

**Index Summary of Minutes  
City of Santa Fe Planning Commission  
July 16, 2009**

<b>INDEX</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
Cover Sheet		1
Call to Order	Chair O'Reilly called the meeting to order at 6:05 pm	2
Roll Call	Roll call declared a quorum, two excused absences	2
Review and Approval of the Minutes: June 18, 2009  <b>Findings and Conclusions:</b> Case #M 2009-05 Northwest Quadrant General Plan Amendment Case #ZA 2009-02 Northwest Quadrant Rezoning Case #M 2009-06 Northwest Quadrant Escarpment Variance Case #M2009-08 Northwest Quadrant Terrain Management Variance Case #M2009-11 Vista Bonitas Phase II General Plan Amendment Case #ZA 2009-03 Vista Bonitas Phase II Rezoning Case #S 2009-02 Mirasol Preliminary Subdivision Plat  <b>Action Item:</b> Case M2009-12: Sondra Goodwin escarpment variance.  Commissioner Montes asked the City Attorney if she could recall the vote. Chair O'Reilly's recollection was a unanimous vote on the decision.	<b>Minutes approved without corrections.</b>  <b>Without objection, Findings of Fact and Conclusions of Law for Case M2009-12 are approved.</b>	2-3
Approval of the Agenda	Findings and Conclusions not included in packet and will need to be postponed until next meeting. The Chair O'Reilly did clarify that the Sondra Goodwin Findings of Facts and Conclusions were included in the packet. Attorney Brennan confirmed they were not listed but included, and yes, they were publicized for the last meeting and continued over for this meeting.  <b>Without objection, the Agenda is approved as Amended.</b>	2
Old Business	<b>Commissioner Lindell made</b>	3-18

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<p><b>1. Case #M 2009-10 Villa Alegre Final Development Plan</b> Duty and Germanas Architects, agent for Santa Fe Civic Housing Authority, requests final development plan approval for the re-development of 138 units in three "Tracts" across two separate properties. The properties are zoned RM-2 (Multi-Family Residential, 29 dwelling units per acre). Tracts A &amp; B total 7.701± acres and are located along the east side of Las Crucitas Street between West Alameda Street and San Francisco Street. Tract C is 1.508 acres and is located along the west side of Camino del Campo between West Alameda Street and San Francisco Street. (Lucas Cruse, case manager).</p>	<p><i>the motion to approve Case M2009-10 with all staff recommendations and conditions summarized in Exhibit A, and in addition to that the community center be moved back to the center of the project, and that there be an absolute commitment for the playground equipment and turf, and that the labeling of the tracts be consistent with the plat, Second by Mr. Hughes, Motion carried by unanimous voice vote</i></p>	
<p><b>New Business</b></p> <ol style="list-style-type: none"> <li>1. An ordinance amending section 14-6.3 (C)(1) SFCC 1987 clarifying the ownership of accessory dwelling unit and the recording of restrictive covenants for accessory dwelling units. (Councilor Chavez) (Jeanne Price, case manager)</li> <li>2. An ordinance amending Section 14-14-6.2(A)(6) SFCC 1987 regarding short term rental units. (Councilors Wurzburger and Romero) (Jeanne Price, case manager)</li> </ol>	<p><i>Commissioner Salazar made the motion to recommend approval of the ordinance amending Section 14-6.3(C)(1), second by Commissioner Lindell, motion carried by unanimous voice vote. (Commissioner Montes not at his seat)</i></p> <p><i>Commissioner Lindell made the motion ask the planning commission recommend the proposed changes, the recommended amendments in addition perhaps reviewing the four allowed violations per year and changing it to three, and attaching the list of neighbors that have been advised of notice of affidavit, and realtor notice continue, second by Commissioner Vigil, motion carried by unanimous voice vote. (Commissioner Montes not available for vote)</i></p>	<p>18-24</p>
<p><b>A. Business from the Floor</b></p>	<p>None</p>	<p>24</p>
<p><b>B. Staff Communications</b> Attorney Brennan: Due to timing issues on getting minutes, draft and findings for</p>	<p><i>Commissioner Hughes made the motion to postpone action on findings until July</i></p>	

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<p>the next meeting, with respect to the northwest quadrant the minutes came in late, I could not review the findings to get them into the packet. Council is now scheduled to hear the northwest quadrant on August 12<sup>th</sup>; they do not want to hear it without findings and conclusions approved by the planning commission. The only date that the planning commission could approve to make that deadline would be August 6<sup>th</sup>. The rules of committees do not allow adoption by e-mail vote, it requires a motion and vote.</p>	<p><b>29<sup>th</sup>, second by Commissioner Lindell, motion carried by unanimous voice vote. (Commissioner Montes not available for vote)</b></p>	
<p>Signature Page and Adjournment</p>	<p>There being no further business to come before the planning commission, the meeting was adjourned at 8:45 pm</p>	<p>24-25</p>

**2009**

City of Santa Fe Planning  
Commission

Fran Lucero

A handwritten signature in black ink, appearing to read "Fran Lucero", written in a cursive style.

**[PLANNING COMMISSION  
MEETING]**

Draft Until Approved

# Planning Commission Meeting

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**Minutes**  
**July 16, 2009**  
**City Council Chambers**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair O'Reilly at approximately 6:05 pm on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

## **A. Roll Call**

**Roll call indicated the presence of a quorum as follows:**

Matthew O'Reilly, Chair  
John Salazar, Vice Chair  
Angela Schackel Bordegaray  
Ken Hughes  
Signe Lindell  
Reuben Montes  
Dolores Vigil

### **Absent**

Estevan Gonzales, Excused  
Bonifacio Armijo, Excused

### **Staff Present**

Kelley Brennan, Assistant City Attorney  
Lucas Cruse, Case Manager  
Wendy Blackwell, Director Technical Review  
Jeanne Price, Legislative Liaison  
Fran Lucero, Stenographer

## **B. Pledge of Allegiance**

The Pledge of Allegiance was recited.

## **C. Approval of Agenda**

Findings and Conclusions not included in packet and will need to be postponed until next meeting. The Chair O'Reilly did clarify that the Sondra Goodwin Findings of Facts and Conclusions were included in the packet. Attorney Brennan confirmed they were not listed but included, and yes, they were publicized for the last meeting and continued over for this meeting.

*Without objection, the Agenda was approved as Amended.*

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### D. Approval of Minutes and Findings/Conclusions

Minutes: June 18, 2009

Minutes are approved without corrections.

#### Findings and Conclusions:

Case #M 2009-05	Northwest Quadrant General Plan Amendment
Case #ZA 2009-02	Northwest Quadrant Rezoning
Case #M 2009-06	Northwest Quadrant Escarpment Variance
Case #M2009-08	Northwest Quadrant Terrain Management Variance
Case #M2009-11	Vista Bonitas Phase II General Plan Amendment
Case #ZA 2009-03	Vista Bonitas Phase II Rezoning
Case #S 2009-02	Mirasol Preliminary Subdivision Plat

#### Action Item:

Case M2009-12: Sondra Goodwin escarpment variance.

Commissioner Montes asked the City Attorney if she could recall the vote. Chair O'Reilly's recollection was a unanimous vote on the decision.

*Without objection, Findings of Fact and Conclusions of Law for Case M2009-12 are approved.*

### E. Old Business

#### 1. Case #M 2009-10 Villa Alegre Final Development Plan

Duty and Germanas Architects, agent for Santa Fe Civic Housing Authority, requests final development plan approval for the re-development of 138 units in three "Tracts" across two separate properties. The properties are zoned RM-2 (Multi-Family Residential, 29 dwelling units per acre). Tracts A & B total 7.701± acres and are located along the east side of Las Crucitas Street between West Alameda Street and San Francisco Street. Tract C is 1.508 acres and is located along the west side of Camino del Campo between West Alameda Street and San Francisco Street. (Lucas Cruse, case manager).

Lucas Cruse: (Refer to Memorandum for Planning Commission, July 9, 2009 for July 16, 2009 meeting). The land is owned by the City of Santa Fe. A 99-year ground lease with the Santa Fe Civic Housing Authority was completed in 2007 in order to facilitate this development.

Staff recommends approval of the Final Development Plan subject to the Development Review Team conditions summarized in the attached table.

Chair O'Reilly explained the process to the public to avoid confusion on how the Planning Commission conducts business.

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First is to hear from staff, applicant follows, next open up for public comment, applicant can respond to questions or concerns brought up by the public, after the applicant responds, the public is allowed to rebuttal on what applicant has said. Once that is complete the Public Hearing is closed and there will be no more public testimony and the commission will proceed to consider the case.

### *Applicant and Swearing In*

#### **Ed Romero, 3456 Villa Magdalena, Santa Fe, NM – Executive Director of the Santa Fe Civic Housing Board**

Mr. Romero apologized for missing the meeting on June 4<sup>th</sup> and proceeded with history of the project. The redevelopment of the project was born out of necessity. From that review it was found that there was at least \$12 million dollars of needed maintenance. There were serious problems with the roads, utilities, roofs, asbestos. Had they continued to go forward it would have zapped all of the capital improvements to bring up to standard for the next 20 years, they received \$600,000 a year. Residents hated the sight, they moved out any chance they got. Authority had to fix the units and get them back into the market. Estimated occupancy times are 2-6 years in family site, 6-8 years in the senior sites. Funding was cut in 2004 and to date they are not up to where they should be. At that time, \$600,000 had to address about 540 units. Now they probably will get about \$450,000 to address 357 units.

Their solution at the time was to file a Demo Disposition application with HUD. With this demo disposition application they received 104 vouchers. There was no decrease in affordable housing for the city of Santa Fe, they all received a voucher, did a relocation of all residents and moved them within 30 days. Many of those residents have an option to come back and are in contact with them to assure that everything is ok. About 20-30 residents want to come back, about 40 residents are happy to be back. Another batch of residents have had issues and won't be allowed back; they need to stay out of trouble, pay your rent, can't be evicted, can't be convicted of a crime, or you cannot come back.

They are proposing to build 148 Units is the proposed amount of units, 13 are for below market rents, 2BR \$800 – 3BR \$900. 20 units will be public housing; looking at a scenario to get that up to about 28. In those public housing units a renter will pay about \$90 to \$120 a month rent, money out of his pocket. Another 40 Units will be voucher units and the renter will pay an average of \$150 to \$180 a month for 1, 2, 3 BR. Another 37 units will come in and will rent for about \$600 to \$700 a month, and the final 13 will come in and rent for \$800-900 a month.

The market is if you want a townhome close to downtown will rent for about \$750 for 1 bedroom \$950 a month for a 2 bedroom, \$1100 a month for a 3 bedroom. There is significant opportunity to build very reasonable affordable apartments at this time.

Concerns and Questions – June 4, 2009 Meeting:

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Proposed density is well below code, they are at 15 and 29 are permitted.

Waiting list is about 276 clients today; growing by about 10 a month, list will close in about 2 months as there will be more than a year of people on the list at that time. There is a huge need for the affordable units.

They also looked at density from the perspective of how many people were living at the sites, referenced Tract A and B. When they started the project there were 74 public units at that site, average people 3 per unit, about 235 people living at the site. The new site will have 60 family units averaging 3 per unit, about 180 in the family units. 50 senior units, 1.1 occupancy, 235 people – zero increase in the number of people, plus adding 50 seniors to the site, decrease in traffic. Tract C will be adding 8 more units, removing 2700 sq. ft. of commercial units, adding onsite parking, are eliminating parking in the streets. Fairly minimal impact on density on what it does to the neighborhood. Because of the proximity to a great elementary, skate boarding park, swimming pools, NDI, youth football and baseball fields, the Boys and Girls Club, the Monica Roybal Center, the Railyard, City Hall, La Familia, the State Capitol, all within walking distance. Most affordable housing projects that are going on right now are not within walking distance and you would have to take a bus. In addition you have De Vargas Mall. Senior housing, many don't own or drive autos, easy access to grocery shopping, health care, prescription services and having 50 units helps coordination of social services to those sites. Higher density allows them to provide more needed social services to the senior population.

Financing - Another reason for the density argument. Part of the failure of this public housing site was the fact that it wasn't set on solid financial ground. They were at risk for subsidy; it was 100% subsidy. Clients were paying \$50-150 a month rent; a normal market apartment complex would bring in \$750-1000 a month. When you can't make your bills and when your subsidy gets cut, the first thing that gets cut is routine maintenance. Can we patch that roof, can we make it another year without replacing the windows; can we just patch the heating? Clients know that it isn't right and they move out.

Maintenance and security: New sites are mixed income. Under the public housing scenario we are 100% reliant on HUD, and we are getting \$50-150 rent. Under this scenario they are going to be getting significantly increased rents, yet very reasonable in an affordable perspective. Maintenance funds to be reserved, security to happen and off site management office and on site managers, this will help with maintenance. Community centers will exist. This did not happen in the past. Management in this place will not be done by the Housing Authority; it will be done by experts.

In addition, you commit a crime, you get caught with drugs, and you will be evicted. They will not harbor people with those types of issues. The screening process to get good tenants will take place. More than likely you will have a job requirement unless you have a voucher or a public housing client. That should resolve a lot of the issues that were voiced at the June 4<sup>th</sup> meeting.



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Social Services Plan - In addition to the management position at the site, there will be 1 full-time funded position that will provide supporting services, child care, education, job training, parenting, budgeting, transportation, counseling, personal welfare, etc. The services would also work with referrals to assistant agencies to provide low or no cost; in addition there will be \$5000 for local transportation.

There are commitments from the following partners; SER Jobs for Progress, Santa Fe Community College, Lifelink, Santa Fe Boys and Girls Club, New Mexico Workforce Solutions, New Mexico Project for Financial Literacy, Esperanza. Santa Fe Community Housing Trust, Youth Corp, Community Action NM Assets Consortium, La Familia, New Mexico Presbyterian services. In addition to that at the senior site, this person will be providing services at both sides. They will assist with coordinating services, ambulatory services, housekeeping, transportation, chore assistant, wellness programs, adult day care, adult protective and emergency response services; which there is a great need in our senior population. The Housing Authority in addition will provide back up support to this position. This position is strictly social services. This results in a direct expenditure of \$75,000 per year for the next 15 years on strictly social services. It leverages about \$200,000 from the partners rendering services to this site. The annual income projected is about \$750,000, they are dedicating 10% of the total gross income will go to social services for people at these sites. Social services are not a new service. They have built a community center at Gallegos Lane and will be breaking ground on the community center at Hopewell-Mann site in a few days. They have also assisted in setting up Individual Development Accounts (IDA's), opened up to the whole community; in which you learn about financial self sufficiency and you are taught how to fix your credit, how to save and set goals and if you save \$1000 in this time frame with \$10 classes, they are matched 4-1, if you save \$1000 in six weeks you walk out with \$5000 which you can then use for education, home down payment, other needs. They volunteered and ran that program in Santa Fe and will continue that process to make residents more successful. These issues had not been widely publicized in the past, and he hoped this information was more helpful.

Open space - Both sides have open space designated well above the requirement code. They are also committed to age designed equipment for recreation and play activities. Also not identified are private back yards for bikes, etc., privacy space is allowed and will average about 300 to 400 sq. ft.

Actions taken by the authority: Modified the original proposal, removed the commercial lot that was along West Alameda, moved community center to that lot and opened up space within the central spine of that project. They are also in negotiations for a 3,000-4,000 piece of land that attaches to the bigger size, the family side which will create more space in the central spine area. They are also in negotiations with state Parks Land in site C, when combined will add about 20,000 sq ft of common functional space in the project.

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In closing this is the most likely best opportunity to build affordable housing in the city. They take pride in their accomplishments and a future plan to improve quality and quantity of housing but also the services to enhance the quality of their lives.

We ask for unanimous approval of the development plan.

### ***Public Hearing: (swearing in)***

#### **Al Padilla, Chief Professional Officer for the Santa Fe Boys & Girls Club**

I have held that job for the last 25 years. The Santa Fe Boys and Girls Club have been at 730 Alto Street for the past 71 years and the low income housing has been a vital part of that community. I am here on behalf of the Santa Fe Boys and Girls Club to support this new endeavor and we feel that we can continue to provide service to the constituents that would be residing in this development. At the same time we have a state of the art facility and rounds, less than a 2 minute walk to serve this project. It has always served as a beacon of light for the families who have resided in that area for the past 45 years. We continue to do programs in other public housing developments throughout the city and we work jointly to provide state of the art programs throughout the city and county of Santa Fe.

#### **Virginia Soto, Volunteer at Alta Vista - Pasatiempo Senior Center 658 Alta Vista C-10, Santa Fe, NM**

Ask that you approve this project for those seniors who need affordable housing for young ones under 60 and those over 60 we call seniors. Me personally, I am under 60, but that is beside the point. I think we need this badly. There are all the conveniences in the world at this location for the young ones as well as the seniors. I bid goodnight and ask that you pass for approval.

#### **Earl Kessler, 109 Jimenez Street, Guadalupe Historic District**

I am here to speak on behalf of our President, Dr. Smith. What I would really like to register with you is that the community and our association have been engaged quite actively in working with the architects and officials of the city involving a plan which we find to be extremely responsive to what the community would like to see and what the community is prepared to support. What we are trying to really do is bring about what is essential for Santa Fe which is affordable housing. We would like to integrate this into the larger historical district we all live in. One of the best ways that this can happen is with the innovations that the architects have accommodated in the plan of the walkway that goes through the community to be able to pass from where we are out to Alameda, which is a walkway that hasn't existed before. We think this is a tremendous amenity and that should there be a bus that stops at this walkway ends on Alameda it would be a better and more useful kind of meeting place for people. It would encourage traffic through the community that would increase security, a condition we all share. We are hoping that you do pass this; we are prepared to do our part and we are really interested in and have worked with collegiately and constructively those who have been engaged in the design and we would like to see this go forward.

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**Debra Reed: (Affirmation to tell the truth.)**

Resident in the neighborhood supporting what has been said before her. The architects and the city have worked very hard to create a plan that most people in the neighborhood are satisfied with. Architects have been very responsive to the requests of the neighborhood. We feel that the plan as it is, is a great asset to the neighborhood. It encourages interaction between the Villa Alegre project and the neighborhood itself. There is a lot of open space they look forward to, also look forward to have a beautiful project, to replace a rundown area. I personally and I think there are many others who believe that it is important to create a space in the downtown area where our elders and people of low income can live so that it doesn't become a pricy homogenous place that doesn't represent our community. We want to keep our elders and regular folks in this traditional downtown area. We look forward to that as well.

**Martha Baca, 127 Duran Street, (rear house) Member of West Guadalupe Historic Neighborhood Assoc.**

In favor of what is being offered. I hope that we don't have any traffic problems because of the narrowness of the streets in the area. That is all I have to say, thank you.

**Juanita Martinez, Member of the West Guadalupe Historical Neighborhood Association**

I would like to see the plan approved.

**Lois Taylor, Member of the West Guadalupe Historical Neighborhood Association, lives on Duran Street**

We, as has been mentioned before, have been involved in the planning of this complex and we are extremely grateful and appreciative. We are the people that are going to live there and whatever is created, it is upon us that the impact will occur. We do approve this plan and hope that the planning commission hears us and will help us to bring it forward. Thank you.

**Herman Duran, 106 Las Crucitas Rd (read letter verbatim)**

You have heard or seen WS site 700 where they are the product of 700 West Alameda – Villa Alegre apartments. Where is the garden? Santa Fe Civic Housing refuses to accept the fact; density, concentrated, condensed, crowded, packed, denial, too many tenants, too little management, too much to maintain too little maintenance. Bottom line they failed, they failed big time on the Villa Alegre 100 existing units and now that want 110 down from 138 plus two community centers and a .35 acre lot rezone, are they joking. I just don't get it, what is their plan? A neon sign at their back door, Civic Housing Authority Commercial Development Maintenance and Management Division, and pay them twice. I personally don't think they have any business in the commercial venture. City housing lease is not intended for commercial use or is it? Breached lease contract, the City Planning Commission or some other city entity should have the authority to look into the lease with the civic housing for some

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breach of contract for maintenance and management issues. Remodel every 20 years, rebuild every 40 years, if I were a landlord I would at the very least screen my tenants and check my properties every 30-days come rent due date with a 30-day eviction notice at hand if need be. Not certify them for one year, give them the keys and walk away and hope that they don't destroy my property for one year or sooner. Maybe the city of Santa Fe should consider voiding the lease contract with the civic housing and look into some kind of affordable housing project and not apartments. That would appreciate and respect their homes; this is the city's opportunity to create affordable housing for families in need. I believe it would improve the quality of life, not only in this neighborhood, my neighborhood, including the tree huggers north and east to think 138 units are fine to save the trees. Don't send us the traffic via San Francisco Street. I do believe it would improve the community as a whole. Something needs to be done but please don't rubber stamp this project to the Guadalupe Historical district, we deserve better. Please save our barrio from this slumlord, we need to clean it up not add to the problem. All I am asking is to reconsider the long time plan that will benefit the city as a whole. Thank you all for your time and consideration.

Comment from Debra Reed: I don't know if this is possible, I noticed at the last meeting you closed public testimony. Then you all had a discussion amongst yourself and we were not able to testify or comment or have any kind of discussion with you after the public comment was closed. And since certain things come up that you're discussing that we can't anticipate, I think it would be nice to be inclusive of the community to allow us, if people choose, to comment, speak, question or be part of the discussion after you so we aren't shut out of that part.

Chair O'Reilly explained the process very clearly; this is the process we are going to follow. We are now at the point in which the Applicant, if they wish, can respond to any concerns that were raised by members of the public.

**Applicant: Mr. Ed Romero**

Desired to respond to a couple of issues: Our housing authority is one of the highest performing housing authority; 1 of 400 in the nation, 1 of 2 in the state of New Mexico that is a high performer for the voucher and public housing site. We have been chosen to take over projects in Mora County, Los Alamos County and officially chosen to take over the Espanola housing authority. We are on line to hopefully receive a grant for \$4.5 million dollars to help in this project because we are a high performing agency. I would ask you to check out our reputation with MFA with HUD. We are a solid housing authority, we provide allot of support to our clients. In regards to what has happened at West Alameda; 45 years is a long time to house residents for \$300 a month and keep a site moving. Those people had roofs over their head for 12 months of every year. Not the kind of roofs I would have preferred, we want the people to move in and stay, 3, 4, 5 years, and I think this will happen in this type of environment. Outside of that we recognize that there were issues and mistakes that happened in the past, there is history that you can't look back fond of. What I can tell you is we want to develop affordable housing for this town. We are

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not getting additional revenue for this; the payback won't happen for 15 years when we take this property back. There will be outside investors who own and manage this property; who insure we are meeting our obligations. There will be a lot of eyes on this property. There will be no problems in terms of continued gang activity, I don't believe that this will be a 700 block, there will be a different address. That isn't to guarantee that those clients won't come back. And I will tell you that for the last five years that I have been Executive Director, the majority of problems are not our residents. Residents are domestic violence victims. There are more victims than perpetrators. A more secure sight with on site management, better financial picture, with a higher density to insure we can pay our bills to put money into support systems; that is the answer here.

Chair O'Reilly asked if there was anyone in the audience that wanted to respond.

***Rebuttal:***

Mr. Duran – Mr. Bush told Mr. Brown “you are doing a good job there buddy”.

**Martha Baca: 127 Duran Street**

One time I had to help this guy who fell over on the wheel chair; we need to improve the sidewalk on the north side of this project so that it is more level. And I wanted to ask will we get more drainage, when it rains there is often big puddles of water in the area.

**Virginia Soto**

Those apartments that are there right now have been there for quite a long time. It is true there have been unpleasant circumstances here in Santa Fe, the whole neighborhood would benefit from those apartments. It would increase the value of their property; there would be better drainage as they have planned. The residents who live there on the sidelines as well as the people who would move in would benefit.

***The Public Hearing is now closed:***

***Questions and comments from the Commission:***

Commissioner Montes expressed his thanks to the Chair. His question was directed to the developer or the Executive Director. He said that on the plat in relation to Arroyo Mascaras border, it shows it as a backline of the houses; how far away is the arroyo from the development. Is there stabilization of that arroyo?

Mr. Romero responded that due to erosion it varies from 3' to 10'. To his knowledge there is not stabilization.

Ms. Blackwell: We have not been in the field with the developer to look at the site specific situation to make a determination that there would be stabilization needed or

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corrective action. Certainly we can pursue this as the project moves forward into a detailed design.

Commissioner Montes: Are the property boundaries to the arroyo within code and/or requirements?

Ms. Blackwell: The FEMA map flood plane is not on their property. We don't have detailed drainage studies, we don't know CFS in 100 year design storm, we will when we get to the detailed design.

Commissioner Bordegaray: I want to respond to what Commissioner Montes raised and pass it on to Commissioner Vigil. There is some project going on that has to deal with restoration, I will try to find it and forward it. It is related to the arroyo in question regarding stabilization. I work with the State Engineer and I get all types of notification.

Chair O'Reilly added that the Mascaras Arroyo is maintained by the city.

Commissioner Vigil: Has this been reviewed by the Historic Design Board?

David (Staff): Yes, the H-Board has reviewed this project with unanimous approval. There are several minor tweaking points that don't change the character which doesn't change the approval in moving the community center to the front property. In staffs opinion that does not change the character of the approval. What is good about the change is that the Community Center is a 1 story building which was approved for streetscape buildings. There was a compromise because of a conflict in the code, the H-Board ordinance has a very strict height calculation and in the west side of Guadalupe District there is a table in the dimensional standard of the code which says that even in the West Side Guadalupe District it shall be 24' which created the conflict. The way we compromised was the streetscape frontage buildings had to follow the HCode and the interior buildings had to follow the dimensional standards, as this building does.

Commissioner Vigil: Do you agree with the demolition plan for these buildings?

David: Yes, the buildings that are there now are all non-contributing, non-historical structures. He said that they will be demolished and it is best to wait for the full archaeology study to be completed.

Commissioner Vigil asked staff about a report from the traffic engineer. Was the TIA part of the application?

Lucas: There are no conditions. Traffic study was not part of the requirement.

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Commissioner Salazar said that normally in a final development plan there are more detailed floor plans of the units. He also raised the concern on the arroyo and asked what the requirements for the final development are?

Lucas: It is unusual that final engineering plans have not been completed. You will find a letter in your packets from Land Use Development explaining the process that was followed with Wendy's guidance and the process is appropriate.

Commissioner Salazar asked if this is a precedence that will be set on future projects that they would be seeing.

Lucas: This is a fairly unique project since the city owns the land and it is for the Civic Housing Authority.

Commissioner Salazar:

Question to Mr. Romero: Commissioner Gonzales shared a concern regarding play equipment, what type of equipment are we looking at. I grew up in a housing project off Airport Rd. and we had to walk ½ mile to get to the playground area and there was a basketball court, one basket was 7' the other was 10'.

Mr. Romero responded that they are looking at equipment for the younger size. Across the street at the Boys and Girls Club they do have a basketball court. We would like to enhance the area more like a rose park, not closed to designing something for the older kids. Mr. Romero said they are more than willing to discuss other types of activities and a basketball court on site.

Are the basketball courts at the Boys' Club open at night?

The boy's club gates are close at 10 pm. It is available.

Commissioner Salazar: According to the market rate units, what happens if they don't fill up? There was a time there weren't enough apartments, and now you see offers, free rent.

Mr. Romero: We are talking to our equity investors with that same concern. We are looking to reduce the rates we discussed are reduced from a year and a half ago. We recognize that the market is about 83% occupied right now. We believe that the problem lies in the senior complex is very soft right now. We built some senior complexes that weren't close to the amenities like grocery stores and other things. What we have done we have put more public housing in the senior site. Family sites the market is strong, if you have good units you can fill them. Under tax credit rules you have to run at 100% housing. Income limits are different, targeting a lot of people who live downtown. You can make \$26,000-30,000 and live at this site, you can make \$35,000 and have three kids and live at this site. We are targeting people who work downtown and I believe the quality of life attributes will help fill it up.

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Commissioner Salazar: I appreciate your coming in and speaking in detail to the concerns we had at the last meeting. The last meeting, speaking for myself, it seemed that the attitude was informational; we are going to do what we want anyway. Thank you for addressing our concerns.

Chair O'Reilly had a few questions for Mr. Romero.  
Can you tell the commission about some of the specific security problems at the old project?

Mr. Romero: There is always the domestic violence issues. A lot of our clients are single mothers with one or two kids with abusive absent parents. They come in to see the kids, get drunk, the police are dispatched and the neighbors blame the person in the unit. This is a site that has been dominated by the West Side locals, 700 Block. We have a lot of gang activity, they still come back. We hope by rebuilding the site they may not come back. There are neighbors that commit crimes and still live there. It isn't only public housing; it is those who visit the site. In the years I have been director I have seen some bad things at this site. I have witness parties for kids where the kids were left alone and the parent was drunk. I have seen kids with guns pointing it in the air. There has been abuse of alcohol, fire arms, worked closely with the police, Try to get a police officer at every site. Most of the crimes that I experience at the site were not committed by our residents.

Chair O'Reilly: You mentioned having a private management company. What oversight will you have on that company? I am presuming you have learned from the problems at this site? Will there be an increased security presence at this site?

Mr. Romero: Yes. The management companies that are selected generally to run tax credit projects are pretty significant and they have been in business for a very long time. No tax credit project comes on board without the security. Our contract with them not only pays them for a number of months they keep these units vacant, we pay them for issues on how they address the concerns. It is a comprehensive review of the contract. Mr. Romero will be involved in the review of that contract as well as the equity investors. They are probably visiting the site every 3 months. I am going to be ½ mile north of this site and we will have direct visits frequently. There is a very big de-concentration of very low income people at the site. Before you had about 75 families that were about 30% below the AMI, that income is about \$13,000 a year. Now you are going to have about 25-30 families below the AMI. You are going to have another group of people at 60% and another group that will go up to 80%. There aren't going to be ups and downs of gang activities that terrorize the 75 families. I'm not saying that low income necessarily creates a crime, but it is easier to become a gang victim in an environment where there are people with gang issues, we will not put up with gangs. It is hard to throw out a family with kids. We work with those families and we will have a positive presence in their lives.



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Chair O'Reilly made the statement that in Mr. Romero's earlier presentation he stated that 10% of project gross is going to social services, do you have a percentage that will go to those programs that you describe and security service.

Mr. Romero could not answer at this time. He did reiterate that they will have a security service and always utilize the services of the City of Santa Fe Police.

Chair O'Reilly asked that the Civic Housing Authority work with Esperanza and Carol Horowitz, the city Domestic Violence Coordinator. Mr. Romero did state that they have a letter of support from Esperanza.

Chair O'Reilly asked that the question Mrs. Baca had raised regarding sidewalks be addressed.

Lucas did confirm that under the agreement the developer would be responsible to maintain the sidewalk (#23 addresses this item).

Chair O'Reilly asked Mr. Romero about the changes to the site plan from the previous meeting, community center (tract A) was moved to the west side of Alameda. Why did you move it from the center of the project?

Mr. Romero responded that he personally would have liked to have the community center in the middle. But the whole issue of 2-story units on West Alameda was to be able to put some of the townhomes where 3000 sq. ft could be accommodated. In the event we are able to negotiate current landlord we might be able to get the community center back in the middle. We would then be able to have one story units on West Alameda. We want to maximize the green space in the middle. We need to look at the height of the units, we made commitments to the neighbors in terms of when we worked with them and still achieve a better garden space in the middle.

Chair O'Reilly asked if it didn't seem a little disjointed to not have the outside parking spaces next to the community center. In this plan they are kind of far away from each other.

Mr. Romero said that they would go back and explore the opportunities to get the community center back to the middle. Potentially if they get the other piece of property they may be still be able to accomplish that.

Mr. Duty: You may recall during the preliminary approval in front of this body that we had a retention pond in this side in front. In so, that didn't count in our open space as ponds don't count. Even without that counting we still had a great deal of open space than was required. Nevertheless, during the last month in final engineering we have gotten rid of the retention pond and have gone to underground retention structure. That freed up all of the space that was used where the retention pond was to be counted as open space. The second thing that happened was that the

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primary form giver in this project that this neighborhood is so fond on, and I think is an important feature is the permeability of the pedestrian walking traffic. We tried to design for the neighborhood as well as the people who live in the development. So we had what we referred to as the gardens, which was the walk thru. By rearranging the buildings and moving the community center to the front, we took that new open space we had gained, vis-à-vis changing the drainage and we put that new open space into the center and we enhanced the landscape gardens in the center of the development. Also there are functions in this community center, office related, there are other activities in the community center, and we felt if we moved it forward it would be easily identified, and yet still a part of the linear aspect of the gardens. It is not immediately adjacent to the playground and would not be desirable for a mother of a two kids. I think it is an issue and we can consider that. Those were some of the reasons that we considered the change and felt it was very favorable to take this additional open space and put it into the strength of the center. The center area is not just a playground, it is landscaped area, there will be lawns, a place to walk, a place that the elderly and the middle aged can meet, and it is a place for the neighbors can pass through and we are putting a lot of emphasis on the aspect of that design.

Chair O'Reilly stated that he understood the reasoning but didn't necessarily agree with it. He personally would like to see the community center moved back to the center of the project to where the Unit Letter D is right now. He said if they did not want to put 2-story building on West Alameda, he would suggest that they move Unit A, at the northern entrance of Las Crucitas Street to where the community center is now and unit D could be moved to A. If the chair could vote, he would add this to a motion.

Mr. Romero said they would not object to a motion to move the community center back into the middle if this is something the board wished.

Commissioner Vigil: I am looking at a Boundary survey, has this been recorded, is that going to happen? I think it should be clearer when you are referring to Tracts 1, 2, 3, vs. A, B, C; a development plan is a legal document. I think it should be considered.

Lucas: The boundary surveys have been recorded. The final development will be referred to as A, B and C.

Attorney Brennan addressed this item. Because of the development and the way things have changed they are going to be separate for each phase, and I believe that this survey was done to delineate those development plans. That would be my surmise.

Commissioner Vigil asked if it makes sense to have tracts, 1, 2, 3 or A, B, C, I would think it needs to be changed. Is that a problem Mr. Romero? When you are looking at it, it would make more sense to have it follow the boundary or the legal document. Of course in your development you refer to letters.

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Attorney Brennan affirmed that the wishes were to have the development plan labeling conform to the recorded survey. Commissioner Vigil confirmed, yes.

Commissioner Lindell: Was the potential commercial space swapped out for the open space? Thank you to Mr. Romero for coming back. I am going to ask that there be an absolute commitment to playground equipment on this site, i.e., swing set, something for younger kids. Also ask that the community center be moved back to the center of the project. I think it is very important for the community center be inside of the community.

Mr. Romero stated that he does not have a problem with the commitment to recreational equipment. I am concerned about the swing sets because swing sets are huge liability and finding insurance companies that will manage that liability is difficult. In the event we can overcome that hurdle I have no problems with a swing set either. We will make a commitment to putting playground equipment at this site.

Commissioner Lindell: Thank you Mr. Romero for this commitment.

Commissioner Salazar asked about the lawn area and what type of grass would be planted.

Mr. Romero responded that like the rose park, he believed if they are trapping water he would like to trap enough water for a good patch of grass that people could sit on. He also likes the turf, trees will be young starting off, and it will get awfully hot. His gut feeling is to put grass early on and didn't know what the rules are to put grass in the park.

**Joseph Charles, 608 Campana Place (Landscape architect)**

Suggested a rugged turf mix, true grass that can withstand recreational activities as well as directing drainage and creating a design of that space to receive storm water for water harvesting.

In regards to the playground equipment, the division of two spaces is based on age group, planning a swing set for tots and a climbing area, north side for the older group, possible swing, climbing piece for -12 year old kids, active and strong. Special requirements are required for a basketball court. They also do not want to use all the funds for one or single activity.

Wendy Blackwell: Chair O'Reilly, Commissioner Salazar, There are standards in Chapter 14 8.4, that indicate the types of grasses that can be used, and the applicant has stated that they do comply with chapter 14.

Commissioner Salazar said he was looking at this project as if he was going to live there.

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Commissioner Bordegaray: I have a question for the city or the applicant in regards to the property west of Crucitas Street and St. Francis Drive that Mr. Duran makes reference to; what is the status of that land and ownership?

Mr. Romero looked at the corner and the market price that was being asked at that time didn't fit the project. If you look at it being across the road, it is very difficult to make that fit in to the project. After price and trying to make it work with the project, they abandoned that idea.

Commissioner Bordegaray: Is it privately owned?

Chair O'Reilly asked the City Attorney if the lease that the city has with the Housing Authority give the city any recourse if there are problems.

Attorney Brennan: Yes it does.

Chair O'Reilly asked if she could describe what some of those items could be.

She stated that some might be in the standard boiler plate, those would be meeting the milestones, conforming to applicable laws. Given the nature of what the authority and the city's role is it would presumably be a difficult moment.

Chair O'Reilly: Mr. Romero, are you willing to make a commitment to instruct your management company to have its doors open to address concerns of the neighbors of this parcel.

Mr. Romero stated that he would not only instruct the management company in addressing this subject; that he would make himself and his Deputy readily available and provide his cell phone number. He would instruct them to resolve those issues and they would be graded on how they address the concerns of the neighborhood.

Chair O'Reilly stated that Mr. Duran was still in the audience and it might be good to give him the cell phone number.

Commissioner Bordegaray followed the conversation on moving the community center back to the center. She agrees with the reasons it should be in the center of the project and wanted to note that from a streetscape and street walk perspective that one positive aspect of having the community center by the street is that it creates an identity change at the entrance. As a planner she didn't necessarily feel that she could dictate the move of the community center. She offered this identity change as an observation.

Chair O'Reilly asked if they could direct the city person in charge of addressing from a 700 block to a different address.

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Ms. Blackwell responded that there is an addressing grid that the city is required to follow but wasn't sure without looking at the grid if this is possible.

Chair O'Reilly: It seems that looking at extenuating circumstances with the gang problems that maybe the numbering system isn't all that important compared to other consideration of this project.

Ms. Blackwell: It may be that the entrance of each of the units depending on the design, region 911 needs to have the address based on the street where the driveway comes off of. It may be that we can address off of those circles and drives. We can meet with region 911 and fire and see what mitigation measures that may recommend and accept.

*Commissioner Lindell made the motion to approve Case M2009-10 with all staff recommendations and conditions summarized in Exhibit A, and in addition to that the community center be moved back to the center of the project, and that there be an absolute commitment for the playground equipment and turf, and that the labeling of the tracts be consistent with the plat, Second by Mr. Hughes, Motion carried by unanimous voice vote*

*(5 minute recess) Commission back to order of business: 7:55 pm*

### F. New Business

- 1. An ordinance amending section 14-6.3 (C) (1) SFCC 1987 clarifying the ownership of accessory dwelling unit and the recording of restrictive covenants for accessory dwelling units. (Councilor Chavez) (Jeanne Price, case manager)**

#### ***Jeanne Price:***

This bill we are presenting will be an attempt to strengthen and clarify the accessory dwelling unit provision so that everyone knows that taking an accessory unit and turning it into a separate condominium unit or splitting it off from the principle main house is a violation of code. If there is enough property that the accessory dwelling unit can become a principle dwelling unit than this provision would not be in place. The attempt is to strengthen an existing code.

#### **Problems:**

When you turn it into another principle unit it becomes a defacto, one parking stall, if it is a principal it should be 2, we don't want owners to sell their property to an unsuspecting buyer as a condominium because they are a accessory not a dwelling unit. They have been raised for concerns for neighborhoods. Those types of conversions are illegal, have talked to land use attorney's in town and they have run in to these type of problems. These changes have been run by local land use attorneys. We are trying to strengthen an existing code.

We do not want owners to sell their properties to unsuspecting buyers as a condominium and they later come in for a building permit and can't do it because it is an accessory not a principle dwelling unit. Those types of conversions are illegal.

# Planning Commission Meeting

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## *Public Hearing*

### **Bill Duchelle, 501 E. Coronado Road, Santa Fe, NM**

Came to hear what would be said tonight for another reason, I really appreciate what I just heard. I am here to represent the Old Santa Fe Trail Neighborhood Association; I am President of the association. Concerns on the other end of the spectrum, especially in condominiums where condominiums are being developed and people own more than one unit and then try to use that within Chapter 14 to develop one of the other units into a commercial space using the home occupation rule. This is a concern of the Don Gaspar Association and the Old Santa Fe Trail Association. When developers will intentionally bring in condominiums to a primarily residential area and individuals who purchase those condominiums will be led to believe that they can use two units, two separate units under the guidelines of Chapter 14 which allows for home occupation, which I said is the other end of the spectrum. I wanted to address our concern on how condominiums are being used and allowing for commercial sprawl in primarily residential area. Thank you.

### *Close public testimony of the hearing:*

Commissioner Lindell: If a person has a property and they have an accessory dwelling on that property and they go ahead and file papers to turn that in to a condo, and then the person who has purchased the dwelling unit wants to put an addition on it; what happens? Can they get a building permit?

Jeanne Price: Not if what they plan to do is outside of the accessory dwelling unit regulation.

Attorney Brennan: Chair O'Reilly, Commissioner Lindell, this is the kind of problem we are trying to tackle. In within that scenario the property can accommodate two principle dwellings they could in fact have this. The problem is where an accessory dwelling unit has a limited size and is approved as an accessory dwelling unit. The problem is when someone comes in and wants to expand it and it should be no more than 1500 sq. ft. Part of what we are trying to accomplish here is to put in the chain of title something that has been missing which is the buyers will get notice that there are the types of restrictions and should not buy them. By incorporating so explicitly in the code we are hoping to give public better notice so they won't do it. But technically if it is an accessory dwelling and has been approved by the city as an accessory dwelling there are limitations on its size.

Commission Lindell: This almost sound like one analogy, we have a difference of tax evasion, a difference of tax fraud, and we are trying to take our tax evasion and with this amendment it will become fraud no longer evasion within this loop hole we are trying to close up.

Attorney Brennan: I'm not sure that it is a loop hole; it is just that the tools for enforcing it have not been there, and I think this gives us some tools. Again I say it gives an innocent buyer notice. There are a number of protections for those who buy these. It has never been legal is what I am trying to say.

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Commissioner Lindell: I am very supportive of this, I think it will clarify for buyers and sellers, and it will make the path that realtors walk a much clearer path. Often times they don't know, I am very supportive of this, thank you.

Commissioner Vigil: When would this ordinance be passed if it goes to city council and when would it be in effect?

Jeanne Price: It would first go to Public Works Committee in the next few weeks, to Finance Committee and then request to publish findings to council by the end of August, public hearing end of September, maybe in October.

Commissioner Vigil: One of my concerns is that there aren't a lot of people here, I know you have done the standard notification, people don't find out until the last minute. I do understand it, what has been happening in the past when an accessory unit has been condoized and sold and they come in for a building permit and it is not on the legal point of record, it is just a condominium document with a survey which doesn't create a legal description. It also creates a zoning issue, you become an R2 no longer an R1.

Jeanne Price: Our zoning units are not dwelling units by lot, it is density by lot.

Commissioner Vigil: That is right; it would be one unit per acre. So in this case it would be 2 units per acre. The other thing about home occupations, I want to make a comment about that. They are a wonderful thing. They are some restrictions on home occupations, signage, # of employees, etc. it is very difficult to become a home occupation. One thing I believe can be confusing is the difference between an accessory dwelling unit and a guest house. I know that an accessory dwelling unit would mean like a studio and it either has a bathroom or a kitchen; that is what I understood it to be. And yes, you have to sign an affidavit saying that you are not going to use it for any other purpose than an accessory unit. Now as a guest house that means you have a bathroom and a kitchen.

Jeanne Price: Let me clarify, an accessory dwelling unit is a dwelling unit meaning that it has a kitchen and bath. We use to call them guest houses and that confused people because everybody thought you couldn't rent it out long term. We discarded the term guest houses; they are all accessory dwelling units.

Commissioner Vigil: So this is linear across the board now? To me, my concern is the appeal, I know many who would have issues, and I don't know if we could have more notification. Is there any way that you notify interested parties.

Attorney Brennan: The notice provisions are mandated by statute. What I will say that I have seen several times in these cases that people do not show up at these types of meetings, they show up at city council, there is active engagement at that level, that is where they tend to show up for these types of things.

Commissioner Vigil: I don't know I would ask if this type of notification goes out to realtors, maybe by e-mail as this does affect them.

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Jeanne Price: There was a woman who was on one of the committee's that I communicate with and we have send e-mails to her and look at the web site and meetings posted, they do have information over and above what the law requires.

Chair O'Reilly: What happens to existing properties that have been turned into condominiums?

Jeanne Price: They are illegal and they will remain illegal.

Chair O'Reilly: My concern about this change, sounds like there are good reasons for it and I want to make sure that there are not attaching reasons that don't apply; one of those is the parking issue. I understand that there were two parking structures on one lot and they needed two parking places. Under the current code if you have an accessory dwelling unit you only need one space. Those units are being rented right now legally, and the fact that the ownership change doesn't have anything to do with the amount of parking that might be required. If someone is legally renting their guest house and say the couple has two cars that is a problem. If parking issue is truly a problem, we ought to look at changing the required parking for accessory dwellings. I am asking staff in general if parking is truly a problem.

Jeanne Price: The reason it is on the list is because it is a violation of the code, therefore we have put it on the list. From a practical standpoint, a dwelling unit of a certain size is going to have just as much traffic whether it is rented or owned. A condominium might have 2 units than a rental. I think there is some rationale; in some cases a condominium might have two units vs. a rental.

Chair O'Reilly: My concerns is some of these bigger houses on the east side may be renting out their guest house for a good Penney and reaching the 1500 sq. ft. size, those people do not have one car and need more parking space. If this is a true problem and if we are going to approve the changes to this ordinance maybe we should addressed the parking concerns. It might be good to change that *item* if there are problems in the code.

Jeanne Price: Is parking part of the Chapter 14 rewrite? Parking has been on the list to be looked at.

Chair O'Reilly: Does this affect other forms of ownership of property, houses and guest house, joint tenancy, or tenancy in common. The reason I ask is that I know some people who in their struggle to live in Santa Fe are renting their guest houses, and help pay their mortgage. I want to hear that we are not restricting how people can own real property unless there is a true issue with zoning, does this prevent people from owning tenancy in common.

Attorney Brennan: It is the way you acquire land entitlement is different.

Chair O'Reilly: Let me be clear, someone buys a property say on South Capitol and it has a small house and guest house, and two friends buy it together and one chooses to own one as joint tenancy.



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Attorney Brennan: They cannot divide the property between them. They can choose to occupy and see it that way amongst themselves, but the property cannot be sub-divided under that form of ownership. You need to go to court to divide the properties.

Chair O'Reilly: Under operation of law, if one of those people was to die under a tenancy in common, that person's portion that they own goes to their successor, it does not go back to the joint tenant.

Attorney Brennan: Typically I think, in a tenancy of common, both parties own the whole property and you need to go to court to partition the properties which would be interesting in this kind of a case. I understand what you are saying and from a legal view point it should not affect them at this level.

I would like to make a comment about the parking because I'm not sure how this works historically, it may be that the requirement to comply with applicable parking arises because there could be certain circumstances where they are renting the guest house and don't have any parking. The actual parking requirement by size is probably a good idea, but that idea of only needing one may actually not be adequate.

Chair O'Reilly: We will take it up with the Chapter 14 subcommittee.

***Commissioner Salazar made the motion to recommend approval of the ordinance amending Section 14-6.3(C)(1), second by Commissioner Lindell, motion carried by unanimous voice vote. (Commissioner Montes not at his seat)***

2. An ordinance amending Section 14-14-6.2(A)(6) SFCC 1987 regarding short term rental units. (Councilors Wurzbarger and Romero) (Jeanne Price, case manager)

Jeanne Price: As you recall, 18 months ago we adopted regulations for short term rentals. That came after several years of work in the Planning Commission, the City Council and the community. In the report there are highlights of how things unfolded and a summary of the ordinance as it is now. Part of the ordinance required us to come back to the governing board after 18 months and to recommend any language changes. I have included in the report the basic statistics, we have existing and new permits and accessory permits. We have raised \$303,000 and our taxes estimated from these short term rentals was \$196,000 and the cost for operation for the first year was \$250,000. We received about 110 complaints, 387 properties and at point in time had done about 400 investigations.

The Fire department does inspect these every year. You need to protect people who are living short term in a building. City of Santa Fe was sued, successful in that court case, outstanding issue was resolving the amount of money you get from those fees collected vs. the amount of money that we spent in getting the program up and running. That is why one of the major pieces of amendments is a slight decrease in the fees, one of the main amendments. We did some fine tuning of the ordinance, changing the notification of the permit issuance to make it required by the owner and operator instead of the city. Also that we keep the notification active in issuance, some of the neighbors felt that they should know before the issuance. We are making the

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recommendation that it be after the issuance. An affidavit is also required at the time of application by the owner and operator regarding the covenants, people say they are not aware of the covenants. We would make the applicant know about the covenant. Sometimes they collapse the existing units with the new units. We had complaints about the occupancy rules under 18. We have listed the requirements for realtors for information to buyers. We are going to base the permit on a calendar year. We require the permit number to be included with all advertising. This will help our enforcement officer quickly to identify the requirement. Before we lower the fee to reflect continued operations instead of start up costs, we did add an application fee so that new one that does require inspection from the land use department will be a little more so we can get money back.

We are asking for your advice on the ordinance changes.

***There was no public in attendance, public hearing is closed:***

Commissioner Lindell: I sat on the sub-committee, it seems like most of these recommendations are very good ideas. Great that the notification is going to be done by the owner instead of the city, I am wondering if it would be prudent for the owner when bringing in the notarized statement of notice if they could attach a list of names of who they sent it to. It would make it clear who got the notice so if someone calls and says, I didn't get a notice about that, you could check the list. I am very pleased to see that it requires compliance with the private covenants. That is something that has been tossed around a lot. As far as deleting the requirement for the realtors to give notice about the short term rentals, I actually don't see this to be burdensome. Have people called and complained about it being burdensome? I think we should keep that, I am a Realtor, I think in the name of fair play to give people notice about that is not unreasonable. It is one more document in a package of documents, I just don't find this burdensome. If that one piece of paper keeps a consumer on the right track where some unscrupulous renter says, oh you can rent it, I don't find it to be a burdensome task. One thing that is not in the recommendations, not to open up an old can of worms, I do have a question on page 9 under violations, why line 16 - the first violation committed shall not be counted towards revocation of the permit, however the second, why 3 violations plus the first one doesn't count, does it really mean 4?

Jeanne Price: If I remember the conversation correctly, it is pretty much what you said, someone could slip up, and you tell them once and everything is fine they won't have a record anymore, but if they continue to slip up than they have a record.

Commissioner Lindell: It seems to me if you slip up then you have the opportunity to learn what the rules are, and if you slipped up twice more that would be horrid. If you slipped up 3 times that would be absolutely ridiculous. I think 3 is plenty, 4 is a lot of slip ups in a year.

***Commissioner Lindell made the motion ask the planning commission recommend the proposed changes, the recommended amendments in addition perhaps reviewing the four allowed violations per year and changing it to three, and attaching the list of neighbors that have been advised of notice of affidavit, and realtor notice continue, second by Commissioner Vigil, motion carried by unanimous voice vote. (Commissioner Montes not available for vote)***

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### **G. Business from the Floor**

None

### **H. Staff Communications**

Attorney Brennan: Due to timing issues on getting minutes, draft and findings for the next meeting, with respect to the northwest quadrant the minutes came in late, I could not review the findings to get them into the packet. Council is now scheduled to hear the northwest quadrant on August 12<sup>th</sup>; they do not want to hear it without findings and conclusions approved by the planning commission. The only date that the planning commission could approve to make that deadline would be August 6<sup>th</sup>. The rules of committees do not allow adoption by e-mail vote, it requires a motion and vote.

*Commissioner Hughes made the motion to postpone action on findings until July 29<sup>th</sup>, second by Commissioner Lindell, motion carried by unanimous voice vote.  
(Commissioner Montes not available for vote)*

### **I. Matters from the Commission**

The commission will meet on July 23<sup>rd</sup> at the site and walk the site together. There will be a van to take the commission to the different viewpoints. There will be story poles and staff will have binoculars for the commission members. Kelley will also take the opportunity to review ground rules. There will be a number of observers; the rules will need to be clear to everyone. The commission will need to stay together. The binoculars are important to view the site the way staff saw the site when doing the site visit.

There being no further business to come before the Planning Commission the meeting adjourned at 8:45 pm.

Signature Page:

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Chair Matthew O'Reilly

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Fran Lucero Stenographer

*Signature Page:*

X

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Matthew O'Reilly  
Chair

X *Fran Lucero*

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Fran Lucero  
Stenographer