



Agenda

CITY CLERK'S OFFICE

DATE 4/27/12 TIME 9:15

APPROVED BY [Signature]

RECEIVED BY [Signature]

SECOND AMENDED

PLANNING COMMISSION May 3, 2012 – 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 5, 2012*

April 19, 2012

FINDINGS/CONCLUSIONS: None

- E. OLD BUSINESS
- F. NEW BUSINESS

1. *An ordinance creating a new Section 14-3.20 SFCC 1987 to establish residential condominium requirements; amending Section 14-6.3(D)(1) SFCC 1987 to require that a restrictive covenant that is required to be in compliance with 14-6.3(D) be recorded prior to the issuance of a construction permit for an accessory dwelling unit; creating a new Section 14-10.6 to permit legally nonconforming residential condominium units; and making such other changes as are necessary. (Matthew O'Reilly) (Councilor Calvert)*
2. **Case #2011-55. DeVargas Center Sign Plan Variance.** Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(G) General Regulation for Signs According to District, to exceed the number of permitted freestanding signs. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager)
3. **Case #2012-30. Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(TO BE POSTPONED TO JUNE 7, 2012)**
4. **Case #2012-31. Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) **(TO BE POSTPONED TO JUNE 7, 2012)**

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.**



Agenda

CITY CLERK'S OFFICE

DATE 4/23/12 TIME 1:35

REVIEW BY Geraldine Quintero

RECEIVED BY [Signature]

AMENDED
PLANNING COMMISSION
May 3, 2012 – 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 5, 2012

April 19, 2012

FINDINGS/CONCLUSIONS: None

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

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G. BUSINESS FROM THE FLOOR
H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. ADJOURNMENT

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Agenda

DATE 4/11/12 TIME 1:25
CITY CLERK'S OFFICE
Gerardine Gwulo
JG

PLANNING COMMISSION
May 3, 2012 – 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 5, 2012
FINDINGS/CONCLUSIONS: None

- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #2011-55. DeVargas Center Sign Plan Variance.** Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(G) General Regulation for Signs According to District, to exceed the number of permitted freestanding signs. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager)
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**Index Summary of Minutes
Planning Commission
May 3, 2012**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Page		1
Call to Order	Call to Order by Chair, Ken Hughes at 6:00 pm	2
Roll Call	A quorum was declared by verbal roll call.	2
Review and Approval of Agenda	<p>No changes from Staff.</p> <p>No changes from the Committee</p> <p><i>Commissioner Spray moved to approve the agenda as amended, postponing items 4 and 5 to the June meeting, seconded by Commissioner Lindell. Motion carried by unanimous voice vote.</i></p>	2
Approval of April 5, 2012 and April 19, 2012 Minutes	<p>Corrections to April 5, 2012 Meeting:</p> <p>Page 6: Ms. Baer's name is misspelled. Page 3: Refers to "Chair Harris" and should say "Chair Hughes"</p> <p>Commissioner Spray moved to approve the April 5, 2012 minutes as amended, seconded by Commissioner Lindell. Motion carried by unanimous voice vote.</p> <p>Corrections to April 19, 2012 Meeting:</p> <p>Revise roll call to indicate Commissioner Villarreal was "excused"</p> <p>Revise roll call to indicate Commissioner Harris was "excused"</p> <p>Page 5: "last yet" should be "last year"</p> <p>Page 6: Commissioner Spray:</p>	2-3

**Index Summary of Minutes
Planning Commission
May 3, 2012**

	<p>“The City has determined that the County has no enforcement mechanism in that at all, is that correct?”</p> <p><i>Commissioner Ortiz moved to approve the April 19, 2012 minutes as amended, seconded by Commissioner Harris. Motion carried by unanimous voice vote.</i></p> <p>Findings and Conclusions: None</p>	
<p>Old Business Chair Hughes: I believe that the ordinance on residential condominium requirements is worth discussion again.</p>		3
<p>New Business</p> <ol style="list-style-type: none"> 1. An ordinance creating a new Section 14-3.20 SFCC 1987 to establish residential condominium requirements; amending Section 14-6.3(D) (1) SFCC 1987 to require that a restrictive covenant that is required to be in compliance with 14-6.3(D) be recorded prior to the issuance of a construction permit for an accessory dwelling unit; creating a new Section 14-10.6 to permit legally nonconforming residential condominium units; and making such other changes as are necessary. (Matthew O’Reilly) (Councilor Calvert) 2. Case #2011-55. DeVargas Center Sign Plan Variance. Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(G) General Regulation for Signs According to District, to exceed 	<p><i>Commissioner Spray moved to submit the ordinance on condominium requirements to the City Council, seconded by Villarreal. Motion passed by unanimous voice vote.</i></p> <p><i>Commissioner Harris: Moves to approve case 2011-55 with the recommendations of staff regarding banners and multiple letters and colors. With those recommendations – add as conditions that DeVargas Center Associates and all</i></p>	3-11

**Index Summary of Minutes
Planning Commission
May 3, 2012**

<p>the number of permitted freestanding signs. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager)</p> <p>3. Case #2012-30. Bienvenidos General Plan Amendment. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) (TO BE POSTPONED TO JUNE 7, 2012)</p> <p>4. Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager)(TO BE POSTPONED TO JUNE 7, 2012)</p>	<p><i>related parties remove all existing lease and for sale signs and in the future they will be attached to the proposed signage, restrict signage approval based on successful leasing of tenant and incorporate a cohesive, uniform style. Seconded by Commissioner Spray. Motion passed by unanimous voice vote.</i></p>	
Business from the Floor	<i>None</i>	11
Staff Communications	<i>Informational</i>	11
Matters from the Commission	<i>Informational</i>	11-12

**Index Summary of Minutes
Planning Commission
May 3, 2012**

Adjournment	<i>Commissioner Spray moved to adjourn, seconded by Commissioner Bemis. Motion passed by unanimous voice vote. Meeting adjourned at 7:15 p.m.</i>	12
Signature Page		12

MINUTES

PLANNING COMMISSION
May 3, 2012 – 6:00 P.M.
CITY COUNCIL CHAMBERS

A. ROLL CALL

Present:

Chair Hughes
Commissioner Lindell
Commissioner Spray
Commissioner Bemis
Commissioner Ortiz
Commissioner Villarreal
Commissioner Harris

Excused:

Commissioner Bordegaray

Staff Present:

Tamara Baer
Matthew O'Reilly
Judith Amer
Donna Wynant

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lindell.

C. APPROVAL OF AGENDA

Commissioner Spray moved to approve the agenda as amended, postponing items 4 and 5 to the June meeting, seconded by Commissioner Lindell. Motion carried by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: *April 5, 2012*
April 19, 2012

Corrections to April 5, 2012 Meeting:

Page 6: Ms. Baer's name is misspelled.

Page 3: Refers to "Chair Harris" and should say "Chair Hughes"

Commissioner Spray moved to approve the April 5, 2012 minutes as amended, seconded by Commissioner Lindell. Motion carried by unanimous voice vote.

Corrections to April 19, 2012 Meeting:

Revise roll call to indicate Commissioner Villarreal was “excused”

Revise roll call to indicate Commissioner Harris was “excused”

Page 5: “last yet” should be “last year”

Page 6: Commissioner Spray: “The City has determined that the County has no enforcement mechanism in that at all, is that correct?”

Commissioner Ortiz moved to approve the April 19, 2012 minutes as amended, seconded by Commissioner Harris. Motion carried by unanimous voice vote.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS

Chair Hughes: I believe that the ordinance on residential condominium requirements is worth discussion again.

F. NEW BUSINESS

1. An ordinance creating a new Section 14-3.20 SFCC 1987 to establish residential condominium requirements; amending Section 14-6.3(D) (1) SFCC 1987 to require that a restrictive covenant that is required to be in compliance with 14-6.3(D) be recorded prior to the issuance of a construction permit for an accessory dwelling unit; creating a new Section 14-10.6 to permit legally nonconforming residential condominium units; and making such other changes as are necessary. (Matthew O’Reilly) (Councilor Calvert)

Mr. O’Reilly: Provides a summary of the report. The ordinance basically does two things. The first part is a companion piece to SB 10. This was signed into law by the governor. That change goes into effect on May 16. The first part of the ordinance fits the requirement of the state law – for that municipality to adopt an ordinance saying that it does. That will address the problem going forward from May 30. Condominiums will no longer be able to be created in excess of zoning. The rest deals with existing condominiums in excess of the underlying zoning density for properties. That is addressed on page 2 of the staff report. There is a section called statistics with 3 tables that gives a breakdown. Essentially, the ordinance grants legal nonconforming status to all the existing condos out there built in excess of zoning density with three exceptions.

- 1) If these condos were units in the form of reserved development rights (unconstructed units) they are not given authority to build in excess;

- 2) Those condo associations where all the units in the association are still owned by original condo declarant, or an entity owned by declarant, are not granted legal nonconforming status;
- 3) Units built illegally without construction permits. This exception does have a way out for these people. They can apply for permits now and if they are able to be issued permits and pay all the fees and all the penalties and get all the inspections done and the City can deem that those units are property built and safe, they will be granted non-conforming status.

The language regarding how guest houses can be rented is also tightened up. This was included because approximately ½ of the non-conforming condo associations include guest houses.

This has gone through Public Works, Finance Committee and was approved at both stops. Following this meeting, the Ordinance will go to the City Council (May 9) for request to advertise and will go before City Council (May 30) for final vote.

No public comment.

Commissioner Villarreal: I am curious what will happen if the owner has left town. Is there recourse for the owners of the condos?

Mr. O'Reilly: Are you referring to the instance where all of the condominiums are still owned by the original declarant or where they were sold off?

Commissioner Villarreal: The latter.

Mr. O'Reilly: They will automatically be made legal non-conforming. People will be able to sell them and disclose that they are legal. If one unit was destroyed for some reason it could be rebuilt if it met all other requirements of the code. The owner needs do nothing.

Commissioner Villarreal: Even if they are not up to code?

Mr. O'Reilly: That happens all the time. A building may have been built prior to current code and if they were built without construction permits that could be a potential problem. The person can come and see us. There is a solution. They could apply for permits that the original builder did not get. If they can get the permits and bring the building up to code they will be made compliant.

They may also have recourse to go back to the original builder and ask that the builder pay for the permits which were not obtained. There is a way for those units to become legal.

Commissioner Spray moved to submit the ordinance on condominium requirements to the City Council, seconded by Villarreal. Motion passed by unanimous voice vote.

2. **Case #2011-55. DeVargas Center Sign Plan Variance.** Modulus Architects, agent for DeVargas Center Associates, requests a variance to 14-8.10(G) General Regulation for Signs According to District, to exceed the number of permitted freestanding signs. The property is zoned SC-2 (Community Shopping Center) and is located at 564 North Guadalupe Street. (Daniel Esquibel, Case Manager)

Mr. Esquibel: This is a DeVargas Center sign plan (previously heard on October 6). The item was removed with comments that they bring back a more cohesive plan. They are seeking a variance under the old standards as they were postponed prior to the ordinance changing. They maintain their status under the old code. The Land Use Department approves the variance, excluding the proposed banners. Land Use Department does not support the use of multiple lettering signs or color as shown. The sign ordinance has not changed under the new regulations. The only change was the variance standards. The applicants have proposed two additional signs. One is near Jinja where the clinic is. The hospital wanted a sign but we told them they had to come in with the DeVargas sign request.

The next sign proposed is on Guadalupe, South of Century Bank. This is directly across from the Sunflower Store. They have proposed a change to the exterior so that they have a unified look with the exception of those they have no control over. There are several owners and negotiating may take time. The proposals (in packet) show the difference in what it was and what they are proposing (maximizes interior space of pillars rather than leave open). The signs currently on the premises have all been reviewed and approved by the City as each tenant has come in.

Present on behalf of the Applicant (sworn in):

Jonathan Stern – Modulus Architect
Steven Dunbar – Modulus Architect
Katie Fitzgerald – DeVargas Mall

Mr. Dunbar: We have accomplished gaining a major tenant on the end of the building, which would use the west entry as its main entry. This required new signage along Guadalupe. With that, sign #1A (existing pylon) was created using additional panel.

The existing signage is shown on the left and proposed signage is on the right.

Mr. Stern: The specific panel for the proposed modifications directly relates to the ability for DeVargas to get a specific major tenant for the west side. They are negotiating right now. I want to stress that is one of the critical features of our proposal.

Mr. Dunbar: That will require the moving of an existing tenant. This move creates an issue for signage on the South side. This is sign F. That would also serve the tenants that we are proposing within the additional 5,600 square feet that was approved previously.

Mr. Stern: There are a lot of graphic images here. The real critical points relate to the amount of signage the tenant on the west side requires. It is more than 25,000 square feet each. They need signage appropriate to that size. We reviewed the previously approved sign guidelines. We reproduced them and added a paragraph that pertains to tenants over 25,000 square feet. This directly relates to what that tenant is requiring in order to enable us to get them in the center. This was addressed in the letter and the design guidelines themselves. We have no issue with losing the banners and limiting the types of lettering and color. We have no issue with that.

Katie Fitzgerald: 1117 Calle Largo, Santa Fe.

Ms. Fitzgerald: I appreciate the team clarifying what is really important. We are preparing to lose a major anchor on one side. That leaves a 50,000 square foot hole. We have been working all this time on how to fill this. We need these anchors to survive. You have watched as DeVargas has gone through peaks and valleys. These two potential tenants want to come. The community would welcome them. It would be a good fit for this side of town and would compliment the “ma and pa” stores. The one sign on the Guadalupe side is critical – they will not come to town if we cannot meet these sign guidelines.

Mr. Stern: What you may be envisioning as causing a snowball effect – we are orchestrating a deal with the displaced tenant. They will potentially go to another space in town. We are trying to make all this work. It may be coming down to this Commission tonight whether all this will happen.

Lucinda Pennington: 148 Elena Unit J (sworn in)

Ms. Pennington: I live right at the end of Elena, which looks across to DeVargas Mall. Because of greenery I do not really see it. My main concern is how many signs are we going to have along Paseo? Will it be a change of the existing ones or an addition?

Chair Hughes: We will have that addressed.

No additional public comment.

Chair Hughes: This is interesting because the variance last June was raised as – do variances cause precedence.

Ms. Brennan: No. Previous variances are typically not counted as establishing a character.

Chair Hughes: There was more than a hint of economic development. Does that play a role in our deliberations?

Ms. Brennan: The standards are outlined in Chapter 14.

Chair Hughes: Staff recommends approval of the variance?

Mr. Esquibel: That's correct.

Commissioner Spray: Mr. Esquibel has clearly laid out the variances in the code. I want to confirm – is it necessary to have all five of those criteria met in order to grant a variance?

Ms. Brennan: Yes.

Commissioner Spray: So each one of the items that Mr. Esquibel has put out in his variance – we ascertain that they have met – that the burden of proof is met?

Ms. Brennan: That's correct.

Chair Harris: Is all this change that may happen including signage – will that drive changes to improve the parking?

Mr. Dunbar: That's correct.

Chair Harris: I have no issue with the size of the signage. I think it is fine. The effort to make the various signs similar is close enough. I had hoped there might be new signage. For most people's perception it will be better. Along Guadalupe we have 3 signs for 3 different leasing companies. Those are more of a distraction than what we are talking about. I would like a condition to remove all signs that say "space for lease" or acknowledge the space for lease on these signs and have all other signs removed.

Ms. Baer: The temporary signs advertising the sale, lease or rent of commercial ... these are permitted signs. There is restriction on the size, but otherwise they are permitted.

Chair Harris: Over the years there is always a "for lease" sign. If possible this is the opportune time to clean this up.

Mr. Dunbar: We are willing to place ownership signage within the existing panels on the new or existing signs.

Mr. Stern: In terms of what the variance issue is – can that be included in the variance – to remove something?

Ms. Baer: That could be made a condition of approval and would not affect the variance.

Chair Harris: Appreciate your quick response.

Ms. Fitzgerald: I totally support taking those down. I will need to get Columbus Capital – I cannot speak for them.

Chair Harris: The other parties have participated in the discussions.

Ms. Fitzgerald: I haven't spoken to the others. We can limit to my property tonight.

Chair Harris: No – let's do this in one full swoop. This would be a condition for all leasing signs.

Commissioner Bemis: As I look at the pictures there is such a hodgepodge of different things. There will be signs on the building but could there be some cohesiveness to them? I just don't feel it will add to these.

Mr. Stern: Are you referring to the new signs?

Commissioner Bemis: What shape will it be? We have different signs here.

Chair Hughes: We are looking for consistency or theme.

Mr. Stern: The signs have a before and after view. The ones we could actually address, we created a uniform style.

Commissioner Bemis: You would try for something more cohesive?

Mr. Stern: Absolutely. Per the exhibit, sign A would be modified to appear like the already established sign E. It would get a similar surround. B is new and would look like E. C would be modified to look like E. On Guadalupe, the Bank sign would remain the same. We were unable to negotiate with them. The Paseo sign would look like E. G already looks like E. H would look like E as well. Every pylon sign that exists with the exception of the Bank would be the same design. The specific color is mentioned in the exhibit.

Ms. Baer: Would like to clarify that exhibit being shown is SD2 and SD3 of the packet.

Commissioner Spray: On Page 4 of your report, item 2, it says "commonly enjoyed by other properties in the same district". What district does that refer to?

Mr. Esquibel: This is in SE2. It is a neighborhood/shopping center.

Commissioner Spray: This looks very difficult to get a variance. You have to do comparative analysis because it is talking about depriving the right given to other individuals in the area. This is the only one in this particular district. What do we do?

Mr. Esquibel: You will have to make an evaluation based on this report, questions you may ask, and comments from the audience. This is unique to your body. You have to evaluate based on its merits.

Ms. Brennan: Sometimes we find that criteria are simply not applicable. If that is the case you can't make them applicable.

Commissioner Spray: How does that relate to your earlier answer that says we have to make sure all 5 conditions are met for the variance?

Ms. Brennan: To the extent they can be applied.

Commissioner Spray: You could theoretically say – 1 of the 5 is applicable and that would be grounds for us to approve.

Ms. Brennan: The classic case – criteria rendered inapplicable. We can torture ourselves about it but if we cannot apply that criteria – you can't find that it meets it, but rather that it cannot be applied – to the extent it can be met it is.

Commissioner Spray: It is a difficult circumstance. I am trying to do what is right by the City and the Code and what is fair to the applicant and everyone else in the public. There is judgment involved.

Commissioner Lindell: I am not particularly crazy about adding more pylon signs on either of these streets. However, I could be convinced to do it but the applicant has been persuasive with saying that these leases are completely dependent on the signs and people's business (ma and pop) are dependent. I don't want to approve a variance on these signs and then these tenants don't come and we are stuck with these signs.

Ms. Fitzgerald: This is a lot of expense in bringing these signs. We cannot do any of this until these tenants come in. We cannot commence anything until we have the rents and this tenant signed. I can guarantee that the additional pylon sign will not be built prior to that.

Mr. Dunbar: In addition to the issue of providing signage – do you want to restrict that based on successful leasing of such tenant?

Commissioner Lindell: If the applicant will agree to that.

Ms. Fitzgerald: Absolutely.

Mr. Dunbar: The sign is basically for the tenant. Keep in mind the prospective tenant – this building was constructed for a larger tenant. We deal with this daily to rehabilitate larger boxes. We have a single user that is willing to take the space, which is great.

Commissioner Villarreal: How many signs will be located on Paseo and what are their sizes?

Mr. Dunbar: One new pylon sign located on Paseo to the East of the Jinja.

Commissioner Villarreal: On Paseo?

Mr. Dunbar: There will not be a new sign, just a modification to the existing.

Commissioner Villarreal: So actually 3 signs on Paseo?

Mr. Dunbar: That's correct.

Chair Hughes: Based upon your experience with other malls, is this similar to the number of signs?

Mr. Esquibel: With regard to this type of mall it is different. I can't say that I have seen this before. A variance was granted for the sign on St. Francis where Albertsons is. It depends on the circumstances of the property and how the ordinance will affect them.

Chair Hughes: In the future what changes do you see?

Ms. Baer: We have not addressed that as of yet.

Commissioner Harris: Moves to approve case 2011-55 with the recommendations of staff regarding banners and multiple letters and colors. With those recommendations – add as conditions that DeVargas Center Associates and all related parties remove all existing lease and for sale signs and in the future they will be attached to the proposed signage, restrict signage approval based on successful leasing of tenant and incorporate a cohesive, uniform style. Seconded by Commissioner Spray.

Commissioner Lindell: Can you make a variance specific to a time frame or such that if certain things don't happen then the variance is surrendered.

Ms. Brennan: A variance has a life of its own. You can certainly put a condition on it. If the condition is not met it will expire on its own.

Commissioner Lindell: What is the expiration?

Ms. Brennan: 2 years.

Commissioner Lindell: What is the timeframe we are looking at?

Ms. Fitzgerald: 24 months is fair.

Commissioner Lindell: If we approve this variance and these signs are not constructed within 2 years they would need to come back and reapply.

Ms. Brennan: Yes. If the conditions are not met it would lapse. There is a built in lapse.

Mr. Stern: I would like clarification on the variance.

Mr. Esquibel: The applicant is wondering if his request for the additional signage on the 25,000 square foot is included.

Mr. Stern: I want to clarify that the design guidelines were included.

Commissioner Harris: Yes.

Commissioner Spray: I have a question about this – in terms of the statement of the motion – it does not refer to any of the variances that we described. When you prepare the findings and statement of fact will you be able to make sense of that?

Ms. Brennan: I hope so.

Motion passed by unanimous voice vote.

3. **Case #2012-30. Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) ***(TO BE POSTPONED TO JUNE 7, 2012)***
4. **Case #2012-31. Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager)***(TO BE POSTPONED TO JUNE 7, 2012)***

G. BUSINESS FROM THE FLOOR

None.

H. STAFF COMMUNICATIONS

Ms. Baer: The City Council approved the Beaver Toyota annexation at the meeting on the 25th. Also approved the demolition of Mexico Lindo.

I. MATTERS FROM THE COMMISSION

Commissioner Bemis: The Long Range Planning Subcommittee met. The majority of the topic was the City plan. They proposed 9 chapters discussing the following topics:

History and Preservation

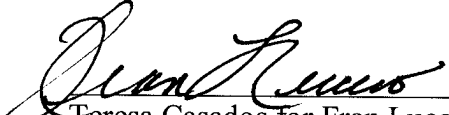
Natural Setting
Sustainability
Urban Design
Land Use/Growth Management
Water Supplies and Utilities
Housing
Economic Development
Transportation
Parks and Recreations
Public Safety, Police and Fire
Community Services
Art

J. ADJOURNMENT

Commissioner Spray moved to adjourn, seconded by Commissioner Bemis. Motion passed by unanimous voice vote. Meeting adjourned at 7:15 p.m.

Signature Page:

Chair Ken Hughes



Teresa Casados for Fran Lucero
Stenographer