



Agenda

DATE 6/19/13 TIME 1:50pm  
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**PLANNING COMMISSION**  
**Thursday, July 11, 2013 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

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

**MINUTES: June 6, 2013**

**FINDINGS/CONCLUSIONS:**

**Case #2013-32. 2060 Paseo Primero Variance.**

**Case #2013-33. 2060 Paseo Primero Lot Split.**

- F. OLD BUSINESS**
- G. NEW BUSINESS**

1. Presentation by Reynaldo Gonzales, Fire Marshal, City of Santa Fe. International Fire Code considerations related to development review.
2. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.3(B)(2)(c) to clarify restrictions on the parking of commercial or industrial vehicles in residential districts; adding a new Subsection 14-6.3(D)(2)(c)(vii) to allow the parking of certain types of towing vehicles related to home occupation businesses in residential districts; and making such other stylistic or grammatical changes that are necessary. (Councilor Rivera) (Matthew O'Reilly)
3. **Case #2013-37. Manderfield School General Plan Amendment.** JenkinsGavin Design and Development, agents for Manderfield LLC, request approval of a General Plan Future Land Use Map Amendment to change the designation of 1.48± acres from Public/Institutional to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)
4. **Case #2013-38. Manderfield School Rezoning to RAC.** JenkinsGavin Design and Development, agents for Manderfield LLC, request rezoning of 1.48± acres from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

5. **Case #2012-39. Manderfield School Special Use Permit and Variance.** JenkinsGavin Design and Development, agents for Manderfield LLC, request a Special Use Permit to allow a full service restaurant for a proposed coffee house. The application also includes a variance to 14-7.2(H) to allow for 4,600 square feet of non-residential use where a maximum of 3,000 square feet is allowed. The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

## 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.**

**SUMMARY INDEX**  
**PLANNING COMMISSION**

July 11, 2013

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5. <u>Case #2013-39</u> 1150 Canyon Road Manderfield School Special Use Permit & Variance to allow full service restaurant for a coffee house and to allow 4,600 square feet of non-residential use where a maximum of 3,000 square feet is allowed	Postponed to August 4	17
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**MINUTES OF THE**  
**CITY OF SANTA FÉ**  
**PLANNING COMMISSION**

July 11, 2013

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Vice-Chair Renee Villarreal on the above date at approximately 6:04 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Commissioner Lisa Bemis  
Commissioner Michael Harris  
Commissioner Signe Lindell  
Commissioner Lawrence Ortíz  
Commissioner John Padilla  
Commissioner Dan Pava  
Commissioner Angela Schackel-Bordegary  
Commissioner Renee Villarreal

**MEMBERS ABSENT:**

Commissioner Tom Spray, Chair

**OTHERS PRESENT:**

Ms. Tamara Baer, Planner Manager, Current Planning Division – Staff liaison  
Mr. Matthew O'Reilly, Director, Planning and Land Use Department  
Fire Marshal Reynaldo Gonzales, Santa Fé Fire Department  
Mr. Carl Boaz, Stenographer

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

**B. PLEDGE OF ALLEGIANCE**

Commissioner Padilla led the pledge of allegiance.

### **C. APPROVAL OF AGENDA**

Ms. Baer announced that the three Manderfield cases were postponed to August 4.

**Commissioner Bemis moved to approve the agenda as amended. Commissioner Lindell seconded the motion and it passed by unanimous voice vote.**

### **D. ELECTION OF OFFICERS**

#### **Election of the Chair**

**Commissioner Harris nominated Tom Spray as Chair. Commissioner Ortiz seconded.**

Commissioner Lindell nominated Vice-Chair Villarreal as Chair Commissioner Bemis seconded the motion but Vice-Chair Villarreal declined.

There were no other nominations.

**By unanimous voice vote, Commissioner Spray was reelected as Chair.**

#### **Election of Vice-Chair**

**Commissioner Lindell nominated Michael Harris as Vice-Chair. Commissioner Schackel-Bordegary seconded the nomination. There were no further nominations and by unanimous voice vote, Commissioner Harris was elected as Vice-Chair.**

#### **Election of Secretary**

**Commissioner Lindell nominated Commissioner Bemis to continue as Secretary. Commissioner Schackel-Bordegary seconded the nomination and by unanimous voice vote, was reelected as Secretary.**

#### **Summary Committee Appointments**

Those who presently served on the Summary Committee were- Commissioner Schackel-Bordegary, Commissioner Harris and Commissioner Ortiz.

Commissioner Schackel-Bordegary requested to step down

Commissioner Padilla was interested in the Summary Committee and it worked with his schedule.

**Commissioner Harris nominated Commissioner Padilla to serve on the Summary Committee, replacing Commissioner Schackel-Bordegary and for Commissioner Harris and Commissioner Ortiz to continue as members. Commissioner Pava seconded the appointment and by unanimous voice vote, he was appointed to serve as a member.**

### **Long Range Committee**

Commissioner Bemis, Commissioner Schackel-Bordegary and Commissioner Pava currently served on the Long Range Committee. **They were all reelected to the Committee by unanimous voice vote.**

## **E. APPROVAL OF MINUTES AND FINDINGS OF FACT**

### **1. Minutes of June 6, 2013**

Commissioner Padilla said he was listed as voting on approval of the minutes of May 2, 2013 and the Findings and Conclusion. Since he didn't attend that meeting he didn't vote on that motion and asked that the minutes be so corrected.

Commissioner Padilla requested a change on page 7 where it should say, "... in the cinema coming forward."

Commissioner Harris requested a change on page 17, in the final paragraph. The Summary report in the second line should say they postponed two of the cases.

Commissioner Pava requested two changes to the minutes. The first was on page 7, third paragraph where it said "she and should be "he." the second was on page 8, third paragraph from the bottom where it should say "masque studio."

**Commissioner Padilla moved to approve the minutes of June 6, 2013 as amended. Commissioner Lindell seconded the motion and it passed by unanimous voice vote.**

### **2. Findings and Conclusions**

- a) **Case #2013-32 2060 Paseo Primero Variance**
- b) **Case #2013-33 2060 Paseo Primero Lot Split**

There were no changes requested.

**Commissioner Schackel-Bordegary moved to approve the Findings and Conclusions as presented. Commissioner Pava seconded the motion and it passed by unanimous voice vote.**

## **F. OLD BUSINESS**

There was no old business.

## **G. NEW BUSINESS**

### **1. Presentation by Reynaldo Gonzales, Fire Marshal, City of Santa Fé. International Fire Code considerations related to development review.**

Ms. Baer introduced Fire Marshall Rey Gonzales. John Devry, a new member of the Development Review Team, and the Deputy Fire Marshal were also present.

Marshal Gonzales thanked the Commission for the opportunity to make the presentation. He distributed copies of his power point presentation.

Marshal Gonzales went through the PPT and read the copy to the Commission. The power point presentation is attached to these minutes as Exhibit A.

Commissioner Lindell asked what level 3 was.

Marshal Gonzales said it was the classification for over 50% renovation.

Commissioner Lindell asked if an inspection was done when someone applied for short-term rental. Marshal Gonzales agreed.

Commissioner Lindell asked for grandfathered structures if he asked them to upgrade anything.

Marshal Gonzales said they did because of certificate of occupancy changes. For instance, they must have fire extinguishers inspected.

Commissioner Padilla asked how NFPA was involved.

Marshal Gonzales said the NFPA was referenced and the international code overrides the NFPA standards. The specific version depended on the type of structure.

Regarding the Annexation area, he said the County adopted the 1997 Uniform Fire Code which was not as stringent as the City's code so some things needed to be adhered to. The City didn't supply water to all areas but they had stringent water requirement in case of fire. Therefore with lot splits the Planning

Commission might have to grant a variance. If sprinkled, they didn't require as much because water sources were on scene so they could grant the variance.

Commissioner Lindell pointed out that 1997 was 16 years ago.

Marshal Gonzales said the County hoped to catch up to the 2006 IFC which the state requires.

Commissioner Padilla asked in their review of plans if this pertained to commercial and residential.

Marshal Gonzales agreed and said with the Development Review Team there were more restrictions such as lower maximum distances from water sources. The City was also more stringent with variances.

Commissioner Harris asked him to describe the process to ensure these requirements were met.

Marshal Gonzales said they first reviewed the plan and then had a site visit and tested alarms and other things. Then they gave their comments (report) to the Land Use Department and when the enforcement Officer gave the final acceptance it was complete.

Marshal Gonzales briefly listed the other variances and gave options for providing a water supply. He said the fire flow requirements were per IFC 2009 edition in Appendix B.

Commissioner Padilla asked if they allowed up to 50% maximum for a fire suppression system.

Marshal Gonzales agreed. The code was referenced in appendix D of the 2009 edition IFC. Current flow is 2,500 gallons per minute and bigger structures required sprinklers for that. So if they exceed the fire flow, sprinklers were required.

For the Fire Apparatus Access Roads he showed the components required for access. Any subdivision with gates was required to have an "opticon" for emergency access.

Commissioner Pava asked if Santa Fé was subject to forested areas and what the City's preparedness was in light of the recent Colorado Springs fire.

Marshal Gonzales said the department was well equipped for a Wildland urban interface. They had up to 12 members this year. They had cross training and a deployment team & six engines.

Commissioner Padilla commented that having practiced here over the years he'd had many opportunities to interface with the department and Marshal Gonzales was doing very good job. He was open to options and solutions that worked for the designers and architects as well as the owners. He thanked Marshal Gonzales and his department for the job they did on a daily basis.

Commissioner Schackel-Bordegary thank Marshal Gonzales for being here. She said in the minutes were references to hazard mitigation plans in new developments. She asked if he had a working



relationship with them and if this was a Homeland Security issue.

Marshal Gonzales said they worked very closely with Homeland Security, especially with special events coming up. That was their liaison with the Police Department.

Commissioner Schackel-Bordegary asked if it was a new position.

Mr. O'Reilly didn't believe the remediation officer was federally funded. The current staff member was working on the hazard mitigation plan for the city.

Commissioner Schackel-Bordegary said Wendy Blackwell was the person.

- 2. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.3(B)(2)(c) to clarify restrictions on the parking of commercial or industrial vehicles in residential districts; adding a new Subsection 14-6.3(D)(2)(c)(vii) to allow the parking of certain types of towing vehicles related to home occupation businesses in residential districts; and making such other stylistic or grammatical changes that are necessary. (Councilor Rivera) (Matthew O'Reilly)**

Mr. O'Reilly said the sponsor, Councilor Rivera, was present to make a few comments first.

Councilor Rivera said it was great to be here. There was a proposal change that came through Council a couple of months ago and opposition from two companies. If they fail to respond within 30 minutes by police the tow companies are in danger of being taken off the rotation list. If not allowed to park at their homes, it would be harder to respond.

One of them lives on the opposite side of town from his lot. That limits his ability to respond timely. We looked at an extension to 45 minutes and promptly heard from law enforcement and fire that it was unacceptable to them and they had valid reasons. All those agencies feel that tow trucks are part of the response team. If police have to remain on the scene longer it is not only a problem for traffic but also takes the officers away from their other duties. To get that cleaned up at the scene is a safety issue.

There are times they have used a tow truck to help at the scene. A cement truck from Española lost brakes and went into the river and fuel was spilling into the Santa Fé river bed.

The ordinance forbids all other commercial vehicles to park in residential areas. They can't park on the street. And it was to their advantage to back the vehicle into their lot. It cannot idle more than ten minutes. Radios cannot be heard outside the vehicle. Towed vehicles cannot be taken to their home or stored there. Mr. O'Reilly can revoke their privilege if they are in violation.

Councilor Rivera said he had been assured these rules are enforceable. The City Attorney will allow testimony from neighbors and that can be used by Mr. O'Reilly to revoke privileges. We took into consideration how neighbors would be impacted and he believed this was a fair and reasonable solution.

However, he was open to other ideas that might not have been thought of.

Mr. O'Reilly pointed out that this ordinance had two sections. The first one the Commission had already seen. This was once #32 on the corrections bill that came through earlier and was part of the one-year review of Chapter 14. At that time there were questions from the Planning Commission about that section and the Planning Commission formed subcommittee to work on those things. That language is in Section 1 which also addresses some things regarding towing vehicles.

The second section has new material that allows parking in a residential district only as a home occupation business. One other restriction was if the towing vehicle was parked in the residential area, it must be at least 20 feet from a neighbor unless parked in a garage and no radio could be heard outside the vehicle. That was the result of complaints from neighbors and this addresses those issues specifically.

Commissioner Pava was confused here about the special use permits and the restriction if it was part of a home occupation business. If that was approved then there was nothing about special use permit.

Mr. O'Reilly said Section 1 addressed the part of the code on prohibited uses in residential districts. That was in the Land Development Code. There were a few uses allowed in residential districts like churches, schools or museums in the previous version of the Land Use Code but now required special use permits. So it was necessary to include that here because the school might have buses.

Commissioner Pava understood that in residential zones or districts this change would allow this kind of tow truck as a home occupation and require a business license which would require review by Land Use but you still can't approve restrictions and there would be no public hearing. You could sign up as a home occupation without any hearing so he asked if there was any complaint process in this bill.

Mr. O'Reilly said there has never been a public hearing required. There are differences in home occupations. Some are only an office use (about 90% of them). But others might have clients coming and those must notify neighbors of their intent to have a home occupation license. If neighbors give concerns or complaints the City tries to put conditions on the license. We can apply special conditions for that business to meet the intent of the ordinance.

So all requirements of home occupation apply to tow trucks but other conditions might also apply. Lot sizes are a consideration.

Commissioner Pava asked if a person applied and met the conditions and requirements whether the City could deny that.

Mr. O'Reilly didn't believe so but they could impose special conditions.

Commissioner Harris asked of Councilor Rivera if there was a discussion with tow truck operators about lights. In the list of constraints, lights in some cases might be an issue.

Councilor Rivera agreed they did talk about that and the PRC was involved in that. They do have lights but were not the same as public safety, police and fire. They were required to turn them on when towing a vehicle.

Commissioner Harris hoped they wouldn't have to turn on flashing lights when going to the scene.

Commissioner Lindell referred to Section 2 that was talking about "as part of a home occupation permit." So she was assuming any person parking a tow truck at their house had to have a home occupation permit.

Mr. O'Reilly agreed or if the truck was picking up or delivering a towed vehicle.

Commissioner Lindell asked if the home occupation license must be attached to that residence.

Mr. O'Reilly said an owner or tenant could conduct a home occupation business if approved by the City.

Commissioner Lindell surmised that an employee of the towing company would have to have his own home occupation business permit.

Mr. O'Reilly agreed.

Commissioner Lindell said that meant an employee would have to have their own business.

Mr. O'Reilly said the Council dealt with that problem and made it stricter. So that employee of the towing company could not park the truck there unless they had their own home occupation permit and agreed to comply with the rules.

Commissioner Lindell asked if they would have to have a federal ID number.

Mr. O'Reilly said he would get back to her on that.

## PUBLIC COMMENT

Ms. Rosemary Romero, 1350 San Juan Drive, said she had a home business license that was inspected by the City and no one has stepped in her house again. The new changes were because a home owner in the South Capitol District didn't live there.

When she applied with the City, she had to give her CRS number and had to assure the City that her business wouldn't impact her neighbors.

This ordinance will affect all neighborhoods. The enforcement is up to the neighbors themselves to report when a tow truck driver was not following the rules and it pits neighbors against each other.

She lived next to a church that never had to apply for a special use permit. But their services do impact her street. Kaune Street houses the church and Atalaya. UPS and FedEx can't traverse there. So many streets will be impacted. There is no cumulative impact that would prevent three tow trucks on a street.

The county is struggling with tow truck owners and that will be pushed into the city boundaries.

Many tow truck companies are first responders but she wanted the police and First Responders to be first at the scene. So they shouldn't include tow trucks.

Lastly she asked what the data was that indicated there was a change to the ordinance. We had data to help with the first change. She asked them to not put the onus on neighbors to snitch on neighbors. It takes six months to a year to get it resolved.

Ms. Barbara Levin, 2202 Ardor Street in the Candlelight neighborhood, said she was here to support preventing parking of trucks in residential areas. All neighborhoods could become commercial or mixed use. This was opening the door to tow trucks and that could lead to other business uses.

She asked if a residence could have two or more tow trucks. Having many trucks outside their home is a reality.

Ms. Marilyn Bane, said she was here as VP of Neighborhood Network and this was clearly a neighborhood concern. She also lived in a historic district and asked if this would also apply to historic districts.

Mr. O'Reilly said it would apply city-wide.

Ms. Bane said that was her worst fear because of narrow streets and lowered property values with galleries, etc. So she was concerned about that.

She asked if it would be possible for several home-based businesses to have one home or one address and each have one truck giving four trucks at one address. She saw so many problems with it.

Ms. Bane read a statement from La Madeira Neighborhood Association. She said it was not comfortable to have to complain about a neighbor and particularly if the neighbor had great number of resources.

Ms. Barbara Fix, 610 Alicia Street, said they had big problems with illegally parked tow trucks in their neighborhood. The effect of this ordinance externalized the cost of business. She didn't know the structure of the tow truck industry but they should pay the costs for their business. They could rent lots in commercial areas or have employees live close to the lot. She understood employees or contractors could have home businesses and the cost would be to the neighbors' quality of life.

The idea that employees or contractors might not even own the truck they were parking there made it

not fair.

Ms. Linda Flatt with Las Acequias Association, 950 Vuelta del Sur, said they were concerned about this change in the ordinance. She was first concerned that someone or a group of individuals pressured county commissioners who then pressured three city councilors to even do something like this. Las Acequias had 600 homes and they were small lots and often had 4-5 cars parked at one house. She could not imagine allowing tow trucks to have that right. And it would lead to other commercial companies to demand they have the same rights. Las Acequias was against having this change. Tow trucks should be parked on commercial property. She understood they needed to get to crash sites quickly. But the safety of communities was also important.

Ms. Helen Tomlin, president of AC/SYL Association, agreed with everything that had been said. She didn't think tow trucks were appropriate in residential areas. They had contractors with big vehicles there now.

Mr. Rick Martinez said with certain densities like R-12 or even higher he had concerns with tow trucks being allowed there. He knew many of the owners grew up in Santa Fé but it was something that should come back to neighborhoods.

Mr. Kevin Lancaster, 537 Cortez Street, said he had experienced tow truck parked in his neighborhood recently. He appreciated the impetus for this and staff work had been done on it to make it workable. But he still had problems with this. One was the 20' rule which was really not very far when a tow truck was running next to your house. He didn't know where the 20' came from but it was pretty close.

He echoed the problems others brought up about the home occupation license and thought it was weird to require that. It was a convenient fiction because some of the employees didn't own that truck. And the owner might be asked to take a greater part in the solution.

There were other options not addressed here, e.g. the drivers were on rotating basis and could lose their rotation for not getting there in time. You would want the closest tow truck to be called there. But in the rotation scheme you wouldn't be doing that. In a concern about timing, the City should consider that but he knew that the tow companies wouldn't like that.

People have mentioned what could be done by the companies but there could also be something done by the city. The city owns property in various places around the city and they might be induced to provide space near where the drivers live but not in the residential area.

Ms. Georgia Romero lived in Agua Fria and said they had first-hand experience with tow truck companies. They had to deal with a corporation that has been there in Agua Fria for 23 years and has no license. He has a city business license and wants to park 8 tow trucks there. Now they have cut it back to five trucks. He wants this ordinance. Last January he backed into her privacy wall at a cost of \$7,000. To date they had to get a restraining order to get him to help repay the costs. It was a 24 hour a day business. They honk, they have bright lights, and lots of fumes because they parked within ten feet of her wall. They

have oil leaks that stain the street.

She liked the statement that companies should make sure they have commercial spaces for their trucks. She asked the Commission to consider what these city residents were saying. It would mean lower property values with a tow truck business next to them.

Ms. Nancy Tapia, 515 Cortez Street, respected the issue of public safety. She would not want any family to be jeopardized by a late tow truck. She lived in a high density neighborhood but would not want anyone to experience what she experienced.

If a person had a tow truck parked outside of their home, the idling would seem like forever. At night they would be awakened at 3 am, 6 am, etc. She didn't know if a garage would take care of the radio noise.

Everyone at the city had been helpful but it was hard to be anonymous or escape retaliation. Illegally parked vehicles had been going on for too long. A citation has not been issued because they are not able to locate the owner of the truck. The driver comes and goes. He stops to do whatever with the family and it was random and pervasive. She didn't know why no citation had been issued. It was a link up among Land use, Zoning, Police and the PRC.

She also wished some studies could be made on the rotation issue. Do we know if it was on the basis of quadrants in the city? Statistics of accident location and using a company in that area. She would love to see the truck being parked in those city lots. If it happened to you, you could kiss a good night's sleep goodbye. She would like to get a good night's sleep to go to work in the morning.

Ms. Karen Heldmeyer, 325 East Berger, said she was one of the co-authors of the original home occupation license. That ordinance was crafted by a large diverse group to try to balance reasonable businesses in neighborhoods with the problems they would cause. Many of the business at home occupations cause no strain on neighbors and are part of economic development because it was cheaper to work from home. There was a unified attempt for the ordinance. You could say no to those who don't meet the criteria.

She was also part of the Don Gaspar Neighborhood Association and they had been affected for years by a faux home occupation and a commercial business that had no one living there. It was no longer going on. When the code was changed in March it said the owner had to live in the house so it had to be the business owner who lives there.

The tow truck was licensed by the PRC. She was a member of the League of Women Voters' PRC study committee. She attended a hearing there on tow trucks and one man stood and said there were four towing companies sharing the same address. The PRC was trying to clean that up. That may be a problem here. Three or four towing trucks with the same address would make it that much more difficult to address and would be a far worse imposition on the neighborhood.

Mr. Miguel Colbentz, owner of B & G towing, said when people call him during the day or evening or

middle of the night it doesn't matter where you live because you want the truck to come pick up your vehicle. We can't help the noise of the truck and we have to respond. If you are asleep when your neighbor's car was being returned, we apologize.

With the sheriff's department, police and state police, when we started the rotation there were 44 tow companies. With changes in the ordinance now there are just 15 on rotation. If you are a first responder for police then there was a necessity to respond quickly. We've used a Ford 350 which was about 3 feet shorter than a flat bed.

It doesn't become a problem for many. We also have a conventional tow truck. When a car flips over with a person trapped inside we have to get there quickly. This was a vital service. Law enforcement says we need them within 30 minutes. Not every company has a driver take the truck home. We've met the requirements of the PRC and the City. He said he would rather sleep at night too but he had to respond on an emergency basis. If the city could get them a lot it would be good. His lot was a mile away and although he could get there in five minutes he had to let the truck run for a while. He said they were not asking for something extraordinary.

Ms. Patricia Padilla said they had a towing company. They had lived at the address for 17 years and had the truck there 16 years and never had a problem. They believed in being good neighbors and their neighbors liked having them there. Being there helped curb theft. It was a regular diesel truck. They turned it on for just enough time to warm it up. She had pictures to show the Commission where the truck was parked. (She passed them around.)

Regarding accidents or law enforcement calls, they were never the first ones on the scene. They waited until called by law enforcement. During the day, if they were home it sometimes still took them almost 30 minutes.

Tony of Tony's towing suggested they should do this on a case-by-case basis. He felt he was being picked on. They had been there 17 years.

Mr. Bryan Gutierrez said he was on the side of the tow truck owners. Regarding lights, they only used them when towing a vehicle. They had to do emergency training and using lights to get to the scene was not an option. Everyone testifying in favor was an owner-operator. And none of them caused the problems mentioned by Ms. Romero.

There were eight owner/operators living in Santa Fé. He was in District 1, Tony was in District 4 and the rest were in District 3.

He said Mr. Martínez had a problem about densities. The problems with our streets already existed and was not because of a truck. Ms. Flatt testified about Las Acequias and said the tow trucks only parked there when they got their forms and receipts.

Ms. Romero talked about heaviness of ratting out your neighbors. But the City operates on a complaint

system. Until somebody complains nothing was going to be done to them.

Towing was not the major part of his recycling business. He was located at NM 599 on Baca Street in 1999. It would take a lot more than 30 minutes for him. His truck made no more noise than

The Padilla's have been in Agua Fria and their yard was there.

Mr. Paul Garcia said he had been in business for 31 years and had no complaints about his truck for noise. People need us right away. People lock their baby in the car by accident and we are first responders many times and had no complaints in 31 years.

Ms. Penny Spring, 17 Cortez Street, said she appreciated hearing from tow truck operators. She thought it depended on the driver and the neighborhood and each situation should be looked at individually. In her neighborhood, if the driver had kept that truck in his driveway she would never have complained but he parked it on the street along with their four SUVs. The density needs to be considered and the driver attitude was important.

There were no other speakers from the public regarding this matter. The Public hearing was closed.

Commissioner Bemis said she was a strong believer in zoning and zoning in residential areas was important and tow trucks were important but not in tight neighborhoods. The City couldn't do without the tow trucks but in this case it would be a terrible imposition on the neighborhoods to allow this.

Commissioner Padilla said they had heard a lot of testimony this evening. From the operators' testimony where lots were in one location and their vehicle was parked at their house, he asked if it was parked there meant they must have a home occupation license at their home and a business license for their lot location.

Mr. O'Reilly asked if he was talking about if this ordinance was passed. Commissioner Padilla agreed.

Mr. O'Reilly said under this proposed ordinance the only way that a truck could be parked at a residence was if they obtained a home occupation business license.

Commissioner Padilla said Karen Heldmeyer pointed out the changes recently made in the home occupation ordinance and that actual business owner has to live at that residence. It was possible for a company to run part of their business out of their home so a tow company could keep paper work at home but keep their truck and towed vehicles at another site. That was possible now except for parking their tow truck at their home.

Commissioner Harris said this was a situation that seemed not uncommon where you have responsible owners and others that taint the industry. So was it possible. He heard earlier that 44 companies were in Santa Fé but only 15 were first responders. He asked if those numbers were accurate.



Mr. O'Reilly said he could not confirm the numbers.

Commissioner Harris asked, if it was realistic and enforceable and only applied to those first responders, if that would be a reasonable approach.

Mr. O'Reilly said that could be an additional condition - for a towing company to be on the city's list they had to be in good standing.

Commissioner Harris asked when issuing a citation to an employee of a company what recourse there was. If an operator was not on that list, he asked how the City would enforce that.

Mr. O'Reilly said a citation was issued in the testimony earlier referred to. Ultimately, unfortunately, they were evicted by the property owner. The driver was a tenant. The City tried to catch an opportunity to observe the truck parked on the street and he was at the location at 6:40 a.m. today and they were not there.

The department's standard position was not just complaint based. His staff didn't drive down the street with blinders on. Their procedure was contact with the person in violation and most of that time that takes care of it. For others, the City has to issue a citation and some of those didn't comply and then they had to file a criminal case.

Our penalties are the highest allowed under state law. For each day in violation they can be fined up to \$500 each day up to 90 days for each violation. Our municipal judge can impose lesser amounts and he had never seen her put someone in jail.

Under the proposed ordinance under paragraph H, it gives the Land Use Director authority and he could revoke their permission to have the truck at their home and if not followed, could undertake court action

Commissioner Lindell was happy to hear all the testimony from the public and owners. The intent was not to vilify this industry. But it seems tow trucks and tow truck companies didn't meet the intent of a home occupation permit. There was nothing in the ordinance limiting this to first responders or that once off the list, the home occupation permit was revoked.

Anyone who had a truck at their house needed to have the permit and they were only issued to business owners. But it was still her idea that tow trucks didn't belong in neighborhoods. She understood there were special conditions that needed to keep the business viable. But she just didn't think they belonged there.

Commissioner Ortíz said the Commission heard a lot of testimony and this was really challenging. He was surprised there were 44 owners. He thought there were probably 15 trusted by the police. He didn't think the police had a problem with this but on Cortez, they had someone with a problem there.

It was a manageable thing with 15 first responders. If there are 44 he still thought it was manageable. They had a system that might be complaint driven. But he thought this ordinance was an attempt to solve a problem out there.

The driver in business for 31 years said they've been here without complaints for that long and that was good

Commissioner Schackel-Bordegary echoed the sentiment of Commissioner Ortiz. She wanted to believe it was manageable. This was more growing pains caused by annexation and she was glad to hear from the tow companies. Many were responsible tow truck owners.

She agreed with Commissioner Ortiz that we can manage it, notwithstanding the complaints about renegade companies. The Commission was not the Council. She understood the PRC was trying to clean this up. She had questions about the rotation scheme and needed more facts about how it worked. She was sorry they didn't have the police here to respond to that. She couldn't stand in judgment of the industry and was not able to condone what a commercial vehicle could do in a residential setting. She wanted more information and thought they could work this out.

We probably should not recommend this tonight as it is now.

Commissioner Pava thanked everyone for spending their Thursday evening here. It was important. There are no simple answers here but to try to find some opportunity for bridging. On the part of providers he heard a desire that it be on a case-by-case basis. And from neighbors on Cortez also.

Certainly this could be a home occupation but he didn't see why it couldn't be a special use permit. The mechanism whereby the City could accomplish that would provide more public input and an appeal process for it.

Based on what Commissioner Schackel-Bordegary said he thought they needed to study this further. It wasn't that the tow truck providers were nefarious.

Mr. O'Reilly said the answer was that the Planning Commission could propose almost anything for the Council to consider. It could be a special use permit and would require a change to the code. The Commission could make it like the process for a church, school or museum. It would require a hearing and the decision could be appealed to the Governing Body so that would be a way to go.

Commissioner Bemis thought in a small tight community, home businesses in the home were okay but if the City started allowing this others could ask what about ambulances or dump trucks and they didn't fit in such a neighborhood.

Commissioner Pava said the Commission needed to vote on the recommendation to the Governing Body and if it didn't pass they would need to come up with something else.

Mr. O'Reilly said the Commission could move it forward with a recommendation that a special use process be substituted and any other things the Commission thought should be incorporated such as restrictions on lights or only those on the city's rotation list or clarifying so that only one truck at one property would be allowed.

Commissioner Schackel-Bordegary said if the Commission did that, they would kick it upstairs for further division or controversy. It seemed to be the Commission's responsibility to work it out first. It was political and part of our small town. She would want to see the Commission do its part to develop that process before forwarding it. She would like feedback.

**Commissioner Lindell moved that Planning Commission recommend to Council that it not approve this ordinance as presented this evening. Commissioner Bemis seconded the motion.**

Commissioner Pava requested an amendment that it move forward as a special use permit and that it entail the public good and entitlement.

Commissioner Lindell did not accept that as a friendly amendment. It wasn't specific enough because she didn't know what that would be.

Commissioner Pava asked if this motion passed if the Commission would have an opportunity to vote on any other motion or if it was finished tonight for the Commission.

Mr. O'Reilly said the matter was closed if the Commission passed the motion.

Commissioner Pava said the special use code could be specific.

Mr. O'Reilly explained that as with most ordinances, the Planning Commission was the first of several stops. It would be heard by Public Safety, Public Works, and the Council would consider the final bill on August 27<sup>th</sup>.

Commissioner Padilla asked if there was an opportunity to send it back for a specific change in language. That appeared to not be the case.

Mr. O'Reilly said if the Planning Commission moved to have staff come up with new language or insert conditions, they could and have staff bring it back at a later date. That has been done before and would just push out the other meetings a little further.

Commissioner Padilla said he was in support of looking at language for a special use permit. He thought it was an opportunity for each individual to have demonstrate why they needed their vehicle there and also allowed the public to present their concerns for or against. He thought in the spirit of cooperation and being good neighbors the Commission should talk about it a little more and find a way to change the language to accommodate both operators and neighbors.

**The motion failed by roll call vote with Commissioners Bemis and Lindell voting in favor and Commissioners Padilla, Harris, Pava, Ortiz and Schackel-Bordegary voting against.**

**Commissioner Pava moved to recommend to the Governing Body that the Planning Commission request city staff to develop new language that list this use in residential districts as a special use permit and that that the revised language subsequently be considered by the Planning Commission. Commissioner Schackel-Bordegary seconded the motion.**

Commissioner Harris said he would vote against this motion because it was too specific on staff. He would like more data like from the police department on the mechanism for the rotation. He would like to have that information and with that information, he had a gut reaction that putting tow trucks in with churches, schools or museums didn't seem to fit. He thought the Commission could resolve this in another process. He appreciated the motion and the notion of a special use permit was worthy of discussion

Commissioner Pava said he would be happy to revise the motion to reflect Commissioner Harris's concerns that a special use permit might not be the only tool. Clearly other cities had to deal with this and that might be helpful to hear also. He asked how it was dealt with elsewhere.

Commissioner Pava asked Mr. O'Reilly to comment on it.

Mr. O'Reilly heard the motion was to direct staff to look at other ways it might be dealt with and look at what other cities do.

Commissioner Lindell asked if they were excluding special use. She didn't think that was the intent.

**Commissioner Pava clarified that the motion would include special use and other ways.**

**Commissioner Padilla said the other thing that needed to be added or kept in mind was information about the rotation and criteria, lights and other questions and asked for that as a friendly amendment. Commissioner Pava accepted the amendment as friendly.**

**The motion passed by unanimous roll call vote with Commissioners Padilla, Harris, Bemis, Lindell, Pava, Ortiz and Schackel-Bordegary voting in favor and none against.**

Vice-Chair Villarreal thanked the public for being here.

- 3. Case #2013-37 Manderfield School General Plan Amendment. JenkinsGavin Design and Development, agents for Manderfield LLC, request approval of a General Plan Future Land Use Map Amendment to change the designation of 1.48± acres from Public/Institutional to Medium Density Residential (7 to 12 dwelling units per acre). The property was located at 1150 Canyon Road. (Heather Lamboy, Case Manager)**

This case was postponed to August 4, 2013 under Approval of Agenda.

4. **Case #2013-38 Manderfield School Rezoning to RAC. JenkinsGavin Design and Development, agents for Manderfield LLC, request rezoning of 1.48± acres from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts). The property was located at 1150 Canyon Road. (Heather Lamboy, Case Manager)**

This case was postponed to August 4, 2013 under Approval of Agenda.

5. **Case #2102-39 Manderfield School Special Use Permit and Variance. JenkinsGavin Design and Development, agents for Manderfield LLC, request a Special Use Permit to allow a full service restaurant for a proposed coffee house. The application also includes a variance to 14-7.2(H) to allow for 4,600 square feet of non-residential use where a maximum of 3,000 square feet was allowed. The property was located at 1150 Canyon Road. (Heather Lamboy, Case Manager)**

This case was postponed to August 4, 2013 under Approval of Agenda.

#### **H. STAFF COMMUNICATIONS**

There were no staff communications.

#### **I. MATTERS FROM THE COMMISSION**

Commissioner Padilla asked if the case heard by Council last night denying an approval for rezoning at Yucca and Siringo was coming back to the Commission or was finished.

Mr. O'Reilly said the case involved a general plan amendment and rezoning and both were denied so the case was now closed. The only possible thing that could change that would be if the Council rescinded their decision and decided to do something else. He had seen that happen once before. The applicants would have to wait twelve months before applying again.

Commissioner Padilla said he should have read all of Chapter 14 already.

Commissioner Schackel-Bordegary asked if Mr. O'Reilly could characterize some of the comments that resulted in the denial.

Mr. O'Reilly said the issues of concern were about density and traffic and some of the flood plain was on the property.

Commissioner Schackel-Bordegary read the minutes and unfortunately missed the Railyard comments

and Mr. Czoski talked about the dense housing. The City could not meet the housing need for those who cannot afford to buy. She was glad to have a councilor here to hear this. We don't create housing opportunities in the city any more. That location at SFAUD did have some flood plain issues. But she wondered where there would be a place to build such housing.

Commissioner Pava said at the Long Range Committee meeting this morning there was good information and progress on the plan in its present state. Mr. O'Reilly and staff were involved and he welcomed Commissioner Schackel-Bordegary to their group. They missed Commissioner Bemis this morning and they would continue to meet on a monthly basis.

Commissioner Harris said the Summary Committee met today and heard the two cases postponed from last month. One was relatively straightforward. It had been confusing the month before and postponing them allowed staff to work through the confusion so they were able to approve them.


Mr. O'Reilly said it struck him tonight watching the Commission think through things how it reminded him of the years he spent on Planning Commission and couldn't express how lucky the city was to have all of these Commissioners on the Commission. The way you do your work - you probably don't hear it enough. It was sad that we have to say that when the room is empty. The citizens don't know how hard you work on these things. On behalf of the City I thank all of you for that.

## J. ADJOURNMENT

Commissioner Lindell moved to adjourn the meeting. Commissioner Harris seconded the motion and it passed by unanimous voice vote.

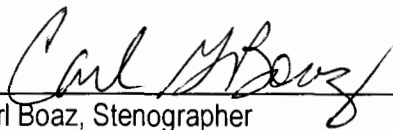
The Planning Commission meeting adjourned at 8:55 p.m.

Approved by:



Tom Spray, Chair

Submitted by:



Carl Boaz, Stenographer

**FIRE DEPARTMENT  
ROLE IN DRT**

EXHIBIT A

# Adopted Fire Code

The City of Santa Fe Fire Department follows the International Fire Code 2009 Edition.

Review of any plan submittal is dictated by this code.

Any variance of this code is conducted on a case by case basis and may require additional life safety systems to be put in place.

New, remodel, and additions construction may be required to be brought up to code, existing structures may be grandfathered in if they met the code at the time of construction.

<sup>88</sup> Trigger is level 3 remodel.



# The Annexation

Santa Fe County Fire Department adopted the 1997 Uniform Fire Code.

Doing plan review in Santa Fe County without having City Utilities.

Requiring a water source without having a water supply.

- Variance is granted with a storage water tank or automatic sprinkler system.
- Santa Fe County has water tenders that responded to fires as to where the SFFD does not.

# The Annexation Cont.

Distance to water source, city requirements.

400 feet for commercial without automatic sprinkler system.

600 feet for 1 & 2 family dwellings and sprinkled commercial facilities.

Distance and width of driveways

Maximum 150 feet driveway without approved fire apparatus access turnaround.

20 feet width drivable surface.

150 feet access of all portions of the building.

# Variiances

With automatic sprinklers where are not required.

From 20 feet width may decrease to 16 feet.

Distance from 150 feet driveway up to 200 feet without a turnaround.

Slope may vary from approved 10% up to 15%.

## Variiances Cont.

150 feet access of all portions of the building.

May install dry standpipes to meet the 150 feet'

# Fire Protection Water Supplies

## Type of Water Supply

Reservoirs, pressure tanks, elevated tanks, water mains, other fixed system capable of providing the required water flow.

Private fire service mains and water tanks.

## Fire Flow

Fire flow requirements calculated by an approved method, i.e. IFC 2009 edition appendix B

Water Supply Distance to Structure

# Fire Apparatus Access Roads

Buildings and Facilities

Additional Access

High-Piled Storage

Dimensions

Surface

Turning Radius

Turnarounds

Dead Ends

Bridges and Elevated Surfaces

Grade

Angles of Approach and Departure

Gates

# Building and Facility Access

Fire Lanes

FDC location

Automatic Sprinkler system

Standpipe system

Key Box Location

Distance To Remote Building Areas

Height

Size

Occupancy Type