



Agenda

CITY CLERK'S OFFICE

DATE 5-23-11 TIME 2:00 pm

SERVED BY Josephine Purillo

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AMENDED

**PLANNING COMMISSION
June 2, 2011 – 6:00 P.M.
CITY COUNCIL CHAMBERS**

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

**MINUTES: *April 21, 2011 (POSTPONED FROM MAY 5, 2011)*
*May 19, 2011***

FINDINGS/CONCLUSIONS:

**Case #2011-17. 444 Camino De Las Animas Building Permit Appeal.
(POSTPONED FROM MAY 19, 2011)**

Case #2011-23. Las Soleras Tract 4A Final Subdivision Plat.

Case #2011-25. Las Soleras Tract 1 Final Subdivision Plat.

E. OLD BUSINESS

F. NEW BUSINESS

1. An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of Distress Merchandise Sale; amending Section 14-8.10(B)(8) SFCC 1987 regarding violations of sign regulations; amending Section 14-8.10(H)(28)(e) SFCC 1987 regarding price reduction signs; amending Section 14-8.10(H)(29) SFCC 1987 to regulate price reduction signs in Historic Districts; and making such other changes as are necessary. (Councilor Calvert) (Matthew O'Reilly)
2. **Case# 2011-41. El Corazon de Santa Fe Development Plan Amendment.** Studio Southwest Architects and Sommer, Karnes & Associates, LLP, agents for El Corazon de Santa Fe Association, Inc., request an Amendment to the Development Plan to expand the existing clubhouse and convert a portion of the existing surface parking lot to a landscaped owners' park. The property is located at the corner of Grant Avenue and Catron Street, is zoned BCD (Business Capitol District) and is also located within the Downtown and Eastside Historic District. (William Lamboy, Case Manager)

G. BUSINESS FROM THE FLOOR

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**



DATE 5/11/11 TIME 3:40
PREPARED BY Geraldine Jurek
APPROVED BY [Signature]

Agenda

PLANNING COMMISSION
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- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

MINUTES: May 19, 2001

FINDINGS/CONCLUSIONS:

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2. Case# 2011-41. **El Corazon de Santa Fe Development Plan Amendment.** Studio Southwest Architects and Sommer, Karnes & Associates, LLP, agents for El Corazon de Santa Fe Association, Inc., request an Amendment to the Development Plan to expand the existing clubhouse and convert a portion of the existing surface parking lot to a landscaped owners' park. The property is located at the corner of Grant Avenue and Catron Street, is zoned BCD (Business Capitol District) and is also located within the Downtown and Eastside Historic District. (William Lamboy, Case Manager)

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Index Summary of Minutes
Santa Fe Planning Commission
June 2, 2011

| INDEX | ACTION TAKEN | PAGE(S) |
|--|--|----------------|
| Cover Page | | 1 |
| Call to Order | Chair Lindell called the meeting to order at 6:00 pm | 2 |
| Roll Call | A quorum was declared by roll call. 3 absent (1 excused) | 2 |
| Pledge of Allegiance | Pledge of Allegiance was led by Commissioner Mier | 2 |
| Approval of Agenda | Commissioner Spray moved to approve the agenda as amended, second by Commissioner Mier. | 2 |
| Approval of Minutes MINUTES: April 21, 2011 | Commissioner Spray moved to approve the April 21, 2011 minutes with modifications as amended, second by Commissioner Bordegaray. | 3 |
| Approval of Minutes MINUTES: May 19, 2011 | Commissioner Spray moved to approve the May 19, 2011 minutes as amended, second by Commissioner Bordegaray. | 3 |
| Approval of Findings/Conclusions of Case #2011-17 | Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-17, second by Commissioner Bordegaray. | 3-4 |
| Findings/Conclusions of Case #2011-23 | Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-23, second by Commissioner Mier. | 4 |
| Findings/Conclusions of Case #2011-25 | Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-25, second by Commissioner Mier. | 4 |
| OLD BUSINESS | None | 4 |
| NEW BUSINESS | An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of Distress Merchandise Sale; amending Section 14-8.10(B)(8) SFCC 1987 regarding violations of sign regulations; amending Section 14-8.10(H)(28)(e) SFCC 1987 regarding price reduction signs; amending Section 14-8.10(H)(29) SFCC 1987 to regulate price reduction signs in Historic Districts; and making such other changes as are necessary | 4-6 |
| | Case# 2011-41. El Corazon de Santa Fe | 6-13 |

Index Summary of Minutes
 Santa Fe Planning Commission
 June 2, 2011

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|--|---|----|
| | Development Plan Amendment | |
| Business from the Floor | None | 13 |
| Communications from Staff | None | 13 |
| Matters from the Commission | None | 13 |
| A. ADJOURNMENT AND SIGNATURE PAGE | There being no further business to come before the Planning Commission, the meeting was adjourned at 7:10 pm. | 14 |

MINUTES

**PLANNING COMMISSION
June 2, 2011 – 6:00 P.M. – 7:10 P.M.
CITY COUNCIL CHAMBERS**

A. ROLL CALL

Present

Signe Lindell, Chair
Tom Spray
Angela Shackle Bordegaray
Lawrence Ortiz
Mike Mier

Absent/Excused

Renee Villarreal
Ken Hughes, Vice Chair (excused)
Reuben Montes

Others Present

Tamara Baer, Manager, Planning Division
William Lamboy, Senior Planner
Matt O'Reilly, Land Use Director
Melissa Byers, Assistant Legislative Liaison
Teresa Casados, Recording Secretary for Fran Lucero, Stenographer

B. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Mier.

C. APPROVAL OF AGENDA

Commissioner Lindell asks for any changes to the agenda. None from staff. None from commission

Commissioner Spray moved to approve the agenda as amended, second by Commissioner Mier, motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: *April 21, 2011 (POSTPONED FROM MAY 5, 2011)*

Ms. Baer: Regarding the April 21 minutes, there was additional correspondence delivered this evening with proposed changes to April 21 minutes. The first item in that are proposed changes to the April 21 minutes. Most of these are from Kelly Brennan, Assistant City Attorney, correcting the titles. Ms. Brennan was not able to be here tonight but she asked that rather than going line by line we consider adopting them in total.

Ms. Baer: Next item in that additional correspondence packet – in your packet there is a request by the appellant to not accept or not to approve the findings and conclusions in this case. This morning we received an amended version of what is in your packet. There are some changes but they are not pointed out by the writer of the request. I have gone over it and there a number of changes to the packet. Mostly additional language proposed by the appellant.

Chair Lindell: Do we have any other changes to April 21 minutes?

Commissioner Spray moved to approve the April 21, 2011 minutes with modifications as amended, second by Commissioner Bordegaray, motion carried by unanimous voice vote.

Chair Lindell: We move to the May 19, 2011 minutes. Any changes?

Ms. Baer: I would ask for verification of this but on the vote on the Las Soleras cases the minutes indicated that the first one was unanimously approved. My recollection of that was that Commissioner Bemis voted against in the first case but for in the second. I would request that change.

Chair Lindell: Alright.

Commissioner Spray moved to approve the May 19, 2011 minutes as amended, second by Commissioner Bordegaray, motion carried by unanimous voice vote.

FINDINGS/CONCLUSIONS:

Case #2011-17. 444 Camino De Las Animas Building Permit Appeal. (POSTPONED FROM MAY 19, 2011)

Commissioner Spray: Were there any changes in this version from what we previously had?

Ms. Baer: No changes from what was in your packet previously.

Commissioner Mier: I was not present for hearing so abstain from voting.

Chair Lindell: Do I have a motion to accept

Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-17, second by Commissioner Bordegaray. Commissioner Mier abstained. Motion carried by unanimous voice vote.

Case #2011-23. Las Soleras Tract 4A Final Subdivision Plat.

Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-23, second by Commissioner Mier. Motion carried by unanimous voice vote.

Case #2011-25. Las Soleras Tract 1 Final Subdivision Plat.

Commissioner Spray moved to approve the Findings/Conclusions of Case #2011-25, second by Commissioner Mier. Motion carried by unanimous voice vote.

E. OLD BUSINESS

None

F. NEW BUSINESS

- 1. An ordinance amending Section 18-1.2 SFCC 1987 regarding the definition of Distress Merchandise Sale; amending Section 14-8.10(B)(8) SFCC 1987 regarding violations of sign regulations; amending Section 14-8.10(H)(28)(e) SFCC 1987 regarding price reduction signs; amending Section 14-8.10(H)(29) SFCC 1987 to regulate price reduction signs in Historic Districts; and making such other changes as are necessary. (Councilor Calvert) (Matthew O'Reilly)**

Mr. O'Reilly: Consideration of an ordinance of which you would be making a recommendation to the governing body. This ordinance addresses two things – slight change to the definition of distress merchandise sale (appears in the Code in Chapter 18) and changes to Chapter 14 with regard to “percentage off” signs. Stand for any questions.

Chair Lindell: Since this is a public hearing I will ask if there is anyone who would like to come forward and speak to this ordinance.

Public Hearing Open

Mr. Dressman was sworn in.

John Dressman: My business address is 58 Lincoln Avenue, and my home address is 5 Cerro Gordo Road. I am speaking on behalf of the Santa Fe Downtown Merchants Association. We considered Mr. O'Reilly's suggestions as to changing of this ordinance. At our March 31 meeting it was voted on unanimously to support this change.

Chair Lindell: Anyone else?

Public hearing is closed.

Commissioner Spray: Does the Historic Design Review board also look at this?

Mr. O'Reilly: The sponsor of the ordinance have not asked that it go before the H Board. It has already gone before the Public Works Committee and Finance Committee. It goes to the City Council on July 13.

Commissioner Bordegaray: Genesis of this change to the ordinance – get a brief description.

Mr. O'Reilly: The enforcement of percentage off sale signs is a constant enforcement problem. The way the ordinance is written now you can obtain a permit up to six times in any given year for a period of 2 weeks each time - with a period of 2 weeks in between each of those times. Currently people tend to leave the signs up beyond the 2 week period. We do not have staff to keep up with that so what happens is signs are up for as long as 4 weeks. They then come in to update permit and you end up with defacto permanent sign for quite a while. People also put up signs without permits and it is a difficult enforcement problem for us. By limiting the number of times you can get the permit it will make it easier on us as enforcers. We will be able to know if businesses have a sign. It will also make it easier for members of the public because there will be less of them. The ordinance also reduces the size of the sign and the duration. Before you could do 6 for 2 weeks each. Now you can only do 2 times per year for one week. It also separates the gap between pulling two permits in a year to three months long. It eliminates the problem of people putting up a sign and letting it drift and then picking up another permit. It is very difficult as written to enforce this. It will be much easier and will reduce the number of signs we currently see. The part of the ordinance that addresses adding language to the distress merchandise sale. The current ordinance says that these descriptions of specific signs are not limited to those signs. The language addressees the specific ways we see people trying to get around the ordinance.

Commissioner Bordegaray: Do you believe the city will have a better chance of enforcing this?

Mr O'Reilly: Yes.

Commissioner Bordegaray: Excellent. Good work. Curious about the membership of the downtown merchant group. Does it include every single store.

Mr Dressman: Currently we have 72 members. It does not address all the businesses. We organized ourselves to try to work downtown to try to make things nicer. We are working on a number of things with the city to make sure the tourist is more comfortable with what they are seeing and more comfortable with what is going on businesswise.

Commissioner Mier: There appears to be a large number of banners throughout the City. Are those considered signs?

Mr. O'Reilly: It is a complicated question. Those are not allowed in the historic district. They are not permanently affixed to the ground. Look more like flags. The short answer is it depends on what they say and how long they are there for. One of the tasks that will be before you will be a complete rewrite of our sign ordinance. These new style signs will be addressed. They are not addressed by the ordinance in front of you.

Chair Lindell: This is a dramatic reduction in the usage of these signs – about 84% reduction. If I heard correctly we have a unanimous passing by downtown merchant association, correct?

Mr. O'Reilly: That is what Mr. Dressman said.

Chair Lindell: How big is the tag that goes on that – the official sticker?

Mr. O'Reilly: It is an inch high and 3 to 4 inches long.

Chair Lindell: I am trying to make this easier for enforcement. Is it required that sticker go on the front or back of sign?

Mr. O'Reilly: The front of the sign. It is the Department's intention to redesign that sticker – so it is larger and easier to see from the street and easier for our enforcement officers to identify.

Chair Lindell: It does not say that it needs to be affixed to the front – just pointing that out. The other thing is under the price reduction signs that are located inside a structure in the historic district – it may list express price reduction signs that are located inside a structure that is not visible to the general public it states it may have signs regarding a percentage reduction or a dollar amount reduction. I don't know what the size of that sign can be.

Mr O'Reilly: Our ordinance governs what is visible from the public right of way – street and sidewalks. It is not the intent of the ordinance to regulate what a shopkeeper puts up inside his business so long as it is not visible from the public right-of-way. In making these reductions in frequency and duration it was felt by the City attorney's that it was important to make clear (under 29 b.) that it was permissible to have percentage off signs inside a business as long as they are not visible from a sidewalk. Someone could have 10 – 20 inside the business as long as you cannot see them from the sidewalk.

Chair Lindell: What is the pleasure of commission?

Commissioner Bordegaray moves to recommend to the governing body approval of the ordinance as amended. second by Commissioner Spray. There being no further

discussion, the motion carried by voice vote.

2. **Case# 2011-41. El Corazon de Santa Fe Development Plan Amendment.** Studio Southwest Architects and Sommer, Karnes & Associates, LLP, agents for El Corazon de Santa Fe Association, Inc., request an Amendment to the Development Plan to expand the existing clubhouse and convert a portion of the existing surface parking lot to a landscaped owners' park. The property is located at the corner of Grant Avenue and Catron Street, is zoned BCD (Business Capitol District) and is also located within the Downtown and Eastside Historic District. (William Lamboy, Case Manager)

Chair Lindell: Moving on to case No. 2011-41.

Heather Lamboy: Senior Planner with the Land Use Department. I call attention to the site plan on the monitors. El Corazon received development plan approval in 2003. The planning commission approved for 72 dwelling units. Of those 11 were classified as affordable homes with the HOP. The developer also reserved an additional 3 units at 80% of income. Sixteen are fractional units. El Corazon is 2.5 acres zoned BCD and is part of the Marcy Street sub-district.

The site plan shows the proposed improvements. El Corazon is requesting an amendment to expand the existing clubhouse and remove 14 parking spaces to develop an owner's park. Due to proposed decline in parking spaces the proposed plan development is under purview of planning commission. Currently there are 119 parking spaces of which 30 are surface spaces (indicates on drawing) Fourteen of the surface spaces will be removed. BCDC standards required 1 per unit – 72 spaces required. There are 22 additional parking spaces to serve visitors and overflow. The decrease can be accommodated through on-street. Bike racks for 15 bikes will be installed on the property as well. At the ENN meeting concerns were raised about: homeowner's association dues. As to the affordable HOP units the applicant estimates the proposal will increase utility, landscaping and insurance between \$2.40 to \$3.00 per month per year, depending on unit size. The packet contains the 2003 hearing minutes. The proposal also requires H Board approval. The applicant representative is here to address questions. Land Use Department recommends approval.

Joseph Carnes: 200 West Marcy Street, Santa Fe, New Mexico

I am here on behalf of El Corazon, the project applicant. A body elected by and representing the 72 units that comprise El Corazon. I have several members of our project team. I will make a brief presentation and we will all be prepared to answer any questions you might have.

As Mr. Lamboy explained and described the application proposes to enhance the amenities available to the owners at El Corazon. The first is turning a portion of the surface parking lot into a 4,000 sq ft park and expansion of about 900 sq ft to the clubhouse. Amenities will be available to all owners. This proposal has been in the works since last November. All owners had six months notice and the association has made substantial efforts to encourage public participation in the design and process. We

have sent e-mails to owners (some of whom live outside of Santa Fe), ownership meetings, including annual meeting earlier this year, parking subcommittee meeting, ENN meeting, and Mr. Curtis and the on-site staff have been available for questions on a daily basis from unit owners. The application has received the unanimous approval of the association board.

As far as the City process goes, initially we anticipated that the application could be approved administratively. After some discussion and meetings with staff it was determined that it should be presented to you. As the staff report shows, there are not issues or concerns that have been identified related to code compliance. The enhanced amenities will also make El Corazon a stronger community and we believe they are an appropriate amendment to the original plan. Again, this application was unanimously approved by the elected board and the vast majority of El Corazon unit owners.

Chair Lindell: Is there any additional public comments?

Public Hearing Open

Jim MacDougald, 2508 Ronrock Dr., Colorado Springs, CO 80915: Sworn In

I flew in from Colorado Springs to attend meeting. I would like to say I have reviewed the proposal for El Corazon and I believe the project is very important for El Corazon. It will have a positive effect on prices and will help to bring high end tourists to Santa Fe. I think it is a good project and I fully support it.

Enrique Montoya – 103 Catron Street, Unit 45, Santa Fe, NM Sworn In

I am your neighbor and I would like to stay your neighbor. There is no one on the board who represents the affordable home owners on the board. I just want to make a couple points. The spot where the park is going is my usual parking spot. Every owner has a collective ownership. We had a parking meeting telling me where I can park now and I am satisfied. I am very happy with the way we have been included in the proceedings and they have done a good job. The improvements look beautiful. It will definitely raise property value. It will definitely bring in high end niche customers. The management that is taking over the site is a high end company. It will definitely bring more money to the project and make the owners more money. The point with all these developments is to make money and sell these units. The point is to make these improvements so that the developer and owners can make more money but what I fear is the association dues and property taxes will raise to a point that will eventually cause exodus. That is contrary to why affordable housing was put there in the first place. Over the past five years (shows check from first association dues and check for 2006 – 2011) there is a 10.4% increase over those years 2.1% per year. I don't have and have not seen anything that gives me a warm fuzzy feeling that will stay at 2%. We are going to have a park, lots of high end people coming in, valet parking during seasonal times of year. I will be living in affordable housing with valet parking. I am afraid I will not be able to keep on affording this place. I like the improvements and am not going against it but I believe we should table until we make a provision for affordable housing people to set limit to their association dues and continue to be part of that program and live in that neighborhood.

Joel Faulk – 103 Catron Street, Apt. 17, Santa Fe, NM Sworn In

I am a public school teacher here and I bought one of the affordable units. It was the only way I could stay in town and teach. I also feel that the increase in the homeowner's association fees and in our property taxes will continue to go up to the point where I can no longer afford to live in the house I bought. (Visual). The proposed increase that was given to us with the changes (\$17.49) is proposed what I will pay in addition to what I already pay. From what I understand this is a yearly increase on top of any other increases proposed. Someone said earlier "If you want high end tourists it would be a good thing". I say "if you want working class people to live in your city you might reconsider approving this".

Chair Lindell: Any additional comments from the public? Having none, public hearing closed.

Public Hearing Closed

Chair Lindell: Any questions from the Commission.

Commissioner Spray: How many units total?

Mr. Carnes: There are a total of 72.

Commissioner Spray: How many owner occupied?

Mr. Carnes: I don't have that figure - 20.

Commissioner Spray: 20 full time? And second homes? How many available for high end tourists?

Mr. Carnes: They are all ownership units. Some of them are owned fractionally in 1/8 shares.

Commissioner Spray: I heard new management, Fairmont? They are the managers of that?

Mr. Carnes: Not presently.

Commissioner Spray: But they will be. The intent is to rent those? How many are available.

Mr. Carnes: 16 unites in the fractional units.

Commissioner Spray: That is what we are targeting? Some of those are still available? Can you point out on the plans (P101) some of the language on proposed parking plan.

Commissioner Spray – P101 in our packet. Can you tell us what we are looking at. I can't read a thing.

Mr. Siers: On the proposed parking plan – north end is the area of the proposed park. That takes out 14 spaces in that area.

Commissioner Spray: There are words in that area and I can't read them.

Mr. Siers: Fire pit, decomposed – surface material, future shade structure, a planter to the left –

Commissioner Spray: What are we planting?

Mr. Siers: Combination of items there.

Chair Lindell: Sheet L.401 gives an enlargement of that area that is more legible.

Kenneth Francis – 1021 Don Diego Avenue, Santa Fe, NM

The question was plantings. There is dominantly a zeriscape pallet, shade trees that will circle the perimeter of the park, planter areas and the rest of surface is concrete or crushed aggregate.

Commissioner Spray: The clubhouse addition – how many square feet there?

Mr. Siers: Proposing approximately 900 square feet to clubhouse which includes the entrance area, amenities, enclosed meeting room or area to congregate and upstairs has the fitness area and a rooftop terrace off the second floor area.

Commissioner Spray: The issue was brought up on affordable housing costs and HOA fees.

Ms. Baer: We spoke with Melissa Daley who administers the Santa Fe Homes Program and she explained that when the original agreement was made the fees at that time were factored into the affordable price. I don't follow all of this but her main point was until the fees got to \$185 per month they were still incorporated into the affordable price of the home to begin with. There is no particular guarantee that was made as part of the agreement that the fees would not go up beyond a certain point. They were factored in to the original price to incorporate the cost of the fees.

Commissioner Spray: That does make sense. I don't recall that part of the ordinance. What about property tax?

Ms. Baer: I can't answer that.

Commissioner Mier: I am still puzzled – can someone explain to me the total number of units, and the number that are fractional.

Mr. Karnes: There are 72 units.

Commissioner Mier: How many fractional.

Mr. Carnes: 16.

Commissioner Mier: Of the 72 how many have been sold? Don't include the fractional.

Mr. Carnes: 11 HOP units plus 3 submarket rate units – so that is 14.

Commissioner Mier: 3 are affordable.

Mr. Carnes: No. 11 are affordable, those are the HOP and 3 are submarket. Fractional are 16 so that is 30. That leaves 42 wholly owned units.

Commissioner Mier: Of the 42 how many sold?

Mr. Carnes: All but 6.

Commissioner Mier: So 32 have been sold. So you have 6 yet to be sold and of the 16 fractional units what number are still available.

Mr. Carnes: 16 X 8 so about 40% – 50%.

Commissioner Mier: Similar to time shares?

Mr. Carnes: Yes, you have an ownership interest.

Commissioner Mier: These improvements are proposed primarily to attract 50% of sales of the fractional units.

Mr. Carnes: That was not part of my presentation. These amenities will be available to all unit owners.

Commissioner Mier: Someone said a good way to attract additional ownership? Can you address the issue of the dues and how, if the association has given any thoughts to the concerns.

Mr. Carnes: The graph that was presented was prepared to address that. Initially, it is the association's duty and responsibility to set the budget for all owners for the year. It is important to recognize that there is no capital cost whatsoever associated with the proposed improvements that would be borne by the unit owners. We are not talking about paying for the park and clubhouse expansion. The \$2.00 - \$3.00 increase in dues is for the operation and maintenance above the maintenance costs today for all the common elements for El Corazon. It is important to keep that distinction in mind. The capital

costs not being borne by the unit owners. What we are talking about is approximately \$17.00 per year to operate those amenities for insurance, landscaping, costs like that. The property taxes are not part of the unit owner's assessments. They are not borne by the unit owners.

Commissioner Mier: Do the owners have a cap on the maximum the dues can increase?

Mr. Carnes: No. That is part of the duties of the elected board of the association to set the budget for the year for all the units in El Corazon.

Commissioner Mier: The difficulty I am having is understanding that affordable housing is made available and that there is a monthly home payment associated with that. The fact that dues are potentially going to create a hardship when I know for a fact that educators will not be looking at a cost of living increase in the near future. By not approving does not mean that there will not be increases. School teachers could not be able to do this. I am at a loss.

Commissioner Bordegaray: My questions are to the nature of the development. This has provided an opportunity to look back at how it came to be from El Seville to El Corazon. How many residents, if any, from El Seville, became homeowners?

Mr. Lamboy: Approximately 7 individuals.

Commissioner Bordegaray: 7 who were previously renters? 7 out of 11? In terms of the 15 more bike spots. Is that something the residents wanted or part of the master plan?

Mr. Karnes: The 15 spaces were asked to be included by Bill. There were never any bike spaces in the original plan. This is an opportunity to get caught up on that issue.

Commissioner Bordegaray: Is the community gated?

Mr. Lamboy: Yes.

Chair Lindell: The affordable units in El Corazon – the owners of these units do in fact benefit from the increased property values in El Corazon. As property values go up their equity also goes up?

Ms. Baer: That's correct.

Chair Lindell: I have had occasion to be there on numerous occasions. It has never been my experience that the parking lot has been full. Having a park instead of the extra parking spaces would be a nice amenity. The only question I have for the park is, in light of the water situation in Santa Fe, I do see a water feature there.

Mr. Francis: The water feature and the landscape which would need additional irrigation. There is a 100,000 gallon cistern on the property designed during a previous drought

period. Right now we have an excess of water. No potable water is intended to be used for the landscape. The water feature would be a recirculation pump using water from the cistern.

Chair Lindell: That is great.

Commissioner Bordegaray: Was that done by the owners of El Seville or was that done in the course of redevelopment?

Mr. Francis: During redevelopment.

Commissioner Spray: Mr. Karnes mentioned that the owners would not bear the cost. Who is bearing the cost of this?

Mr. Karnes: The master developer of El Corazon.

Commissioner Spray: There is no special assessment for that?

Mr. Karnes: No, sir.

Chair Lindell: What is the pleasure of commission?

Commissioner Bordegaray moves to approve Case 2011-41, second by Commissioner Spray (with discussion).

Chair Lindell: Further discussion? None. Request a roll call vote:

Commissioner Spray: Yes

Commissioner Bordegaray: Yes

Commissioner Bemis: Yes

Commissioner Ortiz: No

Commissioner Mier: No

The vote passes 3/2

G. BUSINESS FROM THE FLOOR

None

H. STAFF COMMUNICATIONS

None

I. MATTERS FROM THE COMMISSION

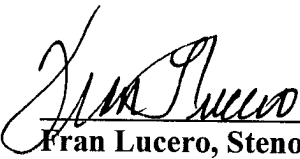
None

J. ADJOURNMENT

There being no further business to come before the Planning Commission, the Chair called for adjournment at 7:10 p.m.

Signature Page:

Chair Signe Lindell



Fran Lucero, Stenographer