or it could potentially be a roundabout at some point in the future. That decision has not yet been made. That's why a temporary signal would be placed at this location, if the warrant analysis demonstrates that is appropriate.

She showed the view coming in from Beckner Road. She then described the floor plans for the one, two and three-bedroom units. That concluded her presentation.

Chair Hiatt asked the Commissioners if they have any questions for Ms. Jenkins prior to John Romero, traffic engineer, coming forward.

Commissioner Gutierrez said he understands the signal warrant analysis. He referenced the packet where it states: *John Romero noted operational issues since the completion of Beckner Road to Richards Avenue. The Applicant's traffic impact analysis states that the intersection does*

not have adequate capacity. He asked Mr. Romero if he is correct in stating that something has to be done at this intersection.

Mr. Romero stated that the warrant analysis does not include capacity issues. If an intersection is at capacity, that doesn't automatically warrant a signal. He thinks it's going to meet warrants. It has to meet a warrant before we're allowed by federal regulation to install a signal. So again, warrants and delay at an intersection sometimes don't go hand in hand. Something has to be done.

Commissioner Gutierrez asked what, in Mr. Romero's professional opinion, could be done if it doesn't warrant a traffic signal.

Mr. Romero said there's nothing he can think of that can be done to make it not fail.

Commissioner Gutierrez asked if it was fair to say if a temporary signal is put up and it is determined it doesn't warrant, there would be no negative impact for putting up that temporary signal.

Mr. Romero said the temporary signal would not be erected unless it met warrants.

Commissioner Gutierrez asked if this request gets approved, is there something that can be done to help improve that intersection.

Mr. Romero said the help they get would be of monetary value. The applicant would be required to contribute towards impact fees. If they erect the signals, they will get credit toward their impact fees.

Chair Hiatt said before moving on, they need to go back to the agenda. He asked staff if he correctly understands that Items 2 and 3 have been postponed.

Public Comment

There were no comments from the public.

Chair Hiatt said in the email from John McAndrew, which is now part of the record, he indicates that this project is going to be four stories tall. He asked Ms. Jenkins if that was correct.

Ms. Jenkins responded that that was not correct. It is going to be three stories tall.

Chair Hiatt closed the public hearing.

Commission Discussion

Commissioner Faulkner asked Ms. Jenkins if she had stated that there was going to be more parking than what is required.

Ms. Jenkins said there are 350 spaces required and they have 364.

Commissioner Faulkner asked if more handicapped parking had been added.

Eric Cornelius, Santa Fe Engineering, 1599 St. Francis Drive, was sworn. He said as far as ADA parking is concerned, they have additional parking spaces than what is federally required. The original parking analysis was done for the entire development. Based on comments received from staff, they would like to see each individual building analyzed as a separate sub-project. Therefore, they are providing additional parking spaces in front of each individual building.

Commissioner Hogan asked what the ratio for parking is per unit.

Ms. Jenkins said there are 1.44 spaces per unit.

Commissioner Lawrence asked how much open space there is.

Ms. Jenkins responded that there is 2.1 acres of open space.

Commissioner Lawrence asked Ms. Jenkins to show her where it is on the site.

Ms. Jenkins pointed out the open space on the slide. She said there is a significant open space buffer along Beckner Road and there is also open space buffer that includes the trail on the west and on the south. The primary open space is in the center. She pointed out a pedestrian way that moves through the development and is landscape with walkways. There is also a dog park. When all those areas are added, that's how they arrive at the amount.

Commissioner Lawrence said it says in the packet that it's closer to four acres.

Ms. Jenkins thanked Commissioner Lawrence for bringing that to her attention.

Commissioner Sategna said that one of the emails submitted referred to affordable housing. He asked if someone from the City could explain the "fee in lieu of" that is taking place for this project.

Chair Hiatt said all four of the emails received referred to "fee in lieu of" and asked Alexandra Ladd of the Affordable Housing Office to talk about that as well as the status of the proposed changes to the Ordinance.

Ms. Ladd said the changes are in place, they were approved on December 11, 2019. Any projects coming through as of January 1, 2020, are under the new rules.

She said the "fee in lieu of" is calculated according to an affordability gap measure. It looks at the rent that's affordable to a renter at 65% of area median income. That assumes that no one is paying no more than 1/3 of their income for their housing cost. It's the difference between that number and the fair market rent. The fair market rent is established by HUD for every jurisdiction in the Country, every year. It considers several market factors, including cost of living and inflation, as well as looking at projected income. The objective is to generate funds so the renter can be assisted in another way. The "fee in lieu" of funds go directly into the Affordable Housing Trust Fund. Uses of the funds are monitored by state law. It can only be used to support the capital costs of housing or direct financial assistance to income eligible individuals. It can't be used for administrative costs or services. When local money is used for this kind of assistance, it can be much more flexible. It can be used for rent, rental arrears, deposit, utilities or utility arrears. Through the City's non-profit service providers, the renter has to go walk in through their door letting them know what their situation is. The funds can be used to stabilize a person to either keep them in their current housing because it's more cost effective to keep someone housed then to get them rehoused or get them into a longer-term affordable housing situation. The use of the funds is closely monitored and very flexible.

Chair Hiatt said he's concerned that this is going to come up every time. He as well as other Commissioners feel that each development that comes up should include affordable housing. He asked how the new amendments are going to help the issue they have in terms of the tiers.

Ms. Ladd said the amendments make more flexible, the regulations so that it can be applied in a way that meets the individual or unique situation of each project. Because real estate development is not a one size fits all approach. The way the ordinance was written in its prior format, there was only one way to comply with it. The rents had to be subsidized across three ranges of incomes. A market rate property owner doesn't know how to income certify tenants, doesn't know how to deal with tenants who might have other issues going on in their lives and doesn't have access to any of the subsidy sources that social services providers have. One of the things we've realized over the years is that simply providing an affordable place for someone to live, while it's a huge first step in a huge part of the equation, the successful outcome for that person is really determined by the social services that can go along with that housing.

Staff felt like it was more effective to focus resources on 100% affordable projects that come along with all the wraparound services. So that's one piece of it. Also, what the amendments do is try to support the market to produce an affordably priced or moderately priced unit. There was no support for that before the amendments were made. The only incentive a market rate developer had was to crank up the amount of their market rate rents to compensate for the loss on their subsidized units, which they weren't building anyway because their banks wouldn't finance something that showed a 15% loss right out of the gate.

She said with the amendments, the developer will get incentives, a density bonus and some of the incentives that are available to affordable units now because we want to support the creation of those units, without layering on another regulatory burden. The other option for the developer is to provide the 15% affordably priced units on site, but they've partnered up with a nonprofit service provider to help them with that tenant management. So we operate just like we do on the home ownership side where a market rate builder builds a home and then either Homewise or the Housing Trust provides a mortgage ready buyer for them so that they don't have a lot of marketing costs and they don't have deals fall through at the last minute. The City would have one of the social services providers help that property manager with that tenant so all they have to do is take care of the unit, which is what they know how to do. As these new units are brought online, they may not be affordably priced for that that tier of income of the renter that we really actively want to help.

Commission Hogan said that Ms. Ladd had mentioned 100% affordable projects, which is sort of one prototype versus projects where the 15% inclusion and there they have different effects and he thinks it would be a good thing at some point for the Commission to hear a little bit about how they function and how they support different communities.

Ms. Ladd asked if he meant how the 100% affordable project functions.

Commission Hogan said yes, what the amenities are that make 100% affordable projects and what are some of those services that support that community.

Ms. Ladd name a few of the 100% affordable projects: Stagecoach Apartments; Village Sage, Soleras Station and the up and coming Arts and Creativity Center on Siler Road. What they have that a market rate property can never have, because they are generally developed by nonprofit developers who have access to lots of different kinds of subsidy and social services funding. It's not a monolithic or poor person who lives there. There are several different tiers of income within that 65% of area median income and below. Soleras Station even has 14% market rate units. There's a huge amount of diversity in that community alone. But in these projects, 20 to 25% of the units are reserved for people transitioning out of a homeless situation. So they are deeply subsidized and supported.

Commissioner Clow referenced the letters from public and noted for the record that the applicant is in compliance with the City ordinance. What they are doing in terms of providing the funds is allowed. The ordinances were rewritten because of the result that no new affordable units were being built because the economy couldn't support it and developers couldn't afford to build them. She wanted to make it clear that what the applicant is doing, they have legal right to do and it fact, it will slowly benefit the community.

Action of the Commission

MOTION: In Case #2019-1330, Villa Sendero Apartments Development Plan, Commissioner Sategna moved to approve the development plan subject to the conditions of

approval and technical corrections recommended by staff in Section 2 of Exhibit A of the staff report. The motion was seconded by Commissioner Faulkner.

Commission Clow asked if they needed to address the issue with the traffic light study.

Chair Hiatt said that is postponed because they need another piece of information.

Commission Clow asked if it needed to be included.

Chair Hiatt so no because it needs to be decided by staff after the study has been done. He asked if that was acceptable to Commissioner Sategna and Commissioner Faulkner.

Both Commissioners said it was acceptable.

VOTE: The motion passed by roll call vote with Commissioners Clow, Faulkner, Hogan, Lawrence, Garcia, Gutierrez and Sategna voting in favor and none voting against.

MOTION: In Case #2019-1330, Villa Sendero Apartments Development Plan, Commissioner Sategna moved to approve the Findings of Fact and Conclusions of Law, as amended in the handout that was provided by staff. The motion was seconded by Commissioner Lawrence.

Ms. Paez said everyone received a hard copy. The wrong version was included in the packet. If anyone has concerns about that, the findings can be postponed.

VOTE: The motion passed by roll call vote with Commissioners Clow, Hogan, Lawrence, Garcia, Gutierrez and Sategna voting in favor and none voting against. Commissioner Faulkner did not vote on the motion because she did not receive a digital version of the amended Findings of Fact and Conclusions of Law and therefore was unable to review the changes.

2. **Case #2019-1325. 4075 & 4085 Cerrillos Road Staybridge Development Plan.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM LLC, Owner, requests preliminary and final Development Plan approval to build an 81,822 square foot extended stay hotel. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136).

Postponed to February 20, 2020.

3. **Case #2019-1326. 4075 & 4085 Cerrillos Road Staybridge Sign Variance.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM, LLC, Owner, requests a Variance to SFCC Subsection 14-8.10(G)(7)(d) to exceed the maximum wall sign height of 25 feet. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Postponed to February 20, 2020.

5. **Request from Staff to Appoint a Non-Quorum Subcommittee of the Planning Commission for the Purpose of Consulting with Staff About Proposed Draft Amendments to Santa Fe City Code Section 14-8.11 (Santa Fe Homes Program), Prior to Submission of a Draft for Consideration by the Full Planning Commission.**

Chair Hiatt asked the Commissioners if there was any objection to hearing Item 5 at this point on the agenda. There was no objection by the Commissioners.

Chair Hiatt asked Mr. Burke to provide the staff report.

Mr. Berke said staff is requesting that a Subcommittee, of the Planning Commission be appointed for the purpose of consulting with staff about proposed draft amendments to the Santa Fe Homes Program, Section 14-8.11 of the Santa Fe City Code. Once a draft of the amendments is completed, the draft would be presented to the whole Commission for consideration.

Chair Hiatt appointed Commissioners Clow, Faulkner and Lawrence to the subcommittee.

4. **Case #2019-1204. Vacation of Lot Consolidation Plat.** JenkinsGavin, Inc., Agent, for Brenner Development Company, Owner, requests a vacation of the recorded plat entitled "Lot Consolidation of Contenta Ridge Townhomes Subdivision into Tract 51," consisting of 4.47+/- acres, which would allow the re-recording of the final subdivision plat entitled "Contenta Ridge Townhomes Subdivision" (50 residential lots), which was approved by the Planning Commission on March 30, 2006. The application includes a request to reinstate previously approved variances to the Tierra Contenta Design Standards, which affect lots 1, 7, 11-14, 15-17, 24-29, 32-37, 40-45 and 48-50. The property is located in the northwest quadrant of the Plaza Central and Contenta Ridge intersection. The property is zoned PRC (Planned Residential Community), and lies within the Suburban Archaeological Review District. (POSTPONED FROM DECEMBER 5, 2019).

Prior to consideration of this case, Chair Hiatt stated that he and another Commissioner have a potential conflict. He asked Ms. Paez if their conflict has to be triggered by a financial reward before it kicks in.

Ms. Paez said under the Santa Fe Code of Ethics, certain monetary conflicts will mandate recusal. At that point it's not really a discretionary decision. There's an enumerated list of people close to you who could stand to gain or lose some pecuniary interest, as a result of whether this case is approved or not. In those situations, recusal is mandatory. Other types of potential conflict of interest situations where it can be perceived that maybe you might have prejudged a case because either you live next to a development or you're somehow involved. Maybe a neighbor spoke to you and before you could say, I can't talk to you about the merits of the case because I have to decide this in a quasi-judicial proceeding. It's appropriate to disclose those types of issues on the record. To make an assessment, it's more of a self-policing mechanism. In a situation where you are confident that you can be fair and impartial, it's appropriate to explain the situation on the record and make that statement or you may choose to recuse yourself, either because you're concerned about the appearance that may be there could potentially be some sort of bias.

Chair Hiatt addressed Commissioner Faulkner's issue first. He asked her to state her potential conflict for the record.

Commissioner Faulkner said she advises, pro bono, a community group whose mission is to get the facts of projects and the politically hot button issues out to the community. They do not take a position on anything and their mission is to be neutral and just provide facts. She advises them periodically on how to do that.

Chair Hiatt asked Commissioner Faulkner if she lived in Tierra Contenta.

Commissioner Faulkner said yes, but she lives miles from the development, so she'll never see what's going on,

Chair Hiatt asked Commissioner Faulkner if she could be fair and impartial in rendering a decision in this case.

Commissioner Faulkner responded that she thinks she could.

Mr. Berke asked Commissioner Faulkner if the group she worked with asked for factual information regarding this case or are they affiliated in any way with this case.

Commissioner Faulkner responded "no".

Chair Hiatt asked if there was any Commissioner who would object to Commissioner Faulkner continuing to hear this matter based on her declaration.

Commissioner Sategna asked Commissioner Faulkner, given her position on the Commission, and this group has not come to her regarding this matter, why is this being brought at this point, for this case. He said it seems like the involvement she has with the group could involve a lot of different cases.

Commissioner Faulkner said that it's an abundance of caution on her part. She started seriously helping them recently.

Commissioner Sategna asked for clarification that this is a recent relationship that Commissioner Faulkner is being cautious about now.

Commissioner Faulkner responded "yes."

Commissioner Sategna stated that he does not have an objection to Commissioner Faulkner hearing the case.

Chair Hiatt stated that there was no objection from any Commissioner about Commissioner Faulkner hearing the case, therefore she could continue.

Chair Hiatt said he's the President of the Board of Directors for Tierra Contenta and didn't think he could be fair. He yielded the Chair to commissioner Hogan and left the meeting.

Chair Hogan introduced the case and asked for the staff report.

STAFF REPORT

Mr. Esquibel referenced an error in his memo. He had stated in the memo it was the northwest quadrant of the intersection when in fact it is the northeast quadrant of the intersection, he just wanted to make that clear.

He said staff is recommending approval of Case #2019-1204, subject to the conditions of approval outlined in the report. Staff has complied with all the applicable requirements to be able to be heard before the Planning Commission about notice and has met the criteria pursuant to Chapter 14.23.1(2)(C) for vacation of a plat. What happened in this case, because of a downturn in the economy, the Land Use Director at the time wrote the applicant a letter advising the applicant to consolidate a subdivision plat that the Planning Commission approved so that in the future if they unconsolidated the plat, they would be able to maintain their approvals, sort of like a zip file. Now the applicant is unzipping the consolidation in order to reveal what was there in the past.

Mr. Esquibel stood for questions.

APPLICANT PRESENTATION

Ms. Jenkins, previously sworn, said she was present on behalf of Rick Brenner, the property owner and developer of the Contenta Ridge Subdivision at Tierra Contenta. She showed the subject property in Tierra Contenta at the corner of Plaza Centrale located at the western edge of Tierra Contenta. All of Tierra Contenta has PRC zoning (planned residential community).

She then showed the Tierra Contenta Master Plan and pointed to where the subject property was located on the west edge. She said Contenta Ridge was approved in 2006. There are 50 townhome lots, which also includes 15 affordable homes. The subdivision plat and development plan were approved in 2006 and both were recorded, subsequently in early 2007. As subdivisions proceed, a permit is obtained, and you start building your infrastructure. Then the recession hit and Mr. Brenner, a long-time home builder and developer in Santa Fe was not in a position to proceed, but he had a financial guarantee with the city and he needed to release that financial guarantee because maintaining that with his lender was not feasible at that time. So, he met with Matt O'Reilly who was the Land Use Director at the time to try to devise a solution, not to lose his approvals, but to put them on hold for the moment. The solution that they devised was because the City has a vested interest in making sure lots aren't sold unless there's a guarantee the infrastructure's going to get built. That's an important consumer protection and that's why developers put up significant funds to guarantee the completion of all the elements of infrastructure, roads, utilities, sidewalks and landscaping.

At the time, Mr. O'Reilly said that the lots were going to be consolidated, so there would be one tract of land again. With that, lots cannot be sold. He said he would release the financial guarantee so the developer could get out from underneath the bank and then when the developer is ready to move forward again, vacate that consolidation plat, pulling off that layer and underneath, it restore the subdivision and allow the developer to rerecord the subdivision plat just so it's the most current item in the public record for this property. A new financial guarantee would need to be brought to the City. This was memorialized in a letter from Matt O'Reilly in 2011.

She said this is the future time that was predicted. Twilight Homes, which is a New Mexico home builder which is very active in the Santa Fe community is interested in developing this project and generating housing now. She said the developer is here to vacate that consolidation and will present a new financial guarantee and a new cost estimate for the infrastructure. The subdivision plat will be rerecorded, and this project can move forward generating the housing that is desperately needed. There were a handful of variances to the Tierra Contenta design standards, not to Chapter 14. The variances were primarily with setbacks and some open space contiguity that were approved. These variances were attached to the development plan. She said they have worked closely with City staff and Ms. Paez of the City Attorney's Office so that the Commission could reaffirm these variance approvals that were approved by the Planning Commission when the project was approved in 2006. The variances will be memorialized on the rerecorded subdivision plat.

Ms. Jenkins stood for questions.

PUBLIC HEARING

Chair Hogan asked if there was anyone from public who wanted to speak.

Justin Robison, 1111 Agua Fria Street, was sworn. He said he is the Executive director of Tierra Contenta. He wanted to inform the Planning Commission that Tierra Contenta supports the

project. There is a need for housing. This is the last edge of Phase 2 which they want to finish out so they can start on Phase 3. He also pointed out that as Tierra Contenta planned for Phase 3, Twilight Homes, the purchaser of this lot, has participated in the planning processes and is an enthusiastic supporter of success in Tierra Contenta. He asked the Commission to approve the vacated lot.

Chair Hogan closed the public hearing.

Chair Hogan asked whether the variances that were being asked to be reestablished are in whole or in part.

Mr. Robison said the variances are minor and the Architectural Review Committee did approve those back in 2006 and would do so again. They don't think they would need to resubmit those because they have already been approved. If they do anything beyond that or make small changes beyond the approved variances then at that point, they will have to go through Architectural Review Committee.

Commissioner Faulkner said that this is her district. She asked how many community meetings is Tierra Contenta having or have had related to the rest of the buildup for Tierra Contenta.

Mr. Robison said they don't run the public community meetings.

Mr. Berke asked Chair Hogan if the public hearing is open or closed.

Chair Hogan said the public hearing is closed.

Commissioner Faulkner said one of the things that has broken the trust of the residents of Tierra Contenta is that the City makes big moves out there and the community gets one or two bites at the apple about what they feel and think about it. She asked that everyone not do the minimum required meetings. She asked that they do as many as possibly could get done because it'll make the process easier for the developer if the community's involved from the jump and it will help rebuild trust between the residents of Tierra Contenta and the City.

Mr. Robison said they started their public hearings on Phase 3 last April. In November, they held two public meetings so that different people with different schedules and life demands could attend. All along they've been trying to engage the public to get feedback. He said their planning process for Phase 3 is going to go well beyond the required minimum. By the time they get to an ENN, they want to make sure that they've covered all the concerns that the public has. They also want to make sure they're interacting with City staff. There is also a website: <https://tierracontenta.org/>. Anyone can go to that website and fill out a survey and continue to give input on the process. They are at the point where they need to stop the process of iterating with the public because they have to finalize the land plan and so they can interact with the various City

departments that all have to sign off. They want to proceed with some urgency and open up the third phase. There will be approximately 1200 housing units in there.

Chair Hogan respectfully stated that the Commission needed to stay on topic of the case captioned.

Commissioner Faulkner asked Mr. Robison how they are advertising that the website is up.

Chair Hogan asked Commissioner Faulkner if her question is related to this case in terms of the advertisement.

Commissioner Faulkner said that community involvement should always be part of the discussion.

Mr. Berke addressed Commissioner Faulkner's concern by saying the City voluntarily posted the survey in English and Spanish on Next Door to help the applicant get the word out. The applicant has been doing outreach themselves through their contacts with other agencies to reach the Tierra Contenta community and all of Santa Fe, ultimately.

Mr. Robison said he was always available to discuss concerns with any of the Commissioners, outside of these proceedings

Chair Hogan apologized to Commissioner Faulkner because he thought she was talking about communication in general regard to Tierra Contenta. He asked if she was satisfied with the answer.

Commissioner Faulkner indicated yes. She asked how many people on the Tierra Contenta Board are from Tierra Contenta.

Mr. Robinson said there are no residents from Tierra Contenta on the Board.

Commissioner Sategna asked about the variances that are being requested again. He asked if anyone from the City can speak to the differences between what were originally set by the community standards versus Chapter 14.

Mr. Esquibel asked if he was referring to the variance standards of Chapter 14 and the variance standards of the Tierra Contenta guidelines.

Commissioner Sategna said he wanted to understand because the Commission is being asked to reapprove these variances.

Mr. Esquibel said over the course of time, the City's variance standards have changed. So had this gone through the variance standards prior to March of 2012 when the variance criteria were changed, they would have had to comply with more of a hardship type of scenario as opposed

to more of a performance type of scenario. He said the odd thing is that within the Tierra Contenta design guidelines, it provides that the TC Architectural Review Committee gets first crack at whatever happens within those guidelines. So, they have their own variance criteria, which is not necessarily, or at the time based on hardship or like today based on performance, but it was based on best design. When they approved those variances that allowed for some modifications to set back or some modifications to architectural design parameters, they were more geared towards those Tierra Contenta design guidelines as opposed to Chapter 14's very "Euclidean and strict if you violate our rules, you don't qualify for variance". That's the differences between what they ended up getting as variance criteria, which led to some design features within some of the lots. He said the applicant knows better how that will help in the design criteria, as opposed to some variance to Chapter 14 that has a strict setback requirement or a strict height requirement or a strict lot coverage requirement. These were specific to Phase 2B design criteria within Tierra Contenta itself. They were very specific to that area that the TC organization has control of first before the City gets to it.

Commissioner Sategna asked if the variances related to the design standards are more restrictive or provide more freedoms against what Chapter 14 provides.

Mr. Esquibel said Chapter 14 is second to the TC design guidelines. The City enforces the Tierra Contenta guidelines first before it enforces Chapter 14. Where the guidelines are silent Chapter 14 comes into play. In response to the question, the TC design guidelines are geared more to help the developer meet those design parameters that are listed within Phase 2B and that's what they give those variances towards.

Commissioner Sategna said the variances that the Commission would be granting were originally granted in 2006, but it was mentioned that those have changed throughout time.

Mr. Esquibel clarified that the TC guidelines have not changed. The variances that they're asking for would still be reflective of Phase 2B. He said the variances within Chapter 14 have changed. Had the applicant gone through a City variance process as opposed to a TC process, they would have been judged on hardship. Today the applicant would be judged on performance where special circumstances must be in place before they qualify for a variance.

Commissioner Sategna said he was just trying to understand the background of the blanket conditions that were requested in this process. Because it seems as it's being presented to the Commission to say "this was done in the past, we're trying to solve a problem and then, you know, can you guys just approve this cause we need your sign of approval". He asked if the applicant would get a pass it was put through the regular process or variance process.

Mr. Esquibel said if they were applying under current standards, they would be judged differently, but they're not being applied under the current variance standards and they're not even being applied under the variance criteria of the Code, then. The variance standards that are being applied are those that are listed within the Tierra Contenta guidelines that are approved by the

Commissioner Clow asked Mr. Berke if the Tierra Contenta special requirements ever violate Chapter 14 or whether they conform to Chapter 14, at a minimum, but have more stringent requirements.

Mr. Berke said that was correct. Most times they are more stringent and more innovative in other ways than Chapter 14, but ultimately, are more restrictive.

Commissioner Clow asked if Tierra Contenta would have the right to ignore Chapter 14 because they have the right to create design standards that are more stringent than Chapter 14.

Mr. Berke said that was correct. He said it was decided at a staff level that the variance request was not going to be a separate request. That's why it wasn't talked about in the report. Staff felt it was bundled in with the approvals in 2006. Staff spent a lot of months getting this case before the Planning Commission. At the time, the former Land Use Director and City legal staff decided that this was the way the case, which is a vacation of a consolidation plat should proceed; to bring in previous approvals of the subdivision plat and development plan. So it wasn't that staff was trying to hide it. Staff acknowledge the fact that there was a variance in there and it was bundled in with previous approvals.

Commissioner Garcia asked if there are going to be any surprises on this current project that might come about.

Mr. Esquibel said the first thing that should be acknowledged is that the variance standards that are being applied are to the TC guidelines. Many of the TC guidelines again are going to fall short, such as terrain management control considerations. That's where the Code would have to come into play because the guidelines are silent on those issues. There have been many variances before the Planning Commission for road layout and road designs because they failed to meet those 30% requirements or less than 30% requirements to establish these road layouts in the past. These types of variances are always going to come to the Planning Commission because they affect a certain area of Chapter 14. These are specific design and architectural requirements that TC has full control over as opposed to the staff. There are no surprises about any variances that would be granted by Tierra Contenta that the applicant could not do that would violate the Code. They're both integrated and they're both enforceable by City staff.

Commissioner Faulkner said it seems like the Commission is going to be hearing a lot more of these if Phase 3 is being done. She asked if staff could identify which is a TC variance and what is a city variance, just so the Commissioners know the difference.

Mr. Esquibel said staff could include any of that information in the packet from this point forward.

Commissioner Lawrence said the part that bothers her the most about this is that back in 2011, there was an attempt to say, "we're just going to administratively consolidate this plat with

the intent that at some point in time, 10 years later, we could administratively vacate the consolidation". She asked if this is how this would be approached now.

Mr. Berke said this is not how this would be done today. He said staff would probably never do this again because approvals are not frozen in time and then open them up 10, 12 or 13 years later. This is how the Land Use Director who had that authority and the City Attorney who had that authority decided to proceed at the time and worked with the developer during hard times in the market.

Commissioner Faulkner said she sat with Mr. Esquibel and tried to understand the Tierra Contenta easements and variances. They are all over the map, so in fairness to staff, it is a puzzle that has to be unpacked.

Commissioner Gutierrez referred to the slide that shows what's be requested. The packet says that the variances are for lots 1, 7, 11 through 14, 15 through 17, 24 to 29.

Ms. Jenkins said that is straight from the approval from 2006.

Commissioner Gutierrez questioned if the applicant is asking for example, on lot 39, 7½ foot setbacks to the public street. That's the variance that was granted in 2006.

Ms. Jenkins said they are not asking for any modifications to what was approved originally.

Commissioner Sategna said he was having a hard time understanding this case and his frustration isn't with the developer. He said the Commission is trying to correct something that the City did in 2011 to try to create a solution, but it's created a block from us following what was originally approved.

Ms. Paez said this was a creative solution that was tried by the City because the developer at the time didn't want to keep the financial guarantee in place because of the market crash. Under the circumstances, she doesn't think they contemplated it would be this far into the future when they would come back and try to reinstate this approval. When staff evaluated this, it was determined that it was not appropriate to just vacate this consolidation plat administratively. A review of the pertinent statutory and Santa Fe Code provisions indicated that it did need to come back to the Commission.

Chair Hogan asked if the Commission were reviewing this for the first time, the variances that are at play would not be coming to the Commission because they would be before the Tierra Contenta Board.

Ms. Paez said the procedure for a variance to the Tierra Contenta Phase 2 design standards is set forth in the design review procedures which explain that "the requests for variances to these design standards", being Tierra Contenta, Phase 2B, "and or the City Code may be made to the Planning Commission." So, they do come to the Planning Commission. But, a variance to the

design standards first goes through the Architectural Review Committee. They're allowed to make such variance requests either with the preliminary plat or the preliminary development plan application. In this case, the variance request to the Tierra Contenta design standards was submitted with both and it went through that process. Then it says, "it will be granted or denied at the time that the Planning Commission hears the preliminary plat or preliminary development plan request." In this case, the Planning Commission did approve the variances along with both a preliminary development plan and a preliminary subdivision plat. The standard for granting a variance to the Tierra Contenta design standards is a lower threshold. It's a lesser showing on an applicant as compared to the City Code. In this development, they need to comply both with the design standards and with the City Code where there are gaps in the design standards. Those provisions of Code fill in a lot of the requirements. Depending on what they are seeking to vary from, it's either the variance standard that the Commission is used to applying, which is a stricter standard or the variance standard for that design.

MOTION: In Case #2019-1204. Vacation of Lot Consolidation Plat, Commissioner Clow moved to approve the Vacation of Lot Consolidation of Contenta Ridge Townhomes Subdivision into Tract 51, subject to conditions of approval and technical corrections, which would include previous variances that were allowed for the lots that are listed in staff's report.

Commissioner Clow said it is quite bizarre that this was done and she's sure it won't be done again. Technically and probably legally the Commission doesn't have any choice but to proceed this way because it seems that the applicant reached an agreement with the City and that agreement should be enforced. She also noted that the result is something good. It's a good project and it's 15 affordable homes.

Commissioner Lawrence seconded the motion.

Commissioner Sategna said he doesn't know how many of these situations the Commission is going to see, but he would like to see more information provided by the City regarding the details to understand the administrative logistics. He agreed it's a good decision for the outcome.

VOTE: The motion passed by roll call vote with Commissioners Clow, Lawrence, Faulkner, Garcia, Gutierrez and Sategna voting in favor and none voting against.

MOTION: In Case #2019-1204. Vacation of Lot Consolidation Plat, Commissioner Clow moved, seconded by Commissioner Faulkner, to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion passed by roll call vote with Commissioners Clow, Lawrence, Faulkner, Garcia, Gutierrez and Sategna voting in favor and none voting against.

G. STAFF COMMUNICATIONS

Mr. Berke said there will be a Planning Commission meeting on February 6th and February 20th. Also, the first meeting in March may have to be broken into two meetings. He asked the Commissioners to let staff know ahead of time if they are not going to be able to attend. He also said if the Commissioners have any concerns or questions to contact him, as the staff liaison.

Commissioner Lawrence said she would not be present at the first meeting in March.

Commissioner Clow said she wouldn't be present on April 2nd.

Commissioner Sategna said he'd be out the first meeting in February.

Commissioner Faulkner said because of the Legislative Session, she may not be able to attend the first meeting in February.

Chair Hogan said he was going to be out on February 6th.

Commissioner Garcia said he'd be out the first meeting in April.

H. MATTERS FROM THE COMMISSION

Commission Gutierrez asked that a briefing about the number of apartment units be presented at the next meeting so that the Commission has an idea of what's happening.

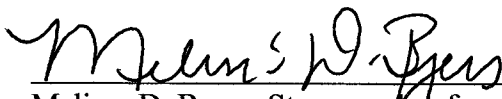
Mr. Isaacson said those numbers have been compiled as part of the initiation of the budget process. He will provide that in the next meeting. In terms of ballpark figures, in the second half of 2019, he said 550 units of housing were permitted. There are currently about another 800 units of housing in the pipeline that are aimed for review that will be coming out in the next few weeks to few months.

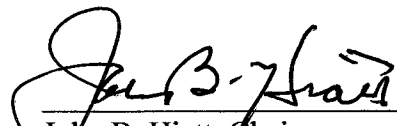
I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 7:40 p.m.

Submitted by:

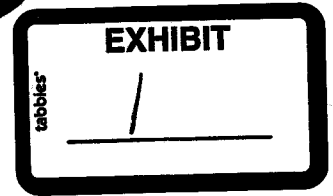
Approved by:


Melissa D. Byers, Stenographer for
Byers Organizational Support Services


John B. Hiatt, Chair

City of Santa Fe, New Mexico

memo



DATE: January 23, 2020

TO: Planning Commission

FROM: Current Planning Division

RE: Additional Information

The attached information is not in your January 23, 2020 Planning Commission packet. The information is in the following order:

Case #2019-1330. Villa Sendero Apartments Development Plan.

- Late communications from members of the public.

Late Communications for:

Case #2019-1330. Villa Sendero Apartments Development Plan. JenkinsGavin, Agent, for TA Las Soleras, LLC, Owner, requests Development Plan approval of a 252-unit multi-family apartment community on approximately 11.4 acres. The property is zoned C-2 (General Commercial) and is located at 5132 Beckner Road. (Donna Wynant, AICP, Case Manager)

- John McAndrew
- April Dolkar
- Joan Conrow
- Jeff Braucher

From: JOHN MCANDREW <phidippides26@mac.com>
Sent: Wednesday, January 15, 2020 2:41 PM
Subject: Affordable Housing in Santa Fe: important info

Have everyone you know contact Noah Berke and their city councillors regarding this: 252 Unit apartment complex to be built at Beckner and Cerrillos Roads near Presbyterian hospital: Villa Sendero Apartments. Developer wants to pay \$303,000 to avoid having affordable housing units in this complex.....it's going to be 4 stories tall! And this is on the Southside, which is where most of our service workers live.

I should read the paper more often. Friends brought this to my attention this AM. If you can make it to the Planning Commission meeting tomorrow, Thursday at 6 PM, please speak in opposition to ANY developer being able to buy their way out of providing affordable housing. If you can't make it – and weather is supposed to be bad tomorrow – please call or send an e-mail to Noah Berke, the City Planner Manager, whose info is below, and your city councillors.

Santa Fe talks a lot about affordable housing, because there isn't any. When I returned to town 15 months ago, I looked high and low before finding my 700 square foot apartment for \$975/month. The average cost of a 1 BR apartment in Santa Fe is supposedly \$800/month. That must include some real pits, because I looked at some under \$975 – and some over \$1000! – and wouldn't have lived in any of them.

What are our waiters and waitresses, store clerks, young professionals, gallery and retail employees, artists, nurses, teachers – what are all of them supposed to do? Commute from Pecos? Do we want to become like the Bay Area, where a one bedroom apartment regularly goes for \$1500 – or much more – and we force workers to commute to work from far away?

It ought not to be possible to opt out of providing for ALL of our residents and workers. Period. We're in danger of creating two Santa Fes.

Thanks for your attention.

John

January 16, 2020: Regularly scheduled Planning Commission meeting. 6:00 PM
Location:
City Council Chambers, City Hall
200 Lincoln Avenue
Santa Fe, NM 87501

Contact Information:
Noah Berke nberke@santafenm.gov
(505) 955-6647

From: April Dolkar <april.dolkar@gmail.com>
Sent: Wednesday, January 15, 2020 3:08 PM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Re: Affordable Housing Meeting - 1.16.20

Dear Mr. Berke & Esteemed Councillors,

I wish to voice my opinion on the affordable housing meeting, which I am unable to attend. I looked for affordable housing in Santa Fe from August through mid December, after living there for 6 years. I could find nothing, so am currently in Jemez Springs since Jan 3rd. This is not a desirable permanent solution for myself or others who have been forced to move outside the city to afford a place to live. I will give it another go in Springtime to see if I am able to afford to move back again, which I hope.

I am an artist who is also the director of a 501c3 Buddhist Center, Tsechen Namdrol Ling. After looking daily for a number of months, I can attest that my search, which rendered no positive result, was very daunting and disappointing.

Our City Different talks much about affordable housing, but there is none! But we do have plenty of outrageously expensive housing designed to suit the influx of tourists, rather than earmarking anything for our own residents! Is it really necessary for me to commute 1.5 - 2 hours into Santa Fe from Jemez Springs, simply to afford a livable situation? I think not.

Now, I have become aware of the developer of the Villa Sendero Apartments wanting to pay \$303,000 to avoid having affordable housing units there. This is unacceptable! At the meeting tomorrow, please speak in opposition to ANY developer being able to buy their way out of providing affordable housing. Affordable housing is what we need, affordable housing is what we have been waiting for, affordable housing should be available now...and hopefully those of us who have been forced out due to exorbitant rental costs can return to Santa Fe once again.

Thank you very much,

April Dolkar
505.459.3443

From: Joan Conrow <joanconrow@gmail.com>
Sent: Wednesday, January 15, 2020 4:39 PM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Cc: CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>
Subject: Villa Sendero Apartments

Dear Mr. Berke,

As a Southside homeowner, I am writing to express my opposition to the developer's proposal to pay \$303,000 in lieu of providing affordable units within the proposed 252-unit Villa Sendero apartments. That fee won't go far in helping the city or another developer build the affordable housing that is desperately needed. Given water limitations and road capacity concerns, why are we allowing any more non-affordable housing projects to be built period, especially on the south side, the last haven for those of us who are low- and middle-income?

The city should stop the opt-out option, which obviously benefits developers or they wouldn't be choosing it, and require them to build affordable units if they want their projects to move ahead. We do not need to be currying the favor of developers. It's a privilege to build in Santa Fe and if they can't build what we need — affordable housing — let them go elsewhere.

We really need to be careful about dumping more traffic onto Cerrillos and St Frances as both roads are at capacity, especially during commute times, and the police have completely abandoned any sort of safety enforcement regarding speeding and running red lights. More traffic creates more frustration, more dangerous driving and more accidents.

Thanks for your consideration.

Joan Conrow
2521 Calle de Rincon Bonito
Santa Fe, NM 87505

From: Jeff Braucher <jeffbraucher@gmail.com>
Sent: Thursday, January 16, 2020 10:42 AM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Save Villa Sendero Apartments

Mr. Berke,

We can't allow a wealthy developer to bribe the city out of creating affordable housing for our service workers. We need affordable housing in Santa Fe.

Please do what you can to save Villa Sendero Apartments.

Thank you,

Jeff Braucher
505-603-7406



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

Case #2019-1330. Villa Sendero Apartments

Owner's/Applicant's Name- TA Las Soleras, LLC

Agent's Name- JenkinsGavin, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on January 16, 2020 upon the applications (Application) of JenkinsGavin, Inc., as agent for TA Las Soleras, LLC (Applicant). The Applicant requests approval of a development plan for a 252-unit multi-family apartment community on a vacant parcel located at 5132 Beckner (Property). The Property totals approximately 11.4 acres and is zoned C-2 (General Commercial).

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

FINDINGS OF FACT

General

1. At the hearing, the Commission heard reports from staff, received testimony and evidence from the Applicant, and heard testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conference was held on September 26, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), an ENN meeting was held on November 4, 2019 at the Southside Public Library, 6599 Jaguar Drive, Santa Fe, NM 87507. The ENN meeting was attended by representatives of the Applicant, City staff, and two interested residents. The Applicant presented a slide show that featured conceptual project plans and other relevant information.
6. Pursuant to SFCC Section 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove development plans.
7. City 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), which evaluates the factors relevant to the Application.
8. Staff recommended that the Commission should approve the development plan, subject to certain conditions of approval (the Conditions) and technical corrections, as set forth in the Staff Report.

Development Plan

9. Under SFCC Section 14-3.8(B)(3)(a), a new development with a gross floor area of thirty thousand (30,000) square feet or more requires approval of a development plan by the Commission.
10. SFCC Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC Section 14-3.8(D).
11. SFCC Section 14-3.8(C)(1) requires the Applicant to submit plans and other documentation that demonstrates conformance with applicable provisions of the SFCC (Submittal Requirements).
12. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
13. SFCC Section 14-3.8(D) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before approving a development plan.
14. Pursuant to SFCC Section 14-3.8(D)(1)(a), the Commission finds that it has the authority and is empowered to approve the development plan under SFCC Sections 14-2.3(C)(1) and 14-3.8(B)(3)(a).
15. Pursuant to SFCC Section 14-3.8(D)(1)(b), the Commission finds that the development plan will not adversely affect the public interest. The City needs more housing, and the C-2 zoning district allows for multi-family apartment housing.
16. Pursuant to SFCC Section 14-3.8(D)(1)(c), the Commission finds that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration. The subject property is located in a mixed-use area comprising significant commercial, institutional, and multi-family development. The Project will consist of thirteen buildings housing 252 apartment units, and related accessory structures and uses ancillary to the apartment complex. The proposed use and scale of the Project is compatible with land uses in the vicinity.
17. Pursuant to SFCC Section 14-3.8(D)(2), the Commission "may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan."
18. The Commission finds that the Conditions set forth in the Staff Report are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

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 authority to review and approve the development plan subject to conditions.
2. The Applicant met the applicable Submittal Requirements.

3. The development plan should be approved because all applicable code requirements and criteria for development plan approval have been met.

WHEREFORE, IT IS ORDERED ON THE 23th DAY OF JANUARY 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, development plan for the Property is approved, subject to the Conditions and technical corrections set forth in the Staff Report and exhibits.

John B. Hiatt
Chairperson

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

Date: