



Agenda

PLANNING COMMISSION
January 04, 2007 – 6:00 P.M.
CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES
- E. OLD BUSINESS

CITY CLERK'S OFFICE

DATE 12-13-06 TIME 1:42

SERVED BY Geraldine Guevara

RECEIVED BY Janell R. [Signature]

1. **Case #M 2006-26. Inn at the Loretto Development Plan.** Eric Enfield, agent for Loretto Associates LLC requests development plan approval for a 25-room addition and variance to flood plain regulations. The site occupies +/- 3.78 acres bounded by Water Street, Cathedral Place, Old Santa Fe Trail and Alameda Street and is zoned BCD LOR (Business Capitol District, Loretto Subdistrict). (Dan Esquibel, case manager) **(POSTPONED FROM AUGUST 3, 2006, AUGUST 31, 2006, OCTOBER 19, 2006, NOVEMBER 30, 2006 AND DECEMBER 7, 2006)**

F. NEW BUSINESS

1. **Case #M 2006-48. Raven Ridge Townhouses Development Plan.** Lorn Tryk, agent for Raven Ridge, LLC. request development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Katherine Mortimer, case manager).
2. **Case #S 2006-28. Raven Ridge Townhouses Preliminary Subdivision Plat.** Lorn Tryk, agent for Raven Ridge, LLC. request preliminary subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Katherine Mortimer, case manager).
3. **Case #S 2006-29. Homewise Tract 4 Preliminary Subdivision Plat.** Jennifer Jenkins, agent for Homewise, Inc. requests preliminary subdivision plat approval creating 80 lots on 26.788 acres. The application includes a variance to the second-story side yard setback requirement from 10 feet to 0 feet. The property is zoned R-3 (Residential – 3 dwelling per acre) and is located at the northeast corner of Richards Avenue and I-25. (Katherine Mortimer, case manager)

4. **Case #M 2006-51. Airport Vista Apartments Final Development Plan.** Frank Coppler, agent for GSL Properties, Inc. requests final development plan for 116 dwelling units on 6.878+/- acres located on the north side of Airport Road between Agua Fria Street and San Felipe Road. The property is zoned RM-1-PUD (Residential – Multi-family Residential, Planned Unit Development). (Katherine Mortimer, case manager)
5. **Case #M 2006-37. Wagon Road Business Center Development Plan.** Liaison Planning Services, Inc., agent for Horn Distributing, requests approval of development plan for three one-story commercial buildings totaling 24,850 square feet. The property is located on the east side of Emblem Road, south of Wagon Road, and on the west side of Office Court Drive and is zoned I-1 (Light Industrial). (Katherine Mortimer, 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 Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.

***An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice. Please call 955-6521**

MINUTES OF
CITY OF SANTA FE
PLANNING COMMISSION MEETING

January 4, 2007

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Robert Werner at approximately 6:00 p.m. on this date at City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

Roll call indicated a quorum as follows:

MEMBERS PRESENT:

Robert Werner, Chair
Eric Lujan
Bonifacio Armijo
Harriet Heltman
Signe Lindell
Michael Trujillo

MEMBERS ABSENT:

Vacancy
Estevan Gonzales, Vice Chair (excused)
Ken Hughes (excused)

STAFF PRESENT:

Greg Smith, Development Review Division Director
Anne Lovely, Assistant City Attorney
John Romero, Traffic Engineer
Ron Pacheco, Office of Affordable Housing
Denise Cox, Stenographer

B. PLEDGE OF ALLEGIANCE

Chair Werner asked Commissioner Trujillo to lead the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Mr. Smith requested postponement of Case M-2006-48 – Raven Ridge Townhouses Development Plan – until the hearing on the final subdivision plat. This was at the applicant's request. The applicant also requests postponement of Case S-2006-28 – Raven Ridge Townhouses Preliminary Subdivision Plat – to the January 18th meeting.

Commissioner Armijo made a motion to approve the agenda as amended. Commissioner Heltman seconded the motion which passed by unanimous voice vote.

zoned R-3 (Residential – 3 dwelling per acre) and is located at the northeast corner of Richards Avenue and I-25.

Approved

12-16

4. **Case #M 2006-51. Airport Vista Apartments Final Development Plan.** Frank Coppler, agent for GSL Properties, Inc. requests final development plan for 116 dwelling units on 6.878+/- acres located on the north side of Airport Road between Agua Fria Street and San Felipe Road. The property is zoned RM-1-PUD (Residential – Multi-family Residential, Planned Unit Development).

Approved

16-18

5. **Case #M 2006-37. Wagon Road Business Center Development Plan.** Liaison Planning Services, Inc., agent for Horn Distributing, requests approval of development plan for three one-story commercial buildings totaling 24,850 square feet. The property is located on the east side of Emblem Road, south of Wagon Road, and on the west side of Office Court Drive and is zoned I-1 (Light Industrial).

Approved

18-19

G. BUSINESS FROM THE FLOOR

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H. STAFF COMMUNICATIONS

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I. MATTERS FROM THE COMMISSION

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J. ADJOURNMENT

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INDEX OF
CITY OF SANTA FE
PLANNING COMMISSION

January 4, 2007

<u>ITEM</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE		1
C. APPROVAL OF AGENDA	Approved	1
D. APPROVAL OF MINUTES	None	2
E. OLD BUSINESS		
1. <u>Case #M 2006-26. Inn at the Loretto Development Plan.</u> Eric Enfield, agent for Loretto Associates LLC requests development plan approval for a 25-room addition and variance to flood plain regulations. The site occupies +/- 3.78 acres bounded by Water Street, Cathedral Place, Old Santa Fe Trail and Alameda Street and is zoned BCD LOR (Business Capitol District, Loretto Subdistrict).	Approved	2-12
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D. APPROVAL OF MINUTES – None.

E. OLD BUSINESS

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Memorandum prepared by Dan Esquibel, Land Use Senior Planner, for January 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit “1.”

History of the site presented by Eric Enfield dated 12/06/06 is incorporated herewith to these minutes as Exhibit “1(A).”

Proposed lot line adjustment presented by the applicant is incorporated herewith to these minutes as Exhibit “1(B).”

Staff report was given by Dan Esquibel included in Exhibit “1.”

Staff recommends the Planning Commission determine that the criteria for a variance have been satisfied and justify the need for a variance to allow reasonable use of the property. This issue is crucial for any development to occur on the property regardless of compliance with flood proofing and flood level displacement regulations. If in the process of review the Planning Commission determines that the applicant’s explanations to the variance criteria are justified, staff recommends the following conditions:

1. Applicant needs to adequately address parking requirements associated with the existing accessory uses within the Hotel, together with the proposed expansion and existing facilities on the property as it relates to the overall Hotel required parking standards of City of Santa Fe Chapter 14.
2. Applicant needs to provide a more complete valet parking plan to show orderly and safe parking which is to include proposed number of parking spaces and maintenance of unobstructed emergency access.
3. Applicant needs to address and comply with recommended action and conditions from (reference Exhibit A for all memos and conditions):
 - John Romero memo dated June 30, 2006
 - James T. Bolleter review comments dated October 26, 2006.
 - Ellery Biathrow review memorandum dated July 21, 2006 and November 29, 2006.
 - Nicholas Schiavo, PE Memo dated June 20, 2006.
 - HDRB conditions of approval dated September 12, 2006.

Public Hearing

Eric Enfield, 612 Old Santa Fe Trail, was sworn. Mr. Enfield introduced Jeannene Glenn, General Manager for the Inn at the Loretto.

Jeannene Glenn, 211 Old Santa Fe Trail, was sworn. She said the expansion includes the addition of 23 guestrooms and additional meeting space to complete the property. The expansion will accommodate the needs of travelers to Santa Fe which is one of the world's leading destinations. This will complement the new Civic Center as well by providing accommodations for upcoming events. The Inn and Spa at Loretto currently contributes \$421,000 annually in lodger's tax and \$125,000 annually in combined real estate and property taxes. They are participating in the living wage requirements with a current work force of 148 associates. The Inn contributes to many local civic organizations. She acknowledged those present in support of the project.

Mr. Enfield reviewed the history of the buildings and Inn included in Exhibit "1(A)." The site was the Loretto Academy from the mid 1800's until the early 1970's when it was purchased. All the buildings except the Chapel and some single story sheds were raised with City approval and the Inn was built. The room addition falls on the footprint of some of the original old structures. A new development district was created called the Loretto sub-district. He reviewed the existing and proposed square footages included in Exhibit "1." This subdistrict has no setbacks and no limit on lot coverage with a floor to area ratio allowable of 2.5 to 1. There is 411,000 square feet of area on the site. The addition will bring the total square footage to 161,311 feet. The allowable height is 65 feet and the additions are a maximum of 41'4". The present building is 6 stories high and they propose to attach the four stories to the existing four story east façade. There was a previous proposal that was approved.

Mr. Enfield explained that the addition will consist of three floors of suites with two larger units on the fourth floor. The first three floors step back with portals and balconies. The first floor is 13,175 square feet, the second 11,800 square feet and the third 11,211 square feet and the fourth 6,734 square feet. There will be 23 rooms added. The construction will match the existing hotel. The pool courtyard will be improved with a hot tub and fire pit feature. The new meeting room on Water Street will be 8,000 square feet in pueblo style and is attached to the north side of the Inn. Both the addition and meeting room will have underground parking to ensure plenty of parking. The storage sheds built in the 1970's will be removed, but they will save the historic sheds and walls on the site. The project has received conditional H styles and final archaeological approvals. The project is in compliance with all the zoning issues. He asked if they could allow time for the public and Commission to review the model.

Chair Werner asked for the model to be moved forward and allowed time for everyone to view these. He invited staff and the public to come forward if they wanted to view the model.

Mr. Enfield pointed out all the features of the existing Inn and the proposed additions on the model. He also reviewed an enlarged digital photograph with the addition superimposed into the exhibit.

Mr. Enfield reviewed the parking plan as this was one of staff's concerns and is on page 32 of the packet included in Exhibit "1." He noted that one parking space is required for

every room. There will be spaces for the retail element. The part of the plan that is up for discussion is whether or not spaces should be required for the meeting room. This is not a requirement addressed in the code and would mean another 28 spaces would have to be provided. He wanted to work this issue out with staff prior to filing for a permit. The variance request is a bigger concern.

Mr. Enfield reported that extensive calculations were completed by his engineer so they are now complying with the flood plane requirement of the land development code and the National Flood Plane Insurance Program. He said the only remaining question is whether the Commission will determine they are in compliance with the five criteria of Section 14-3.16 of the Land Development Code. He noted that these were addressed in his letter included in the packet. He said in response to additional questions, a letter was prepared by Mark Basham stating how these criteria are met dated December 21, 2006. He read this letter which is included in Exhibit "1."

Martin Garcia, ABQ Engineering, 6739 Academy, was sworn. He said there were two key elements required to prove to staff that the variance request was necessary. The first was to demonstrate if they were in a floodway vs. a flood fringe. He gave the definition of this to be the product of the velocity of water going through the site times the depth of the water going through the site. To be in the flood fringe this has to be less than 7 and if it is greater than 7 it is the floodway. He said the second set of criteria was to demonstrate that the installation of the wall and infrastructure on the site at the base flood elevation would not be raised by more than 1 foot. The analysis was done 1000 feet upstream. City staff required use of the FEMA data from 1995. He said this led to the determination that the property is within the flood fringe and not the floodway. The base flood elevation was raised approximately 9 inches. He said after meeting with Ellery Biathrow they have raised the seal of the windows on the southwest side to 1 foot above the base flood elevation analyzed. This was the only concern of Mr. Biathrow.

Mr. Enfield requested the parking requirements be clarified by City staff. He noted that they could get more valet spots on this lot to meet the higher requirement if necessary. He explained that the valet parking plan reflects what the Fire Department is willing to accept. He said a fire would be fought on the east side of the hotel from Cathedral Place. The entry traffic circle does require adjustment so there will be a 26 foot clear area. This issue needed to be addressed prior to this proposal. He corrected the allowable square footage on page 7 to read 411,859. He looks forward to moving this project forward.

Daniel Alvarez, 2582 Shavono Peak Drive, Director of Engineering, was sworn. He feels the project will benefit the community of Santa Fe.

Tim Wishinski, 843 Rio Vista Street, Director of Banquets, was sworn. He feels the proposed infrastructure and development of the hotel is for the greater well being of Santa Fe as it is one of the most visited cities in the United States.

Priscilla Varela, 3531 Cerrillos, Director of Housekeeping, was sworn. She supports the hotel in this expansion.

Jenny Cintron, 4743 Solecito Way, Group Sales Manager, was sworn. She is in favor of this project. This will allow housing for the Civic Center project and bring additional tourists to Santa Fe.

Peter Lovato, 822 East Zia Road, Guest Services Manager, was sworn. He is familiar with the historic codes and preservation of the City. This project properly reflects the style and culture while being sensitive to the growing needs of the tourism industry. He endorses the project.

Jim Math, 211 Old Santa Fe Trail, Director of Sales and Marketing, was sworn. He said the additional tax revenues this project will bring in will have a tremendous impact.

Andrew Martinez, 222 Closson Street, was sworn. He supports this project for all the reasons given.

Kevin Valencort, 2491 Sawmill Road, Director of Revenue, was sworn. He believes this project will be extremely beneficial for the community and tourism.

Natalie Foster, 526 Cortez Street, Director of Human Resources, was sworn. She feels this project will benefit the City of Santa Fe through the additional jobs that will be offered.

Lynn Mabry, 335 Delgado Street, Sales Manager, was sworn. She believes this project will address all the above comments.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lindell asked what the reason is for the lot line adjustment on this project.

Mr. Enfield replied that this is necessary in order to finance the project. He said currently there are two legal lots. Typically, a lot line adjustment is approved by staff, but this became complicated with the flood plain issues. The lot line adjustment will create a lot that they can borrow against that is free of debt to finance the construction of the addition. He showed the Commission documentation of this. He added that Mr. Smith signed this document prior to the City Engineer deciding that he did not feel comfortable signing this until the Planning Commission approved it.

Commissioner Lindell asked why the wastewater plan requested in June has not been completed.

Mr. Enfield explained that they will not tie into any existing lines in the street because the service to the Inn was sized for these additions during the original construction of the hotel. He believes there are an 8-inch and two 4-inch mains coming into the site. He said

there is no need for additional sewer lines. He added that the plan is required at the time of permit.

Commissioner Lindell asked for clarification on the existing wall penetration on Cathedral.

Mr. Enfield asked if this is in regards to the conditional approval from the Historic Board where they asked for a portion of the wall to be lowered. He proposed to lower the portion of the wall that the sisters knocked down to open up and sell parking in the late 1960's. He said this will still be above the flood height required.

Commissioner Lindell asked John Romero what peak hour is.

Mr. Romero explained that this is the amount of traffic either in the a.m. or p.m. that the site would generate. He said this site would generate 19 more vehicles in the peak hours. He said if the peak hour does not exceed 25 cars they do not require a traffic study as this usually does not result in any significant change in operation as it is modeled.

Commissioner Lindell thought it would be clearer not to state this is not significant as it is unclear if it is significant or not. She said personally she feels that dropping 19 more vehicles in this area might be significant as it is already backed up for 3 blocks at times. She suggested just saying that less than so many cars does not require a traffic study.

Mr. Romero said if it pleases the Commission they can require a traffic study. He pointed out that 25 cars is a pretty low threshold and so usually when there is this few cars the applicant is just going through the motions and it does not amount to much.

Mr. Enfield commented that the traffic backs up in this area currently due to the valet issue on the site. The plan is to move the valet further in to avoid the stacking issues. He was happy to have this placed as a condition of approval.

Commissioner Lindell suggested doing this whether or not it is a condition of approval as it would be the best thing for the property. She questioned the variance as it sounds like the property is deprived of reasonable use without the variance.

Mr. Enfield commented that reasonable use cannot be defined. He said a maximum use would be 420,000 square feet of development on the site and the minimum would be 0 so reasonable appears to be something in between such as 210,000 square feet of development. He noted that it will be up to the Commission to determine reasonable use.

Commissioner Lindell asked what the loading dock will be used for.

Mr. Enfield explained that the loading dock already exists and trucks are brought on site to unload. The entrance will be maintained for this purpose and for employees to enter the site.

Commissioner Lindell asked where employees park.

Mr. Enfield said employees park on site in a designated area and in valet parking. The plan is to keep the employee parking on site. This is accomplished by using the spaces not occupied due to the hotel not being filled to occupancy. He explained that the hotel is occupied between 40-75% of the year. This is considered dual use.

Commissioner Lindell asked how many days of the year there is 100% occupancy.

Ms. Glenn replied approximately 32-40 days annually. She explained that parking is assigned according to departments. There has never been an issue due to the way the staff is scheduled.

Commissioner Lujan gave an example. It is peak season with a legislative function and a wedding going on at the same time. He asked where everyone would park.

Mr. Enfield has not calculated parking for this scenario, but he has reviewed the code and tried to understand what needs to be provided per code. He is not sure what number of parking spaces this would require.

Commissioner Trujillo understood that parking is an issue. He did not want to penalize a hotel when La Fonda, El Dorado and every other place downtown have the same parking issues. He feels this property is better than the others with regards to parking. He noted that the city parking lot is right next to them. He added that other hotels rent out additional parking spaces when they have events. He feels the Inn at the Loretto will do what they need. He agreed with moving the valet service.

Commissioner Lujan asked Mr. Biathrow if there is anything more recent that can be referenced for analysis rather than the FEMA maps from 1993. He expressed concern with the runoff that will occur this year.

Mr. Biathrow said the major concern is the maintenance of the river channel which has not been reasonably addressed. He said there may be a higher flood plain than what the documentation shows. He noted that the applicant has fully demonstrated compliance with the code. The maintenance of the river needs to be addressed by the City.

Commissioner Lujan commented that the flood plain was an issue with the Archdiocese project and wonders what separates that project from this project.

Mr. Biathrow said there is no difference in the data or approach used with similar conclusions being reached. He noted that the recommendations for both projects are virtually identical.

Commissioner Lujan asked what kind of economic impact this project will create.

Ms. Glenn was confident that 25 full time jobs will be contributed and then additional part time jobs will be created.

Commissioner Armijo asked if there are any other projects that have received approval while being 100% in the flood plain.

Mr. Smith recalled that the only other case requesting a variance similar to this was the Archdiocese. He noted that the Archdiocese did not have a specific development plan at the time they requested the variance so there was no specific square footage. He said the Commission determined that to make reasonable use of the property there would be some construction required in the flood fringe.

Chair Werner recalled that regardless of what was constructed it would not raise the water more than 1 foot as allowed by code.

Mr. Esquibel did not think the entire Archdiocese property was within the flood zone. He clarified that bicycle parking will have to be complied with.

Commissioner Armijo asked who would be responsible if the property were flooded after the Commission allowed development in the flood plain.

Chair Werner clarified that it is the flood fringe which is different than the flood plain.

Ms. Lovely explained that she would make the assumption that if you comply with the code then the applicant would not be responsible. She said the other assumption is that the code was put in place the way it is in order to protect the buildings placed. She would expect the City to be found greatly at fault if they did not do what they needed to do by putting a code in place to protect the City and the developers.

Commissioner Armijo asked if the applicant could agree to not holding the City responsible as a condition.

Mr. Enfield explained that the property is fully insured. He added that there would be no reason to go after the City and they would lose anyways. He said they are under the jurisdiction of FEMA. He noted that numerous properties up and down the river have appealed FEMA's maps related to the flood plain issue.

Mr. Smith pointed out that there are other provisions in the code besides the requirement about raising the flood fringe such as flood proofing openings, etc.

Mr. Garcia clarified that the base flood elevation is at 7,005 and the top of the wall surrounding the property is at 7,011 with the lowest point at 7009. This leaves 6 feet of wall before the water enters the property. There is an existing entrance off of West Alameda that will be sealed with the construction of this project if approved so no water can enter this site.

Commissioner Armijo expressed concern with only having a 6" X 30" drainage culvert for the entire site.

Mr. Garcia said this was stamped and signed off on by the City Engineer. He added that they will be reducing the amount of water that comes off of the site.

Commissioner Armijo asked why they would add more rooms if they only have a 40-75% occupancy currently.

Mr. Enfield explained that they are adding a different room type consisting of larger suites. This will add another element that does not exist and they hope to attract families.

Commissioner Armijo questioned the number of stories because historically there were 2-3 stories in this area.

Mr. Enfield said before the BCD zone the downtown district was a commercial district allowing 65 feet height of construction by zoning, but then when the BCD was created the heights were lowered. The Loretto subdistrict was based on the height of the spire of the chapel which is 65 feet.

Commissioner Armijo understood the concern for parking and has experienced an issue with this himself at the hotel.

Mr. Enfield pointed out that the City requirement for every single hotel is different.

Commissioner Armijo did not understand why a traffic analysis was not required.

Mr. Romero explained that he is trying to develop a formula so that the same rules are applied to everyone. He follows the guidelines that the NMDOT uses. Based on the type of development, there is an analysis that determines how many cars a project will generate. He said if there is a special condition of the Planning Commission then a traffic analysis can be required without a project generating 25 additional cars during peak hours.

Commissioner Armijo asked Mr. Esquibel how comfortable he is with the parking.

Mr. Esquibel feels there is further analysis needed with regards to the accessory uses. He believes the applicant still needs to address the valet issue as there is no standard in the code for this. He wants to see some form of organization for the valet so it is not placed haphazardly throughout the project.

Mr. Smith clarified that the existing operation is served by 173 parking spaces. He agreed there are inconsistencies to how hotels have been treated in the past. He believes there have been different methods applied, but most recently there has been one space required for each room and 1 space for every 350 feet of accessory uses such as meeting

rooms, restaurants and retail space. He said if this method were applied to this case then 224 spaces would be required.

Mr. Enfield said if City staff gives him the number of spaces required he will come up with a plan to meet it. He feels there is a huge potential for valet parking on this site.

Commissioner Armijo said the feedback from the Downtown Vision Steering Committee meetings is that the public does not want any more than 3 stories in the downtown. He asked if the applicant would consider only going 3 stories.

Mr. Enfield said he would not consider this as he already got approval from the Historic Board for 4 stories which took a long time to receive. He noted that it is 6000 square feet on the 4th floor. His understanding is that the Downtown Vision is showing development consistent with this proposal, but they want to add a line of retail and residential 3 stories high along Cathedral Place which he does not agree with. This in his opinion would create a tunnel affect.

Commissioner Heltman asked how they propose generating the amount of money noted earlier. She also wanted to know how people in suites with more than one automobile would be accommodated.

Ms. Glenn explained that they took the annual occupancy of 70% and then estimated what the projected lodger's tax would be. She said Santa Fe has fairly consistent occupancy year to year. She did not anticipate additional cars with the new guest rooms.

Commissioner Trujillo asked if the valets are also the bell people.

Mr. Enfield said the staff is variable based on occupancy and events.

Commissioner Trujillo commented that 80-95% of people use valet. He agreed that the Downtown Vision Plan recommendation is that nothing goes higher than 3 stories. He believes this is a good project although he is not thrilled about seeing open land being developed downtown. He sees a problem with so many subdistricts. He noted that everyone has a parking problem. He suggested a requirement that the hotel make provisions anytime they know they will be full, but was unsure if this is allowable.

Mr. Smith said there is some precedent with specific conditions of approval to manage parking. He said there is precedent in zoning law for regulating the number of spaces available relative to the types of activities occurring on a project. He pointed out that it is difficult for staff to enforce these types of conditions.

Commissioner Trujillo does not have a problem with this project. He is not happy about the 4 stories and also feels that something needs to be worked out for the parking.

Chair Werner suggested a condition of approval stating that the applicant and staff will work to address the parking problem that occurs when simultaneous events occur in the hotel.

Commissioner Trujillo wanted it to be clear that he is concerned about the parking and is not trying to get more business. He said the two closest parking lots are the City of Santa Fe lots which have been used by La Fonda in the past. He has never discussed parking with this applicant.

Commissioner Trujillo made a motion to approve Case M-2006-26 with staff recommendations and the added condition that he referred to previously with regards to parking. He said the five criteria for the variance have been met.

Mr. Smith explained that Wendy Blackwell wanted to respond to Commissioner Lujan's question about the FEMA maps to explain that FEMA is in the process of updating the flood maps. The applicant's engineer and City Engineer have reviewed the draft flood maps and feel the process will not affect the conclusions in the staff report on this issue.

Mr. Enfield wanted the lot line adjustment to be addressed.

Ms. Lovely wanted the specific language for the parking condition to be in the record. She noted that they could state **"the applicant will work with staff to assure that parking is adequate even when there are events and if the parking is not adequate on site the applicant will make provisions for parking."**

Commissioner Trujillo asked that this language be added to his motion. He also wanted parking addressed when the hotel is at 100% occupancy. He asked Ms. Blackwell why the lot line adjustment needs to be addressed in the motion.

Ms. Blackwell explained that the applicant is correct that this would not normally go to Planning Commission. She said if the Commission approves a variance tonight based on the current legal lot configuration the variance will not apply to a new lot configuration and they will be going back through their ENN to get a new variance for the new lot configuration. She does not have a problem signing off on the new lot configuration, but does not want to do it unless the Commission is granting a variance for it. She wanted the motion to specify that the approved variance would also apply to the modified lot configuration. She said a note could then be placed on the lot line adjustment.

Mr. Smith agreed that it needs to be specified that the variance applies to the entire area of both parcels. He said the Commission is not approving or disapproving the lot line adjustment as it will be handled by staff. He said there may be some further modifications needed of the lot lines to accommodate building code issues.

Commissioner Trujillo added to his motion that the approved variance would also apply to the modified lot configuration. Commissioner Lujan seconded the motion.

Commissioner Lujan amended the motion to require 2 more culverts be placed within the development for flooding purposes. Commissioner Trujillo asked Commissioner Armijo what he thought.

Commissioner Armijo said staff has reviewed and approved this. He added that he is not an engineer.

Mr. Biathrow pointed out that not all of the specific drainage improvements have been defined at this point. The need for onsite culverts, drop inlets, and relief points have been generally discussed, but not specifically designed at this point. He is not in a position to define specifics until the final plan details come through.

Commissioner Lujan was satisfied with this and withdrew his amendment.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

F. NEW BUSINESS

1. **Case #M 2006-48. Raven Ridge Townhouses Development Plan.** Lorn Tryk, agent for Raven Ridge, LLC. request development plan approval to create 33 single-family attached dwelling units on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Katherine Mortimer, case manager).

This item was postponed per approval of the agenda to the final subdivision plat hearing for this case.

2. **Case #S 2006-28. Raven Ridge Townhouses Preliminary Subdivision Plat.** Lorn Tryk, agent for Raven Ridge, LLC. request preliminary subdivision plat approval to create 33 lots on 4.26 acres. The project is zoned RM-LD (High Density 21 Dwelling Units per Acre) and is located on the east side of Lucia Lane, south of Airport Road and north of the Jaguar Village subdivision. (Katherine Mortimer, case manager).

This item was postponed per approval of the agenda to the meeting of January 18th.

3. **Case #S 2006-29. Homewise Tract 4 Preliminary Subdivision Plat.** Jennifer Jenkins, agent for Homewise, Inc. requests preliminary subdivision plat approval creating 80 lots on 26.788 acres. The application includes a variance to the second-story side yard setback requirement from 10 feet to 0 feet. The property is zoned R-3 (Residential – 3 dwelling per acre) and is located at the northeast corner of Richards Avenue and I-25. (Katherine Mortimer, case manager)

Commissioner Lindell disclosed that she is a real estate broker and her qualifying broker is currently acting as the temporary qualifying broker at Homewise. She did not feel this would be a problem in evaluating this case.

Commissioner Armijo disclosed that he has done 3 different projects for Homewise for no profit, but he is not involved in this project.

Memorandum prepared by Richard Macpherson, Senior Planner, December 22, 2006 for January 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Review memorandum reviewed by Ellery Biathrow dated December 4, 2006 is incorporated herewith to these minutes as Exhibit "2(A)."

Letter from Jennifer Jenkins dated December 12, 2006 regarding variance request is incorporated herewith to these minutes as Exhibit "2(B)."

Record of communication with NM Department of Transportation is incorporated herewith to these minutes as Exhibit "2(C)."

Staff report was given by Richard Macpherson included in Exhibit "2."

Staff recommends approval with the following conditions:

1. Comply with the comments of the Subdivision Engineer (Exhibit H)
2. Comply with the comments of the Fire Division (Exhibit I)
3. Comply with the comments of the Wastewater Division (Exhibit J)
4. Comply with the comments of the Public Works/Engineering (Exhibit K)
5. Comply with the comments of the Landscape Reviewer (Exhibit L)
6. Comply with the comments of the Trails Planner (Exhibit M)
7. Comply with the comments of the Water Division (Exhibit N)

Public Hearing

Jennifer Jenkins, 128 Grant Avenue, was sworn. She reviewed the approval by City Council in June for rezoning, annexation and general plan amendment. The property is 27 acres comprising 80 lots of a combination of detached and attached units.

Hugh Driscoll, architect for Homewise, was sworn. He said during the three phases of public hearings adjustments were made to the site plan. He reviewed the site plan and the features of the development. He said the issues from the neighborhood were pretty standard with fears of density, change, and privacy. He noted that the adjacent neighborhood is in the County and is less dense than the proposal. He said the density on the site was adjusted to address the concerns with the neighbors now supporting the proposal. A 40-foot buffer was added adjacent to the neighbor's lots and an easement for access was added. The lots adjacent to the neighbors will only be single story units. The lighting is being addressed to comply with the night sky ordinance. There are gates and fences that will provide even further separation and protection of privacy.

Mr. Driscoll said the largest issue at the last hearing was the noise. A noise consultant was brought into address this. A 100-foot setback is being requested which is consistent with the other neighborhoods in the area. He said the noise is acceptable in terms of decibel ratings at three different locations on the perimeter of the lot. The courtyard arrangement will provide reduced noise levels for the outdoor areas. The inside of the units will be at a comfortable noise level. The same steps being taken to increase thermal efficiency also have the healthy affect of reducing the acoustic impact. The dwellings will be energy star rated.

Mr. Driscoll said in response to concerns at City Council the emergency access was worked on. Additional width along the trail connector to Pueblos Del Sol was provided to satisfy the Fire Department's requirements and City Council's concern. The neighbor to the north has not responded to a request for a bale out spot and connection to a private road network.

Ms. Jenkins reviewed the changes since the last hearing. A new unit type was created to allow for shielded, protected outdoor space. This will be on the units that are most susceptible to acoustic impacts. The neighbors concerns were addressed and they are now endorsing the project. A secondary emergency access has been created from Pueblo Puje Road through a recreational trail. Ted Bolleter and Anne McLaughlin both feel this is a great solution. This project is 62.5% affordable. She noted that they contacted the NMDOT as this Commission requested regarding the possible interchange. She reviewed this contact included in Exhibit "2(C)." She noted that the corridor study is underway currently to see what seems appropriate. She added that there is quite a bit of room if something is proposed in this area.

Chair Werner commented that they keep hearing about the railroad alternatives in this area and the proposed station on Richards Avenue. He asked if this would impact the subdivision.

Ms. Jenkins explained that the preliminary conceptual designs for the station are on the south side of I-25 in the northernmost portion of the Oshara project. She said they like the idea of a transit center near their development. She would take everything into account that comes forward during their development, but they can only go on what is currently there and currently planned.

Mike Loftin, Homewise, was sworn. He went into some detail on the 50 affordable units. The home prices will go from \$97,000 to 194,000. To qualify for the homes one has to be below the median income earning from \$26,000. The market rate homes will be priced from \$200,000 to 265,000 which are still considered affordable housing. Those homes will be offered to people making from \$42,000 with no income limit. He said this will be provided for people that cannot afford a large mortgage, but earn too much money to get help. He added that the cost of operating the home is just as important and is the reason they do energy star ratings. They are also interested in reducing greenhouse gas emissions. The insulation and double pane windows also reduce the noise.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Trujillo asked how many two story units they have.

Ms. Jenkins said there is a mixture. They are in the process of creating a new home design. The courtyard homes will be two stories which is how they reduce the noise to the outdoor areas. She noted that all the lots accommodate either single or two story units.

Commissioner Trujillo asked if there are carbon monoxide detectors in the homes. He wanted to work on getting ladders put into all the two story units to make it easy for people to get out of their homes. He has seen this and would like to make it mandatory.

Ms. Jenkins said there will be carbon monoxide detectors.

Mr. Smith said they can work with the Fire Marshal on this issue prior to the final hearing.

Ms. Jenkins agreed to look into the ladders and report back when they come with the final plat.

Commissioner Trujillo moved approval of Case S-2006-29 with staff conditions. Commissioner Heltman seconded the motion.

Commissioner Lujan asked if the public schools have been contacted.

Ms. Jenkins reported that the Beaty annexation contacted the public schools offering them land for a school. The schools did not want land as they said they had a deal for land in Rancho Viejo. There is money to build that school, but no money to operate the school. The school board is very serious about redistricting because Pinon is near capacity, but the surrounding schools have plenty of capacity. She agreed to get an update to report on at the final.

Commissioner Lujan informed everyone that the NMDOT will be making recommendations very quickly as the legislature will be addressing this.

Chair Werner asked if Mission Bend Road is a private road.

Ms. Jenkins said this is a private road. They contacted the developer of this property to see if they could create a secondary access of the road and he declined. She noted that the MPO is recommending a roundabout in the area to coincide with the widening of Richards Avenue. She explained that this project has done a right of way reservation so that the City can force a connection if the county area is annexed. She said there are many options for the future that they can implement to accommodate the changes.

Chair Werner has experienced lots of stacking in this area currently. He was satisfied with her answer. He commented that the topography is very different along the interstate and expressed concern with the drop-off near this project.

Mr. Driscoll said there is approximately 265 feet to the setback so there is even more distance to the actual interstate. He pointed out that the slope occurs outside of their property.

Chair Werner clarified that they do not envision using the property south of the units.

Ms. Jenkins explained that there will be some open space that people can access.

Chair Werner asked how soon they would be back with the final subdivision plat as he wanted to get an idea of how far along the corridor study would be.

Ms. Jenkins reported that phase B of the corridor study is scheduled to be complete in September. At this time, they will reduce down to three options and then those three options will be studied and reviewed. She said after the final design is determined then the actual design process begins. She views this Homewise project as an existing condition with an approved master plan and zoning. She did not want to address this until it happens as they have made every effort to get as much information as possible.

Commissioner Armijo requested that the affordable units be pointed out on the final plat as he does not want to see the units grouped together. He knows that this is always a concern of Commissioner Gonzales as well.

Ms. Jenkins said the Santa Fe Homes Program requires the lots to be identified on the final plat. She said the additional affordable homes will fit on any lot and they would like to let the homebuyers choose their lots.

Mr. Smith requested the variance be included in the motion.

Commissioner Trujillo amended his motion to state support for the five findings required for the variance for the 2nd floor setbacks. Commissioner Heltman accepted this.

There being no abstaining or dissenting votes, the motion passed by unanimous voice vote.

4. **Case #M 2006-51. Airport Vista Apartments Final Development Plan.** Frank Coppler, agent for GSL Properties, Inc. requests final development plan for 116 dwelling units on 6.878+/- acres located on the north side of Airport Road between Agua Fria Street and San Felipe Road. The property is zoned RM-1-PUD (Residential – Multi-family Residential, Planned Unit Development). (Katherine Mortimer, case manager)

Memorandum prepared by Katherine Mortimer, Supervising Planner, December 21, 2006 for January 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Review memorandum reviewed by Ellery Biathrow dated September 29, 2006 and December 26, 2006 is incorporated herewith to these minutes as Exhibit "3(A)."

Comments from JT Bolleter, Assistant Fire Chief dated December 22, 2006 is incorporated herewith to these minutes as Exhibit "3(B)."

Comments from John Romero, Engineering Division, Public Works Department, Traffic Impacts, dated December 22, 2006 is incorporated herewith to these minutes as Exhibit "3(C)."

Comments from Stan Holland, Engineer, Wastewater Management Division, dated December 14, 2006 is incorporated herewith to these minutes as Exhibit "3(D)."

List of amenities for Airport Vista Apartment Project from City Council hearing dated November 29, 2006 is incorporated herewith to these minutes as Exhibit "3(E)."

Staff report was presented by Katherine Mortimer included in Exhibit "3."

Staff recommends:

1. Comply with City Subdivision Engineer memorandum (Exhibit D)
2. Comply with Landscape Review memorandum (Exhibit E)
3. Comply with Public Works – Traffic Section memorandum (Exhibit F)
4. Comply with memorandum from Sangre de Cristo Water Division (Exhibit G)
5. Comply with Wastewater Management Division memorandum (Exhibit H)
6. Comply with memorandum from Assistant Fire Chief (Exhibit I)
7. Comply with memorandum from Solid Waste Division (Exhibit J)

Public Hearing

Frank Koppler, agent for GSL Properties, was sworn. He reviewed the location of this project. He reminded the Commission that the property was located in the County and when they requested water from the City under the toilet retrofit program the City Council urged them to make an annexation request. These will be apartments; tax credit, income qualified, rent restricted housing. He reviewed the income limits and the rents that correspond to the various income levels. He reviewed the amenities included in Exhibit "3(E)." He believes these are not the typical lower income apartment units. They have a Santa Fe Homes Program tax credit proposal approved. He explained that this is a bond project, but no public monies are committed to pay off the bonds. The bonds are authorized with the State Board of Finance under an allocation through the IRS.

Mr. Koppler reported on the ENN meetings. He believes all the neighbor's concerns are satisfied as all the comments have been addressed and incorporated into the project. He said the market studies show a tremendous demand for these types of units in Santa Fe

with 585 families on the list maintained by Santa Fe County housing as needing these units. He noted that most of the comparable projects have been converted to condominiums. This project hopes to fill some of the gap created by the condominium conversions.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Chair Werner questioned the requirement for individual water meters on the units.

Mr. Koppler explained that at the time of submitting the final building permit they will file a request for 116 water meters, but simultaneously he will file a request through the Development Review Committee to amend the annexation agreement to allow 4 master meters and 116 mini meters that can be monitored. He noted that this will be much cheaper.

Commissioner Lindell asked if there will be a restriction on condominium conversion.

Mr. Koppler replied yes, but it is not due to City law. He explained that they have a 40-year commitment under IRS rules tied to the advantageous ability to borrow money.

Commissioner Lindell asked where the tenants will come from and questioned if they will be from the list he referred to.

Mr. Koppler said they will not come from the County list as anyone who meets the income qualifications can rent a unit. He added that there are rules under the contract with HUD and the Mortgage Finance Authority. A HUD licensed manager has to be hired to do the qualifications and manage the apartments.

Commissioner Heltman asked what school the children will attend.

Mr. Koppler was unsure.

Commissioner Trujillo asked if they will have carbon monoxide detectors in the units.

Mr. Koppler agreed to this, but said the ladders might be a different issue.

Commissioner Trujillo made a motion to approve Case M-2006-51 with staff conditions. Commissioner Lujan seconded the motion which passed by unanimous voice vote.

5. **Case #M 2006-37. Wagon Road Business Center Development Plan.** Liaison Planning Services, Inc., agent for Horn Distributing, requests approval of development plan for three one-story commercial buildings totaling 24,850 square feet. The property is located on the east side of Emblem Road, south of Wagon

Road, and on the west side of Office Court Drive and is zoned I-1 (Light Industrial). (Katherine Mortimer, case manager)

Memorandum prepared by Katherine Mortimer, Supervising Planner, December 21, 2006 for January 4, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Comments from John Romero, Engineering Division, Public Works Department, Traffic Impacts, dated December 28, 2006 is incorporated herewith to these minutes as Exhibit "4(A)."

Staff report was presented by Katherine Mortimer included in Exhibit "4."

Staff recommends:

1. Comply with memorandum from City Subdivision Engineer (Exhibit D)
2. Comply with memorandum from Landscape Review (Exhibit E)
3. Comply with memorandum from Traffic Engineering (Exhibit F)
4. Comply with memorandum from Assistant Fire Chief (Exhibit G)
5. Comply with memorandum from Water Division (Exhibit H)
6. Comply with Wastewater Management Division memorandum (Exhibit I)
7. Comply with memorandum from Solid Waste Division (Exhibit J)

Public Hearing

Richard Horcasitas, Liaison Planning Services, was sworn. He agreed with the staff conditions. He introduced Lorn Tryk, Architect and Morey Walker, Engineer.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Lujan asked what kind of businesses will be located here.

Mr. Horcasitas said this decision has not been made and there are no plans for marketing yet. The applicant wants the flexibility to use any of the permitted uses in I-1 zoning.

Mr. Smith said the current parking ratio is 1 space to 350 square feet, but many of the uses may have higher requirements. He said staff will track the parking to assure that the proper numbers of spaces are met.

Commissioner Trujillo made a motion to approve Case M-2006-37 with staff conditions. Commissioner Lujan seconded the motion which passed by unanimous voice vote.

G. BUSINESS FROM THE FLOOR

None.

H. STAFF COMMUNICATIONS

Mr. Smith reminded the Commission that the next meeting will be January 18th which will be relatively light. He said there will be 2-3 cases on the agenda.

Mr. Smith reported that Gary Park has been rehired as a senior planner effective February 1st. He added that 2-3 additional planners will be hired soon.

I. MATTERS FROM THE COMMISSION

Commissioner Trujillo informed the Commission that he will be contacting the Fire Department to see about getting ladders and carbon monoxide detectors placed in all proposed two story units.

Chair Werner reminded staff to have the ex parte contact statement added to the agenda.

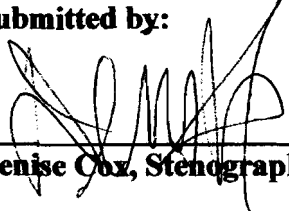
J. ADJOURNMENT

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Trujillo moved, seconded by Commissioner Heltman adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:35 p.m.

Approved by:


Chair Robert Werner 2-27-07

Submitted by:


Denise Cox, Stenographer