



# Agenda

CITY CLERK'S OFFICE

DATE 1-5-07 TIME 11:35

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## AMENDED

### **PLANNING COMMISSION**

**January 18, 2007 – 6:00 P.M.**

**CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES**

**November 30, 2006**

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

1. **Case #S 2006-30. Los MM's Subdivision Final Subdivision Plat Amendment.** James W. Siebert, agent for Remijio and Daniel Martinez request amendment to the final subdivision plat to remove the current approved HOP Lot from the subdivision and pay a fee in lieu of the HOP lot. The property is zoned R-1 (Single Family Residential, 1 dwelling per acre) and is located on the north side of Cerro Gordo Road at Paseo de Florencio, a private road. (Richard Macpherson, 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 #M 2006-27. San Isidro Phase II Final Development Plan.** Greg Gonzales, agent for Branch Design & Development requests final development plan approval for San Isidro Village mixed use development on +/- 6.81 acres east of Zafarano Drive between Cerrillos Road and Rufina Street. The application includes waivers to "Big Box" standards to allow part of the screening requirements to be met with berms and screen walls in place of buildings, and to allow one public entrance instead of two. The property is zoned C-2-PUD (General Commercial, Planned Unit Development). (Greg Smith, case manager) **(POSTPONED FROM AUGUST 3, 2006, AUGUST 31, 2006 AND SEPTEMBER 28, 2006)**

- 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. 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 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**

**INDEX OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION**

**January 18, 2007**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>A. ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>B. PLEDGE OF ALLEGIANCE</b>		<b>1</b>
<b>C. APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1-2</b>
<b>D. APPROVAL OF MINUTES</b> <b>November 30, 2006</b>	<b>Approved</b>	<b>2</b>
<b>E. OLD BUSINESS</b>		<b>2</b>
<b>F. NEW BUSINESS</b>		
1. <b><u>Case #S-2006-30.</u></b> Los MM's Subdivision Final Subdivision Plat Amendment. James W. Siebert, agent for Remijio and Daniel Martinez request amendment to the final subdivision plat to remove the current approved HOP lot from the subdivision and pay a fee in lieu of the HOP lot. the property is zoned R-1 (Single Family Residential, 1 dwelling per acre) and is located on the north side of Cerro Gordo Road at Paseo de Florencio, a private road.	<b>Approved</b>	<b>2-5</b>
2. <b><u>Case #S-2006-28.</u></b> 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 Jaguar Village subdivision.	<b>Approved</b>	<b>5-8</b>
3. <b><u>Case #M-2006-27.</u></b> San Isidro Phase II Final Development Plan.	<b>Postponed</b>	<b>8</b>
<b>G. BUSINESS FROM THE FLOOR</b>		<b>8</b>
<b>H. STAFF COMMUNICATIONS</b>		<b>8</b>
<b>I. MATTERS FROM THE COMMISSION</b>		<b>8-9</b>
<b>J. ADJOURNMENT</b>		<b>9</b>

**MINUTES OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION MEETING**

**January 18, 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  
Estevan Gonzales, Vice Chair  
Ken Hughes  
Harriet Heltman  
Signe Lindell  
Michael Trujillo

**MEMBERS ABSENT:**

Vacancy  
Bonifacio Armijo (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 Lujan to lead the Pledge of Allegiance.

**C. APPROVAL OF AGENDA**

Mr. Smith reported that item 2 – Case #S-2006-28 – Raven Ridge Townhouses Preliminary Subdivision Plat - was added at the last meeting to this agenda.

Mr. Smith reported that the applicant has requested postponement of item 3 to the March 15<sup>th</sup> meeting – Case #M-2006-27 – San Isidro Phase II Final Development Plan.

Letter from Greg Gonzales requesting postponement dated January 18, 2007 is incorporated herewith to these minutes as Exhibit "1."

**Commissioner Trujillo moved approval of the agenda as amended. Commissioner Heltman seconded the motion which passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES**

**November 30, 2006**

**Commissioner Trujillo moved approval of the minutes of November 30, 2006. Commissioner Heltman seconded the motion which passed by unanimous voice vote.**

#### **E. OLD BUSINESS – None**

#### **F. NEW BUSINESS**

1. **Case #S-2006-30. Los MM's Subdivision Final Subdivision Plat Amendment. James W. Siebert, agent for Remijio and Daniel Martinez request amendment to the final subdivision plat to remove the current approved HOP lot from the subdivision and pay a fee in lieu of the HOP lot. the property is zoned R-1 (Single Family Residential, 1 dwelling per acre) and is located on the north side of Cerro Gordo Road at Paseo de Florencio, a private road. (Richard Macpherson, case manager)**

Memorandum prepared by Richard Macpherson, Senior Planner, prepared January 9<sup>th</sup> for January 18, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

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

Staff recommends approval of the amendment with the following conditions:

1. Comply with the comments of the Subdivision Engineer (Exhibit F)
2. Comply with the comments of the Fire Division (Exhibit G)

#### **Public Hearing**

**Jim Siebert, 915 Mercer, was sworn.** He represents the Martinez family. He explained that Remijio Martinez's family has owned this land for the last 200 years. The subdivision was created to give lot 5 to his daughter, Priscilla. The applicant entered into a HOP contract and it became apparent after the family read the fine print that if they sold the house within the 30 year period then she would have to buy the lot back. The intent is not to sell the property, but to continue to pass it down to her child. Priscilla did not want to be in the position of having to buy back their own property. He does not believe that the intent of the City Council adoption of the Affordable Housing Program was to prevent six generations of families from living on their own land. The family is asking to pay a fee in lieu of to avoid this situation.

**Priscilla Martinez, #2 Encantado Place, was sworn.** She said the intent is to keep as much of this land in the family as possible. Her dad and uncle own the land. The portion that her dad is subdividing is with the intent of giving a piece to each of his three daughters. She explained that during this process the City spoke with her dad and uncle regarding the HOP compliance. She normally takes care of everything for them, but this item was explained without her presence. She noted that an entire lot was not required due to the size of the subdivision. Her dad did not want to pay any more money and \$40,000 was required. It was recommended that since his daughter qualified for HOP the requirement would be satisfied while his daughter could still get the lot. The staff person failed to explain that if his daughter were to pass away prior to 30 years her children would have to buy the property back from the City. This was not the intent of her dad. She said this is why they are before them asking to pay the fee in lieu of.

**Sandra Goodwin, 1615 Cerro Gordo Road, was sworn.** She bought her lot last January from Daniel Martinez. She said the Martinez family has welcomed her into the neighborhood and she has become friends with all of them, but especially with Remijio Martinez relaying stories about how he grew up in this area. She said as the family grew each child got a piece of land thus the lots getting smaller and smaller. She said this is the last piece of land. She feels they are trying to do what they have done for the last hundred years. She is in support of removing the HOP and keeping the land in the family just as she wants to keep the Martinez family as her neighbors. She fears they will not stay if this is not done. She also thinks that the point of the Affordable Housing Program is being defeated since they are forcing the Martinez family out of the neighborhood as they will not be able to afford to live here any longer.

**The public testimony portion of the public hearing was closed.**

**Questions and comments from the Commission**

Commissioner Lindell asked if Priscilla said it is \$400,000 to complete this project.

Ms. Martinez said this was for infrastructure for the project, but it will be considerably lower as they are doing some of the work themselves. She said her dad and uncle have been paying for all the improvements that are required for subdivisions so the \$40,000 seemed burdensome, but now compared to having a lien on the property it appears the better option.

Commissioner Gonzales appreciated the Martinez family coming. He wants people to see that this is Santa Fe as this family is born and raised here. It breaks his heart that they have to pay anything to do this as he knows that Mr. Martinez wants to help his family and children. He cannot change this. He supports the request. He has seen this go on for generations and commends Mr. Martinez for wanting to pass this on to his children.

Commissioner Trujillo clarified with Mr. Pacheco that if you go through HOP you have to keep the home for at least 30 years. He added that his understanding is that any profit you make goes back to the City.

Mr. Pacheco explained that the HOP agreement allows the City to take out a lien for the difference between the price that the homeowner pays and the appraised value of that home so the owner gets all the value of the initial investment and at the time of sale whatever that split is the City shares in the appreciation. He said in this case, the City would have a lien on the property and if the homeowner decided to sell it there would be a split that the City would capture. He said the City by ordinance intends to allow the buyer to gain their appreciation, gap the difference, leave the City lien in place and put another affordable family in there. In this case, the City will be getting cash for the HOP agreement which was originally a cash payment not a home. The applicant offered to move up and provide a home because their daughter qualified. He said the City is still getting money to build more affordable homes and they are getting the same buyer and it works out to the City's advantage. He added that they are not in the position of moving families out of neighborhoods that they have lived in for centuries. This predated the current Office of Affordable Housing. He said HOP homes are in a lien in favor of the City for 30 years. He noted that the money is never taken out for cash, but is used to provide the home to another affordable buyer.

Commissioner Trujillo said in theory this is a good thing to do, but asked if Mr. Pacheco sees that she is paying \$40,000 to get part of her property.

Mr. Pacheco explained that staff is put in the position of working with the policy on the books. He said his personal feelings have no influence on the code that he is subject to enforcing. He said the City is stepping forward and providing services so they are asking the developer to pitch in.

Commissioner Trujillo apologized to the applicant. He said this cannot be fixed tonight, but he has heard many who will not get into the HOP program because they do not want to sell their house and then be prevented from moving to the next level. He said the Affordable Housing Program is wonderful, but this makes no sense.

Mr. Pacheco said the ordinance is being reviewed to make changes that will make it work better for the development community as well as the affordable housing community. He added that some of the concerns are going to be addressed through the process. They are coming to some resolution especially on smaller projects such as this. The changes are moving forward and he feels everyone will be pleased with the changes as it will make it easier for families to develop.

**Commissioner Trujillo moved approval of Case S-2006-30 with staff conditions. Commissioner Heltman seconded the motion.**

Commissioner Lindell asked how the fee in lieu is computed.

Mr. Pacheco explained that based on an income range II (65-80% of area median income) and based on the price of a 3-bedroom in that range (\$109,000), the ordinance says you

will pay a fee in lieu of based on half the price of an income range II unit. Based on the calculation of six new lots the requirement is .83 times \$54,500 which equals \$43,235.

Commissioner Trujillo asked if anyone has the authority to reduce this.

Chair Werner explained that the Council can change the ordinance.

Commissioner Lujan asked Mr. Siebert how a family lot split turned into a development.

Mr. Siebert said there was the option to do a family transfer which would not have been subject to HOP. He said they had to go for a conventional subdivision to pay for the cost of the infrastructure through selling a few of the lots. He said under the family transfer they could not have sold any of the lots.

Commissioner Lujan agreed with Commissioners Trujillo and Gonzales. He understands the situation and sympathizes with the family. He agrees that something has to be done as everyone's hands are tied.

Commissioner Heltman did not understand the high bound rule that applies. She said nothing has been done so she does not understand why they are being held to an agreement that was a poor choice on their part originally. She asked if the City could say we understand there was a misunderstanding and cancel the agreement.

Mr. Smith said the issue comes up once a year. He explained that this came before the Commission as a multifamily project and was approved, and then the City Council also approved it. He said after consultation with the legal staff and Chair, they did not feel it was appropriate for staff to make changes to the conditions imposed by either body. He said in general if the Commission votes it into effect then only they can vote it out of effect.

Chair Werner commended Mr. Pacheco and the City Council for fine tuning the ordinance. He thought there is something to be said for different treatment of small subdivisions and certain other special situations. He hopes this can be accomplished.

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

- 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 Jaguar Village subdivision. (Katherine Mortimer, case manager)**



Memorandum prepared by Katherine Mortimer, Supervising Planner, prepared January 9<sup>th</sup> for January 18, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Letters from the School District regarding the easement request are incorporated herewith to these minutes as Exhibit "3(A)."

Staff report was given by Greg Smith included in Exhibit "3."

Staff recommends approval with the following conditions of approval:

1. Comply with Memorandum from Subdivision Engineer (Exhibit D)
2. Comply with Memorandum from Traffic Engineering (Exhibit E)
3. Comply with Memorandum from Water Division (Exhibit F)
4. Comply with Memorandum from Wastewater Management Division (Exhibit G)
5. Comply with Memorandum from Assistant Fire Chief (Exhibit H)
6. Comply with Memorandum from City's Trails and Open Space Coordinator (Exhibit I)
7. Santa Fe Homes Agreement shall include an additional 10% of affordable housing over that included in the Santa Fe Homes Proposal at the 100 to 110% of the area median income level consistent with the annexation agreement for this parcel.

### **Public Hearing**

**Lorn Tryk, was sworn.** He corrected the caption for the project as they are RM-LD (12 units per acre). He said when they went to the City Council for annexation and rezoning where they asked them to increase the affordability from 30% to 40% which the applicant agreed to do as part of the Santa Fe Homes Agreement. He informed the Commission that they will be asking for a variance at the next hearing as the townhouses require a variance to 2<sup>nd</sup> story setbacks. He said if this were a condominium project it would not require a variance, but since it is fee simple the code requires a 10-foot setback for 2<sup>nd</sup> stories in RM-LD. He reported that an ENN has been held for this with no opposition. He said they had written approval from the schools for connection of the road, but since it was so old and the road moved a bit they got this re-approved recently. There will be a trail near the north border along the arroyo. As the Council requested the road construction will be extended beyond the property to complete the vertical curve as long as the adjacent property owner allows this. They were asked to analyze the existing culverts underneath Calle Lucia and upsize them if necessary which again will require approval of the adjacent property owner. Drop inlets will be added to conduct the new storm water runoff that will be created by the road being paved. He appreciates the help and cooperation from staff that they have received on this project.

**The public testimony portion of the public hearing was closed.**

### **Questions and comments from the Commission**

Commissioner Hughes asked if the area between this project and Airport Road is City or County.

Mr. Smith said that is in the County subject to Extraterritorial Zoning Regulations.

Commissioner Hughes asked if the lots are sited to take advantage of the sun.

Mr. Tryk said the majority of the lots are sited to the south. A fenestration plan was set up for the townhouses to maximize the amount of passive solar. They will be insulating significantly higher than the code minimum and will add more efficient heating equipment. He said they are typically using BRY roofing with Neoguard coating if they can afford it.

Commissioner Hughes asked Mr. Tryk if he would rather see performance standards or prescriptive for energy standards.

Mr. Tryk replied performance standards.

Commissioner Lujan asked how many affordable units there will be exactly.

Mr. Tryk replied 13 total. He referred to the table in the packet with the affordable housing agreement.

Commissioner Lujan asked if there will be a mix of affordable units as some of the homes are large.

Mr. Tryk said two units are the 4-bedroom units and 5 are the 3-bedroom units.

Commissioner Lindell asked what size the units are.

Mr. Tryk said the units range from 1000-1400 square feet. He said they are larger than the minimum size.

Commissioner Gonzales commended the increase in affordable housing. He asked how the process is going through the MFA for approval of the project.

Mr. Tryk explained that they abandoned that process as the bond financing expired so they reapplied for the tax credits, but were turned down. He said features that were given points before were not given points this time. He said he went to Council the same night that the large project behind Lowe's came in so they were asked to raise their affordability and Karl Sommer asked why to which the City Council replied they did not have to follow the rules of the City of Santa Fe because the applicants are asking for annexation so they can impose any requirements they want on them. When it was his turn, they asked if he was willing to make the same deal which he agreed to. He did not feel this was unfair.

Commissioner Gonzales asked if they will have a homeowner's association.

Mr. Tryk replied yes. He said the plan includes alleys and the City will not accept dedication for alleys except in Tierra Contenta. The homeowner's association will be for the alleys and open space so he expects the dues to be minimal.

Commissioner Gonzales commended this. He said in Tierra Contenta not all the neighborhoods have homeowner's associations and so some of the areas have lots of graffiti, weeds, etc. He feels sustainability is important.

Commissioner Lindell was confused with the response about the solar orientation as the letter in the packet states that the site plan is not compliant.

Mr. Tryk explained that this was in reference to the site plan that was presented for the tax credits. He said that previous configuration did not have much solar access. He added that the site has been completely redesigned since.

**Commissioner Trujillo made a motion to approve Case S-2006-28 with staff conditions. Commissioner Hughes seconded the motion which passed by unanimous voice vote.**

### **3. Case #M-2006-27. San Isidro Phase II Final Development Plan.**

*This item was postponed per approval of the agenda to the March 15<sup>th</sup> meeting.*

## **G. BUSINESS FROM THE FLOOR**

**Joe Ortiz, 99 San Marcos Loop**, addressed affordable housing with the Commission. He said allowing the affordable housing to serve those with an income up to \$46,000 has made a big difference for many individuals in the community. He said agreeing to 40% affordability really affects the bottom line, but it makes for a good project. He said from an economical standpoint 30% affordability with the addition of the cost of bringing water and the additional delays with the process are making many good projects turn away. He feels there is a great void. He explained that there are 3 projects on the list currently and when they originally began the process with Raven Ridge as a tax credit project they were 22<sup>nd</sup> on the list. He said the ordinances and demands are breaking the backs of the developers. He urged the Commission to do an economic model when they begin addressing the affordability issues. He said developers do not come and say it does not work, they just do not come which is what he sees happening in the future.

## **H. STAFF COMMUNICATIONS**

Mr. Smith said the next meeting will be February 1<sup>st</sup>. There are new planners hired and ready to come on board. City Council is scheduled to consider the Old Taos Highway case.

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

Commissioner Gonzales asked the Commission to consider forming a subcommittee to develop a check off list for projects so as they evaluate the projects and make sure they have uniformity when they evaluate cases.

Commissioner Heltman said she has made the suggestion that the Planning Department let the Commission see the requirements that are supposed to be met when applicants turn in their submittals. She feels the Commission should not see projects that have missed information and they should not be placed on the agenda until the packet is complete.

Mr. Smith explained that staff has a checklist that is two pages long with very detailed information.

Chair Werner suggested adding the checklists staff has and including them in the next packet so the Commissioners can begin educating themselves.

Commissioner Heltman offered herself to answer phones or greet people if there is any way she could help out in the department.

#### **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 7:10 p.m.**

**Approved by:**

  
**Chair Robert Werner**

**Submitted by:**

  
**Denise Cox, Stenographer**