



# Agenda

CITY CLERK'S OFFICE

DATE 11/27/07 TIME 11:25am

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## AMENDED

### PLANNING COMMISSION

December 06, 2007 – 6:00 P.M.

CITY COUNCIL CHAMBERS

#### A. ROLL CALL

#### B. PLEDGE OF ALLEGIANCE

#### C. APPROVAL OF AGENDA

#### D. ELECTION OF OFFICERS

1. *Summary Committee (member to replace Commissioner Ken Hughes)*

#### E. APPROVAL OF MINUTES

November 01, 2007

#### F. OLD BUSINESS

1. **Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan.** Clif Walbridge, agent for Northside Ventures, LLC requests preliminary development plan for 84 units on 11.20 ± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. The application includes the following variance requests: 1) finished floor level more than five feet higher than average grade of buildable area; 2) use of private roads where public roads would normally be required; 3) development within the flood plain; 4) development within the required 25' setback from the top of the arroyo 5) exceeding the 50% rule for building on 20%-30% sloped land; 6) use of two private sanitary sewers that are not in the road (120' and 130'). (Donna Wynant, case manager) **(POSTPONED FROM NOVEMBER 01, 2007 AND NOVEMBER 15, 2007)**
2. **Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat.** Clif Walbridge, agent for Northside Ventures, LLC requests preliminary subdivision plat approval to create 5 lots and remainder tracts comprising 220.689 ± acres for a total of 258.219± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. (Donna Wynant, case manager) **(POSTPONED FROM NOVEMBER 01, 2007 AND NOVEMBER 15, 2007)**

#### G. NEW BUSINESS

1. An ordinance amending Section 14-5.6 SFCC 1987, the Escarpment Overlay District, regarding: locations of structures, buildable sites, colors, maximum height calculations, and landscape screening. (Wendy Blackwell) (Councilor Calvert)



2. City-initiated annexation of the city-owned Airport Road right-of-way extending from the intersection with Cerrillos Road at the eastern end to the intersection with New Mexico Highway 599 at the western end of Airport Road. (Katherine Mortimer, case manager)
3. City-initiated annexation of the city-owned Rufina Street right-of-way extending from the intersection of Richards Avenue on the eastern end to the intersection of South Meadows Road at the western end of Rufina Street. (Katherine Mortimer, case manager)
4. **Case #ZA 2007-11. First Mesa Rezoning from R-1 to RM-LD/PUD.** James W. Siebert agent for First Mesa LLC, requests rezoning of 2.87± acres of land from R-1 (Residential – 1 dwelling unit per acre) to RM-LD/PUD (Multiple Family Residential, Planned Unit Development). The application includes a preliminary development plan submittal for 20 lots. The property is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos. (Donna Wynant, case manager)
5. **Case #ZA 2007-12. 510 and 510 ½ St. Francis Rezoning.** Jennifer Jenkins, agent for Scott Thomas and Jean-Francois Chabaud, request rezoning of .24 +/- acres of land from RM-10 (Residential, ten dwelling units per acre) to C-4 (Commercial Limited Office and Retail) including variances to front, side and rear yard building setbacks and landscape buffer requirements. This application includes a site plan showing two existing homes totaling 2,100 square feet and a 710 square foot garage/storage structure. The request is to allow the existing residential use and potentially any allowed uses in the C-4 district. The property is located on the west side of St. Francis Drive between Agua Fria and Hickox Streets. (Donna Wynant, case manager)

#### **H. BUSINESS FROM THE FLOOR**

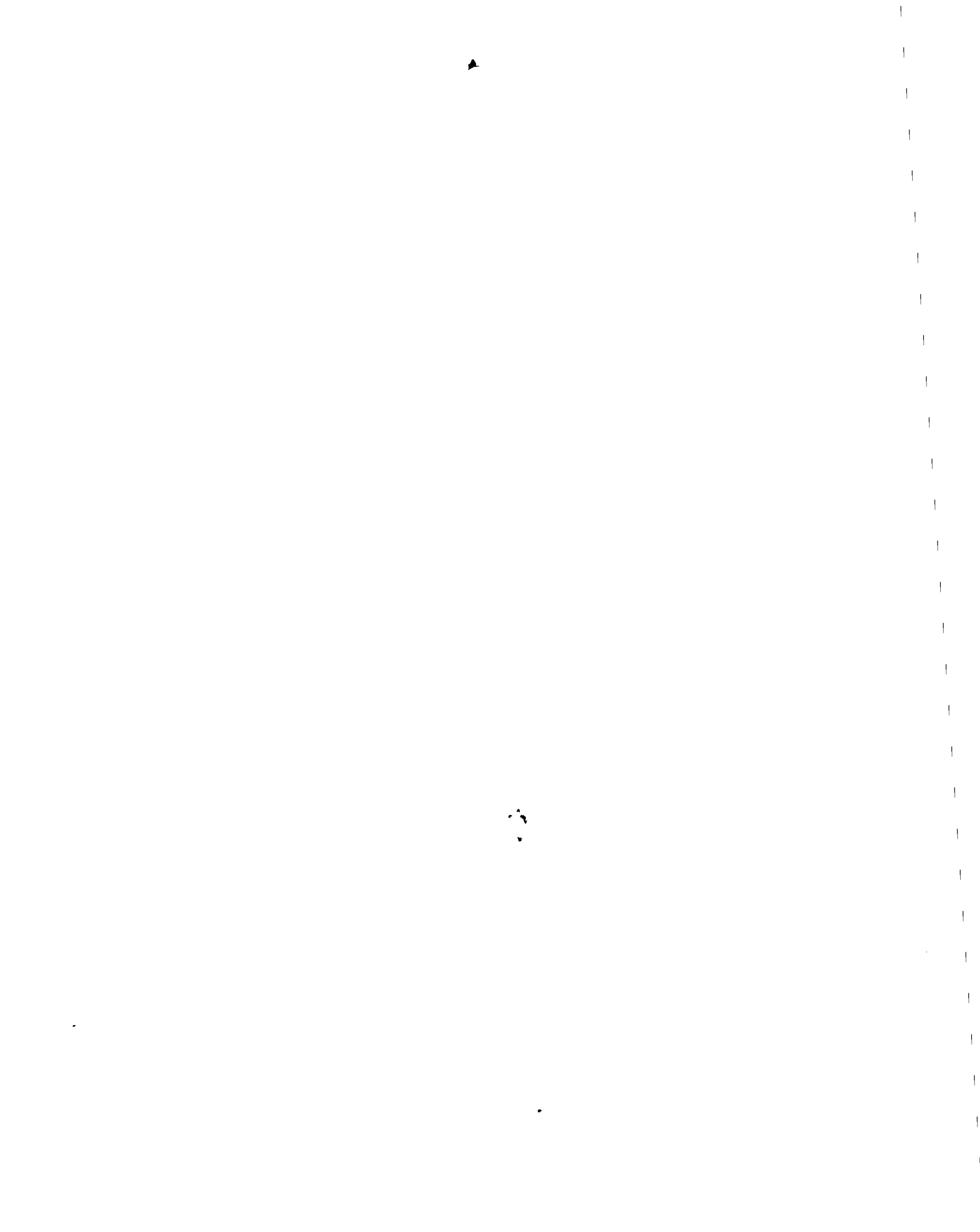
#### **I. STAFF COMMUNICATIONS**

#### **J. MATTERS FROM THE COMMISSION**

#### **K. 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**

**December 6, 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</b>
<b>D. ELECTION OF OFFICERS</b>		
1. Summary Committee (member to replace Commissioner Ken Hughes)		<b>1-2</b>
<b>E. APPROVAL OF MINUTES</b>		
November 01, 2007	<b>Approved</b>	<b>2</b>
<b>F. OLD BUSINESS</b>		
1. <b>Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan.</b> Clif Walbridge, agent for Northside Ventures, LLC requests preliminary development plan for 84 units on 11.20 ± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. The application includes the following variance requests: 1) finished floor level more than five feet higher than average grade of buildable area; 2) use of private roads where public roads would normally be required; 3) development within the flood plain; 4) development within the required 25' setback from the top of the arroyo 5) exceeding the 50% rule for building on 20%-30% sloped land; 6) use of two private sanitary sewers that are not in the road (120' and 130').	<b>Approved</b>	<b>2-7</b>
2. <b>Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat.</b> Clif Walbridge, agent for Northside Ventures, LLC requests preliminary subdivision plat approval to create 5 lots and remainder tracts comprising 220.689 ± acres for a total of 258.219± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates.	<b>Approved</b>	<b>2-7</b>
<b>G. NEW BUSINESS</b>		
1. An ordinance amending Section 14-5.6 SFCC 1987, the Escarpment Overlay District, regarding: locations of structures, buildable sites, colors, maximum height calculations, and landscape screening.	<b>Approved portions</b>	<b>7-11</b>
2. City-initiated annexation of the city-owned Airport Road right-of-way extending from the intersection with Cerrillos Road at the eastern end to the intersection with New Mexico Highway 599 at the western end of Airport Road.	<b>Approved</b>	<b>11-13</b>
3. City-initiated annexation of the city-owned Rufina Street right-of-way extending from the intersection of Richards Avenue on the eastern end to the intersection of South Meadows Road at the western end of Rufina Street.	<b>Approved</b>	<b>11-13</b>

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4.	<b><u>Case #ZA 2007-11. First Mesa Rezoning from R-1 to RM-LD/PUD.</u></b> James W. Siebert agent for First Mesa LLC, requests rezoning of 2.87± acres of land from R-1 (Residential – 1 dwelling unit per acre) to RM-LD/PUD (Multiple Family Residential, Planned Unit Development). The application includes a preliminary development plan submittal for 20 lots. The property is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos. <b>Approved</b>	<b>13-15</b>
5.	<b><u>Case #ZA 2007-12. 510 and 510 ½ St. Francis Rezoning.</u></b> Jennifer Jenkins, agent for Scott Thomas and Jean-Francois Chabaud, request rezoning of .24 +/- acres of land from RM-10 (Residential, ten dwelling units per acre) to C-4 (Commercial Limited Office and Retail) including variances to front, side and rear yard building setbacks and landscape buffer requirements. This application includes a site plan showing two existing homes totaling 2,100 square feet and a 710 square foot garage/storage structure. The request is to allow the existing residential use and potentially any allowed uses in the C-4 district. The property is located on the west side of St. Francis Drive between Agua Fria and Hickox Streets. <b>Approved</b>	<b>15-18</b>
H.	<b>BUSINESS FROM THE FLOOR</b>	<b>18</b>
I.	<b>STAFF COMMUNICATIONS</b>	<b>18-19</b>
J.	<b>MATTERS FROM THE COMMISSION</b>	<b>19-20</b>
K.	<b>ADJOURNMENT</b>	<b>20</b>

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

**December 6, 2007**

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

**A. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Bonifacio Armijo  
Ken Hughes  
Gloria Lopez  
Matthew O'Reilly  
John Salazar  
Angela Schackel Bordegaray  
Signe Lindell, Vice Chair  
Estevan Gonzales, Chair

**MEMBERS ABSENT:**

Shayna Lewis (excused)

**STAFF PRESENT:**

Greg Smith, Director Permit and Development Review  
Katherine Mortimer, Supervising Planner, Long Range Planning  
Wendy Blackwell, Director Technical Review Division  
Donna Wynant, Senior Planner  
Denise Cox, Stenographer

**B. PLEDGE OF ALLEGIANCE**

Chair Gonzales asked Commissioner Hughes to lead the pledge of allegiance.

**C. APPROVAL OF AGENDA**

Mr. Smith noted that the agenda was amended to include election of the Summary Committee member.

Chair Gonzales questioned if the notice was for election of Vice Chair as well.

Mr. Smith said that was not noticed, but agreed to put that on the next agenda.

**Commissioner Salazar moved approve the agenda as presented, Commissioner Lindell seconded the motion which passed by unanimous voice vote.**

**D. ELECTION OF OFFICERS**

**1. Summary Committee (member to replace Commissioner Ken Hughes)**

Commissioner O'Reilly moved to nominate Commissioner Lindell to serve on the Summary Committee, Commissioner Hughes seconded the motion which passed by unanimous voice vote.

**E. APPROVAL OF MINUTES  
November 01, 2007**

Commissioner Hughes made the following correction to the minutes:  
Page 12: the motion was a majority vote, not a unanimous vote.

Commissioner O'Reilly made the following correction to the minutes:  
Page 6, last paragraph: he requested quotation marks be placed after the word says on the 4th line and after the word residential in the 5th line.  
Page 7, 7<sup>th</sup> line from the top: after the word using place less

Commissioner Hughes moved to approve the minutes of November 1, 2007 as amended, Commissioner Salazar seconded the motion which passed by unanimous voice vote.

**F. OLD BUSINESS**

- 1. Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan. Clif Walbridge, agent for Northside Ventures, LLC requests preliminary development plan for 84 units on 11.20 ± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. The application includes the following variance requests: 1) finished floor level more than five feet higher than average grade of buildable area; 2) use of private roads where public roads would normally be required; 3) development within the flood plain; 4) development within the required 25' setback from the top of the arroyo 5) exceeding the 50% rule for building on 20%-30% sloped land; 6) use of two private sanitary sewers that are not in the road (120' and 130'). (Donna Wynant, case manager) (POSTPONED FROM NOVEMBER 01, 2007 AND NOVEMBER 15, 2007)**

*Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.*

- 2. Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat. Clif Walbridge, agent for Northside Ventures, LLC requests preliminary subdivision plat approval to create 5 lots and remainder tracts comprising 220.689 ± acres for a total of 258.219± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. (Donna Wynant, case manager) (POSTPONED FROM NOVEMBER 01, 2007 AND NOVEMBER 15, 2007)**

*Items 1 and 2 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.*



Memorandum from Donna Wynant, Senior Planner, prepared for November 8, 2007 for November 15, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Donna Wynant presented the staff report included in Exhibit "1."

Staff recommends approval of variance requests 1, 3, 4, 5 and 6.

Staff has determined that variance request 2 is not required by code – no action by the Commission is needed on that request.

A decision to approve any variance must include a determination that the special approval criteria for variances in PRC districts can be supported: variances in the PRC district "shall be evaluated based upon their appropriateness in relation to the overall development and its purposes and their impact upon surrounding properties."

Variances include:

- 1) Finished floor level more than five feet higher than average grade of buildable area;
- 2) Use of private roads where public roads would normally be required;
- 3) Development within the flood plain;
- 4) Development within the required 25' setback from the top of the arroyo;
- 5) Exceeding the 50% rule for building on 20-30% sloped land; and
- 6) Use of two private sanitary sewers that are not in the road (120' and 130')

If the Planning Commission determines that the requested variances should be approved, staff supports approval of the development plan with the following conditions:

- Subdivision Engineer (Exhibit O-Engineering review memo)
- Engineering Division Traffic Review (Exhibit P- Engineering Div. traffic review memo)
- Wastewater Division (Exhibit R- Wastewater Management review memo)
- Fire Department (Exhibit Q- Fire Department review memo)
- Solid Waste (Exhibit S- Solid Waste review memo)

Staff recommends the request for the Preliminary Subdivision Plat, for Senior Village be approved subject to compliance with code requirements of the following departments:

### **Public Hearing**

**Bruce Geiss, 2011 Botolph Road, was sworn.** He said along with David Gurule it was observed that some of the larger projects such as Rancho Viejo, Aldea and Nava Ade were struggling to pull off the commercial areas so they had workshops in the summers of 2004 and 2005 to help design a village center. Out of that they submitted a master plan amendment to incorporate a senior village adjacent to the village center. The intent was that the Thornburg project would provide economic viability and a senior village would provide a social segment to the north side population. They have come up with an 84 unit project, 64 independent casitas gathered around the larger building housing amenities and 20 apartments for assisted living and a continuum of care. He noted that this is not a nursing facility and they will not be licensed for that or Alzheimer's. They intend to have recreational health related facilities within the project. The Village Center may have a medical center if needed and a daycare which will draw a lot of amenities into the area. He showed the Las Estrellas master plan on a large board and the 8 acre park with pedestrian access to the senior village. He pointed out that some of the buildings are two stories with elevator access and some of the casitas have garages. This is a low scale project, zoned RM so they are allowed to go to 36 feet, but they will only be slightly above 24 feet. He stated that they have cleaned up the park and seeded the entire park building pathways within the park.

**Clif Walbridge, 1421 Luisa Street, was sworn.** He showed where the variances are happening on the map. The 1<sup>st</sup> variance for the floor grade over 5 feet, he pointed out the location which is a sliver that amounts to 400 square feet and the entire building is

12,000 square feet. In reference to the variance for a private road and public road, he showed the area on the map.

Chair Armijo noted that the 2<sup>nd</sup> variance was determined by staff to be unnecessary.

Mr. Walbridge referred to the 3<sup>rd</sup> variance regarding development within the flood plain, he said they will file with FEMA their engineering studies so they do not end up with anything in the flood plain. The 4<sup>th</sup> variance regarding development within the 25' setback in an arroyo, he showed where the edge of the right of way is quite a bit lower. The 5<sup>th</sup> variance is for exceeding more than 50% of the building in 20-30% slope, so he showed where this occurs at lot 21, 20, 24 and 22. The final variance has to do with the sewer. He showed the corridor of homes with private sewer maintained by the project. He explained that if this area had public sewer they would have to have 20 foot easements and this would require bringing a backhoe in that would not have clearance.

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

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

Chair Gonzales noted that there is no affordable housing memo included on this project.

Mr. Smith pointed out that the Santa Fe Estates has a pre-existing agreement that affects most projects. He said at the time of the most recent master plan amendment approval the Council chose to exempt the project from the affordable housing requirements based on the determination that the skilled nursing care function would be difficult to make compatible with the housing regulations.

Commissioner Hughes asked how they worked with neighbors on determining commercial needs and what the response was.

Mr. Geiss explained that in May 2004 they commenced design workshops resulting in a village center oriented around neighborhood services with several restaurants, studios, a residential component, health club, daycare center, dry cleaner and bank.

Commissioner Hughes noted that the northwest quadrant was looking at this type of development as well. He asked if Mr. Geiss has spoken to the planners for that project.

Mr. Geiss stated that he is on the advisory committee for that project. He said currently the northwest quadrant has pockets that can be incorporated in a commercial way.

Commissioner Hughes asked what the plans for energy standards to be adhered to are.

Mr. Geiss said they have only done preliminary architectural work to understand the land. He commented that no good builder will go forward without taking into account every means of green style development, although he cannot enumerate on what those would be exactly. He added that they are processing a land plan and negotiating with an operator that knows how to operate a community such as this.

Commissioner Hughes asked when they anticipate the new building standards will come before the City Council.

**Ms. Mortimer replied early 2008; they should be adopted late spring or early summer and go into affect early 2009.**

**Commissioner Hughes asked if these would apply to those that come in for building permit.**

**Mr. Smith stated at this point yes, but he cannot predict what the action of the Council will be. The drafts will apply to most if not all commercial operations and large scale residential.**

**Commissioner Hughes asked at what point they take a break until the standards are in place.**

**Mr. Smith said the Commission can forward advice to the Council to expedite the process of adopting these regulations or ask the Council to consider a moratorium in a more extreme case.**

**Commissioner Armijo asked which buildings are encompassed in the finished floor variance.**

**Mr. Walbridge replied 21, 20, 22 and 24.**

**Commissioner Armijo asked why 24 applies since it is below grade.**

**Mr. Walbridge believes it is 7 feet underneath.**

**Commissioner Armijo noted that this is only a total of 1.4% of the entire project.**

**Mr. Geiss clarified that it is 1.4% of the building.**

**Commissioner Armijo asked if the variance request 3 is just for the driveway.**

**Mr. Walbridge explained that they have to ask for it, but they will not need it because they have done the studies to have the flood plain changed.**

**Commissioner Armijo understood that the approval from FEMA would mean the variance would not be needed. He asked if this is the same with the arroyos.**

**Mr. Walbridge said that variance would stay. He said the distance is measured from the top of the arroyo although there really will not be a top of the arroyo. He pointed out that the road will be built through the top of the property.**

**Mr. Geiss added that there is already a road there, but if you went back there is no top of the arroyo which has made it difficult to deal with.**

**Ms. Blackwell stated that the 25 setback is a City code requirement regardless of the revision from FEMA.**

**Commissioner Armijo asked Ms. Blackwell why the 5<sup>th</sup> variance is required on the building 24 which is one foot lower.**

Ms. Blackwell explained that this refers to 50% of that structure being in the greater than 20% slope which is regardless of the elevation. She noted that it might make more sense to take out the finished floor elevation for this particular variance.

Chair Gonzales asked if it is common practice to appeal the maps.

Ms. Blackwell said that is standard to have appeals to the maps. There have been five appeals for the City of Santa Fe and they are anticipating a December 17<sup>th</sup> letter from FEMA.

Chair Gonzales commented that Las Cruces determined that the new FEMA maps are not even good and so they have opted not to use the maps.

Ms. Blackwell said if the City does not adopt the FEMA maps then you are no longer in good standing with the National Flood Insurance program and you can be put on suspension. The policies have to pay a penalty and the City might not be eligible for certain federal funding. Las Cruces had a whole series of problems with the mapping and hopefully they will resolve the issue and adopt approved maps.

Commissioner Lindell asked why staff is recommending the approval of variance 5.

Ms. Blackwell referred to the very last sentence where Mr. Biathrow's opinion is that there is not significant structural impact on the terrain.

Commissioner Lindell asked how this project fits in with the resolution for setbacks from 599.

Mr. Smith believed that this will be grandfathered in since the master plan was adopted prior to the adoption of the highway corridor regulations on 599.

Commissioner O'Reilly believes that the variance Commissioner Armijo was questioning has nothing to do with anything other than the main building. He assumed there would be public sewers under the private road which would require easements.

Mr. Geiss said that is correct.

Commissioner O'Reilly stated that these are not lots being created but units, so he asked if they will be for sale.

Mr. Geiss explained that there are emerging economic models for dealing with this type of development, but they are not creating lots. He said they have a large core building to house the medical staff, assisted living and amenities. They tried to push as many individual casitas up against the buildings as possible and on the west side they constrained the building to a single story height. He said some are connected.

Commissioner O'Reilly commented that they appear connected, so he does not see the need for a variance because none violate the 50% rule on 20-30% slopes. He agreed that buildings 20 and 21 do require a variance. He said they try to limit the variances, so he asked if it would be possible to relocate those units so they do not exceed the 50% requirement.

Mr. Geiss said they have talked about connecting them so it becomes part of the larger mass, but they are not that far in the architectural scheme. He said they want to get a better understanding of the outdoor experience. He said they have talked about connecting them as a way of avoiding the variance, but it did not seem to be a meaningful way of addressing the issue.

Commissioner O'Reilly said they have done a good job with this site, but if there is a simple design solution they could avoid the variance.

Commissioner Lopez referred to the public roads feeding into this community. She asked how the City guarantees that the taxpayers will not have to pay for these improvements and maintenance down the line.

Mr. Geiss pointed out that the City will participate financially in the improvements to the extent that they are public roads. He added that the master developer has an agreement with the City to collect a certain amount of funds from every unit created towards an \$875,000 fund. He said they have collected \$250,000 towards this. He noted that if you are approved for a residence the contribution is \$500. He said stormwater will be handled in a similar way.

**Commissioner Armijo moved to approve Case #M-2007-27 with staff conditions, deleting variance 2, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

**Commissioner Armijo moved to approve Case #S-2007-12 with staff conditions, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

## **G. NEW BUSINESS**

- 1. An ordinance amending Section 14-5.6 SFCC 1987, the Escarpment Overlay District, regarding: locations of structures, buildable sites, colors, maximum height calculations, and landscape screening. (Wendy Blackwell) (Councilor Calvert)**

Memorandum from Jeanne Price, Legislative Liaison, and Wendy Blackwell, Technical Review Division Director, prepared November 26, 2007 for December 6, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Ms. Wendy Blackwell presented the staff report included in Exhibit "2."

### **Public Hearing**

**Dennis Kensel, 9 Cloudstone Drive, Santa Fe, stated that he believes the clarifications being presented amend what is on the books. His objection is to changing the location of where structures can be built. If this were adopted this would be the second change to where structures can be located within the last 15 months. He was unsure with this ordinance on the books what he will have or what he will be able to sell. He said this would push structures outside the escarpment area so it appears convoluted. He supports the idea, but feels this needs more work.**

Chair Gonzales asked if there is a number people can call if they have questions regarding what they are allowed to do with their property.

Ms. Blackwell explained that they do not have the staff to do site visits, but people can make an appointment to come in with a slope analysis and plat for guidance. She noted that her number is 955-6217.

**Ron Van Amberg, 347 East Palace**, said he represents a client that owns a number of lots in a subdivision approved in 1993. A number of these lots are impacted by this ordinance and some will have no buildable space. This ordinance was originally enacted in September of 2006 and the suggestion was made that these were clarifications. He said the fact is that these are ordinance changes, not clarifications. He believes this takes legal lots of record imposing new restrictions which he submits is a constitutional taking. He suggested studying the ordinance. Under the escarpment ordinance you could build in the ridgetop to lessen the impact, but in September 2006 this practice changed. He believes this is also a regulatory taking which goes one more step.

**Bruce Geiss, 2011 Botolph Road**, stated that the north side has a tremendous amount of topography. He said there are many lots that have been sold to people who believed they understood what they were buying and now they have something entirely different. He said there seems to be another way to address the visibility issues. He said if they do not make people redesign their homes then there might be something workable there. He said these ordinance changes make the northwest quadrant affordable housing project virtually impossible.

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

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

Commissioner O'Reilly noted that he had hoped Charlie Gonzales would be here, but understands he had an emergency. He personally has been dealing with the escarpment ordinance since it was put in place. In his opinion, the escarpment ordinance is one of the most poorly written ordinances the City has ever put in place. The changes made 15 months ago are a good demonstration that it has not improved. He understands the intent and agrees with Councilor Calvert's concerns with fire. The clarifications proposed are good for the same reasons particularly because it is true these clarifications come up all the time. He was troubled by the changes and where they are originating from.

Ms. Blackwell stated these come from staff based on what they have to deal with project by project.

Commissioner O'Reilly used page 3 of the draft, letter D as an example. He said the proposal is to prohibit development on the ridgetop and the foothills. He said this is a huge policy change. He does not believe they should be doing any major revisions or policy changes with the exception of the safety concerns and the few clarifications to this ordinance that is already so confusing. He said this ordinance needs to be scrapped and made simpler.

Ms. Blackwell said the intent was not to prohibit building in the foothills, but they intended to allow building in the foothills if there was no buildable site outside the escarpment district.

Commissioner Hughes said even if they can only build on 10% that is still quite a bit of valuable land. He said he is not sympathetic with that argument that this is a taking. He suggested postponing this to work on the language.

Commissioner Lindell asked for Ms. Blackwell for her comments.

Ms. Blackwell explained that the changes made in September 2006 were worked on for 18 months. She said the issue of takings was discussed. She added that the City Council passed an ordinance stating that a new legal lot cannot be approved unless it meets the criteria of having at least 2000 square feet of buildable site outside the ridgetop subdistrict. She noted that they do find lots without 2000 square feet outside the ridgetop and those come for a variance because they can prove that it is hardship.

Chair Gonzales asked if the attorney looked at the proposed changes and reviewed the issue of takings.

Ms. Blackwell explained that the ordinance revisions were approved to form, but not as to content. She said they will get legal advice.

Commissioner Lindell agreed with Commissioner Hughes. She said when people cannot do what they want they end up talking about takings. She said cleaning up this ordinance will not happen too soon for her. She noted that driving up Artist Road makes you wish for the escarpment overlay district to be tightened up quickly. She questioned what staff can approve administratively regarding 50% increase from the current structure size.

Ms. Blackwell said they generally move the structure as far from the view line as possible. If they have to build outside the escarpment overlay district altogether they do not want to require the property owners to come for a variance as they believe staff could prove the point that there is not 2000 square feet outside this area. She said additions would be allowed if they met the criteria. She believed that the 50% expansion or addition was pulled from an existing code by Ms. Price.

Commissioner Lindell recommended having these approved by a manager, not just staff.

Commissioner Armijo suggested putting a subcommittee together to study this. He feels there are a lot of little items that need tweaking.

Commissioner Lopez asked if any of the property owners were invited to join the discussion prior to the changes in 2006.

Ms. Blackwell stated that she had an email list of approximately 60 interested parties. She believes there was considerable outreach.

Commissioner Lopez agreed that some people buy property years before they plan to do something with it. She understands the concerns that property owners have and asked that they be included in the subcommittee.

Chair Gonzales asked if the public has ever served on subcommittees.

Mr. Smith said this is not unheard of, but it is not common. He hopes the staffing levels get to the point that they can make changes and recommend updates.

Chair Gonzales understood that Commissioner Lopez wants the public affected informed. He asked if there could be a public meeting to garner feedback.

Mr. Smith said there is a precedent for doing this and the process includes press releases, newspaper articles and public information.

Commissioner Lopez wants those individuals to be able to voice their concerns to the subcommittee so they can be incorporated into the changes.

Commissioner Salazar asked if section 4(1)d prohibits any kind of addition to a non-conforming home.

Ms. Blackwell stated that this is not written in the code explicitly, but the non-conformity section of the land use code is included here. She said this is not new, but new to this section.

Commissioner Salazar asked if an applicant would have to apply for a variance in this situation.

Ms. Blackwell replied yes. She commented that Councilor Calvert is not present, but suggested making a recommendation on the parts of this that they feel can move forward so they can get the safety issues addressed. The other issues could be worked on separately.

Mr. Smith explained the options.

Chair Gonzales asked what the hurry is.

Ms. Blackwell said the sooner the safety issues are in place the better.

Commissioner Salazar believes this ordinance is based on a map that was poorly drawn which is the problem.

Ms. Blackwell agreed, but said there are new maps being developed.

Commissioner Salazar asked if there are still ridgetops with no foothills.

Ms. Blackwell stated that she has not seen them delineate the ridgetop yet, but they have gone from the original 19 points to 13 viewpoints and 6 view sheds. She noted that this will all be computerized and not just a judgment call.

Commissioner Bordegaray agreed that the input needs to be facilitated. She feels the urgency of this is put off because they might be able to view the new mapping as early as January. She believes that the escarpment overlay ordinance should be elevated to a priority status. She stated that she is not prepared to make a recommendation on this.



**Commissioner O'Reilly moved to approve only the portions that are revisions to the planting distances and basal area tree densities and recommend staff undertake a full public planning process as part of the Chapter 14 revision process to fully involve the Commission and public in rewriting the escarpment overlay ordinance.**

Commissioner O'Reilly did not believe they want to continue to make small changes to these ordinances that change the intent significantly in the end.

Chair Gonzales asked for a friendly amendment to form a subcommittee.

Commissioner O'Reilly expressed concern that there is too much public interest and sensitivity for this to be dealt with in a subcommittee. He anticipates hundreds of people showing up.

Chair Gonzales commented that the process can still take place and that information can be filtered to the Commission.

**Commissioner O'Reilly considered the friendly amendment to form a subcommittee, Commissioner Salazar seconded the motion.**

Commissioner Lopez asked Commissioner O'Reilly to restate the motion.

Commissioner O'Reilly restated that he moved to recommend approval of this change to the ordinance, but only the portion addressing the planting distances and basal area tree densities as recommended by Councilor Calvert. He recommends staff start a public planning process as part of the revision to Chapter 14 to prioritize and make a priority the rewrite of the escarpment overlay district ordinance.

**The motion passed by unanimous voice vote.**

- 2. City-initiated annexation of the city-owned Airport Road right-of-way extending from the intersection with Cerrillos Road at the eastern end to the intersection with New Mexico Highway 599 at the western end of Airport Road. (Katherine Mortimer, case manager)**

*Items 2 and 3 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.*

- 3. City-initiated annexation of the city-owned Rufina Street right-of-way extending from the intersection of Richards Avenue on the eastern end to the intersection of South Meadows Road at the western end of Rufina Street. (Katherine Mortimer, case manager)**

*Items 2 and 3 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.*

Memorandum from Richard Macpherson, Senior Planner, prepared November 26, 2007 for December 6, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Katherine Mortimer presented the staff report included in Exhibit "3."

### **Public Hearing**

**William Me, 2073 Camino Samuel Montoya, President of Agua Fria Village Association**, stated concerns regarding the annexation of Rufina Street as there are some residents that have not decided if they want to be annexed into the City or included in the Traditional Historic Community. He said those people would no longer be contiguous to the THC boundaries if Rufina is annexed. He said this is a point of legal contention. He suggested the annexation language state that this does not affect the continuity to THC boundaries.

**Donald Stone, 3222 Calle Maria Luisa**, explained that they have been to several meetings. He said in the beginning it sounded like it would be a forced annexation and then they were given a choice. He said the landowners along Rufina Street do not know if the County has any coordination with the City regarding this. He questioned if there is a conflict if the property owners agree to be annexed. He said they are currently at one structure per acre and does not know what that might change to. He would like to have more facts.

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

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

Ms. Mortimer said she is not sure, but she does not think changing the jurisdiction of the roadway makes any difference because contiguity excludes roadway and right of way.

Mr. Smith said they do need to look at the State legislation.

Ms. Mortimer stated that this action does not annex any private property. She said if the homeowners take the opportunity to petition for annexation they would review the particulars which includes wells and septic systems.

Mr. Smith said city annexation does require connection to sewer and water if they are available. He said typically if the land is further developed this is required. He said during the pre-application meeting they can give specific details. He commented that generally speaking in this area annexation would provide more options than the property owners have currently.

Chair Gonzales thanked Councilor Dominguez for being present.

Commissioner Hughes asked if any of this goes through the traditional historic community boundary as defined by the State law.

Mr. Me said the boundary is north of Rufina Street, but there are property owners that own on both sides of the street. He said people are confused as to where it would be better for them.

Commissioner Hughes said this seems reasonable since this is not in the THC.

Commissioner Salazar agreed that Rufina is the boundary. He asked what the hold up is for people that cannot decide what to do.

Mr. Me believed it was a lack of information. He said the south side of Rufina was deemed commercial properties and so many took that to be commercial one day. He said the planning meetings began in 1974, so people were acclimatized that one day this area would be part of the city but zoning never came about. He said people have since built residences on the other side, so it is hard for families to make up their mind one way or another. He would like to see the THC inclusion as one option.

Commissioner Bordegaray clarified for the public that THC is Traditional Historic Community. She asked if that is a Santa Fe County designation.

Commissioner Salazar replied that it is a state law designated throughout the state.

Commissioner Bordegaray stated that this is different from the village designation. She shares Mr. Me's interest in how this works and appreciated his articulate presence.

Councilor Dominguez stated that they are talking about the areas of the road that the City already owns, so it is appropriate to go through the educational process as to how this affects the THC. He said there is a great deal of education that needs to occur before they give the impression that the City will be annexing private properties.

**Commissioner Lindell moved to approve #M-2007-37. Commissioner Lopez seconded the motion which passed by unanimous voice vote.**

**Commissioner Lindell moved to approve #M-2007-38, Commissioner Lopez seconded the motion.**

Commissioner Salazar said he would like to know if this will affect these property owners that may want to be included in the Traditional Historic Community.

Mr. Smith said if the Commission wants they can direct staff to report on this at the City Council hearing.

**Commissioner Lindell and Commissioner Salazar accept this as an amendment.**

**The motion passed by unanimous voice vote.**

- 4. Case #ZA 2007-11. First Mesa Rezoning from R-1 to RM-LD/PUD. James W. Siebert agent for First Mesa LLC, requests rezoning of 2.87± acres of land from R-1 (Residential – 1 dwelling unit per acre) to RM-LD/PUD (Multiple Family Residential, Planned Unit Development). The application includes a preliminary development plan submittal for 20 lots. The property is located to the south of Cerrillos Road, west of Kachina Ridge, Phase II, and north of the Arroyo de los Chamisos. (Donna Wynant, case manager)**

Memorandum from Donna Wynant, Senior Planner prepared November 28, 2007 for December 6, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Affordable Housing Proposal dated December 5, 2007 is incorporated herewith to these minutes as Exhibit "4(A)."

Donna Wynant presented the staff report included in Exhibit "4."

Staff supports the requested RM-LD/PUD density and housing type for the subject property. If the Commission decides to recommend approval of the application, the following conditions of approval are recommended by staff:

**Rezoning Conditions**

The development for this rezoning application is hereby approved and shall be attached to the rezoning ordinance as an exhibit. A detailed development plan shall be prepared and filed prior to development of the property, and shall comply with the requirements of the following departments:

- Engineering Division Review memo
- Engineering Division Landscape Review memo
- Engineering Division Traffic Review memo
- Wastewater Management Division Review memo
- Solid Waste Division Review Memo
- Fire Department memo
- Water Division memo
- Parks, Open Space & Trails Review Memo

Mr. Smith clarified that the case is ZA-2007-11, not S. He noted that the recommendation is to the City Council on the zoning including the preliminary development plan. The subsequent steps are the preliminary and final subdivisions plats and final development plan come to the Commission, but not to City Council.

Commissioner Lindell asked if this property is currently R-1 or R-5.

Ms. Wynant replied R-1.

**Public Hearing**

**Jim Siebert, 915 Mercer, was sworn.** He said this property is surrounded on two sides by existing residential development. This development is slightly more than six units per acre which is consistent with the Kachina Ridge and Eldergrace subdivisions. To the northeast is Las Americas project which is 19 units per acre and to the south is Arroyo de los Chamisos which is a wide open space area and immediately west is vacant land. There will be a homeowners association to maintain some of the private open space and ponding. He said with regard to the flood plain there is full documentation that has been submitted to FEMA and it was preliminarily approved.

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

**Questions and comments from the Commission**

Chair Gonzales noted that it states R-5 on the cover sheet, but it was advertised as R-1.

Commissioner O'Reilly said the general plan calls for R-7 to R-9 and this development plan could have been incorporated by R-9 density. He asked if this could have been an R-9 PUD.

Mr. Siebert commented that he did this with other projects so he thought it was consistent. He added that he is not that familiar with R-9.

Mr. Smith said it does require a development plan. He said the existence of flood plain acreage would have affected the density calculation.

Commissioner O'Reilly said they still could have gotten over 20 units so they could have gotten the density. He said they want to be rezoning in accordance with the general plan and if they could accommodate the same development plan with same setbacks complying with general plan they should. He asked how they will provide the private open space required.

Mr. Siebert pointed out that the open space will be along the north side abutting the south side open space of Eldergrace. They have provided for access from the end of the cul-de-sac. He pointed out an existing sewer line that crosses the drainage and this requires 20 feet so it made an automatic pedestrian access across the drainage. This will provide a future trail system that will eventually link into the Arroyo Chamiso Trail.

Commissioner O'Reilly questioned the private open space as his understanding is that the RMLD zoning requires lots of 3600 square feet and usually when there are lots smaller than that they have to provide private open space.

Mr. Siebert stated that each yard is in conformance as referenced on his chart. He said the minimum open space is relative to the dwelling unit.

Commissioner O'Reilly asked if this same development plan could be accommodated by an R-9 PUD.

Mr. Smith was unsure as there are slight differences between the two districts. He said the general plan does designate this as transitional mixed use which corresponds to an MU district or corresponds to the residential densities allowed within a mixed use district. He said the recommendation by staff is consistent with the density that is appropriate. He added that another reason the RMLD might be better is because of the adjacent districts. There are not specific rules in the City's regulations about how small an individual zoned district has to be before it is considered spot zoning. He believes the RMLD zoning is more consistent with the overall zoning pattern in the district.

**Commissioner Armijo moved to recommend approval of Case ZA-2007-11 by City Council, Commissioner Hughes seconded the motion.**

Commissioner Lindell asked if the project is proposing 20 homes or manufactured home lots.

Mr. Siebert clarified that these are stick built homes.

**The motion passed by unanimous voice vote.**

- 5. Case #ZA 2007-12. 510 and 510 ½ St. Francis Rezoning. Jennifer Jenkins, agent for Scott Thomas and Jean-Francois Chabaud, request rezoning of .24 +/- acres of land from RM-10 (Residential, ten dwelling units per acre) to C-4 (Commercial Limited Office and Retail) including variances to front, side and rear yard building setbacks and landscape buffer requirements. This application includes a site plan showing two existing homes totaling 2,100 square feet and a 710 square foot garage/storage structure. The**

**request is to allow the existing residential use and potentially any allowed uses in the C-4 district. The property is located on the west side of St. Francis Drive between Agua Fria and Hickox Streets. (Donna Wynant, case manager)**

Memorandum from Donna Wynant, Senior Planner prepared November 27, 2007 for December 6, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Comments dated December 6, 2007 from Charlie Gonzales, Technical Review Coordinator are incorporated herewith to these minutes as Exhibit "5(A)."

Site photos dated 11/29/07 and 12/3/07 are incorporated herewith to these minutes as Exhibit "5(B)."

Conceptual Site Plan is incorporated herewith to these minutes as Exhibit "5(C)."

Donna Wynant presented the staff report included in Exhibit "5." She made a correction to the side yard setback as it is from the south lot line. She said there is no variance required as there is adequate space on the side yard.

**Staff recommends:**

The six parking spaces provided on the site plan will not support non-residential use in all of the buildings on the site, and no provision is made for use of the "garage-storage" building. Since the point of the site plan requirement is to ensure that the site is suited for non-residential uses that will be compatible with adjoining residential uses, staff is unable to recommend approval of the application.

If the Commission decides to recommend approval of the application the following findings are required for the variance application and the following conditions of approval are recommended by staff:

The applicant is requesting variances from the setback requirements for the existing structures and from the 15 foot landscape buffer requirements along the near (west) lot line as required by the C-4 district. Any change in use from residential to nonresidential use of all structures must be reviewed for required parking specified by code. However, no specific change in use is proposed with this application.

Variances to front, side and rear yard building setbacks and landscape buffer requirements for the C-4 District per § 14-7.2(A), Dimensional Standards as follows in the chart on page 2 of the staff report included in Exhibit "5."

**Rezoning Conditions:**

1. Since the residential use is a permitted use in the C-4 district and no specific changes are proposed to the development for this rezoning application is hereby approved for the residential use of the property as proposed and shown on the site plan for two single family homes with the proposed shared parking arrangement.
2. If the Planning Commission approves the rezoning to the C-4 district, staff recommends the ordinance stipulating permissible uses and criteria for development be referenced on the rezone plat.
3. this plan shall be attached to the rezoning ordinance as an exhibit and shall comply with the requirements of the following departments:
  - Technical Review Division Review Memo
  - Technical Review Division Landscape Review Memo
  - Public Works Engineering Division Traffic Review Memo
  - Wastewater Management Division Review Memo
  - Solid Waste Division Review Memo

Although the requested C-4 zoning is consistent with the General Plan, no specific uses have been proposed at this time other than the continuation of the single family use of both of the structures.

## **Public Hearing**

**Jennifer Jenkins, Grant Avenue, was sworn.** She pointed out the location of the project and how these lots share a common access off of St. Francis Drive. She said in accordance with staff's request, they redid the parking calculation and are providing parking for all three structures. They will be providing 7 parking spaces including one handicapped accessible space. She noted that they can pull out going forward and will not be backing out onto St. Francis. These are homes that would convert nicely to office space. She said other uses are permitted, but they do not feel they are appropriate for this particular site. The parking would not accommodate anything more intense. She said the list of setback requirements would be more applicable if they were starting from scratch. She said this is a worthwhile effort to preserve these and not demolish them which is the purpose of the variance request. She stated agreement with staff conditions.

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

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

Commissioner Armijo commented that this area should remain residential. He does not want to keep moving commercial into an area that is residential. He stated that he was opposed to moving into the Agua Fria area so he will remain consistent with the way he sees growth.

Commissioner Hughes said they have regretted putting St. Francis in although it was applauded to begin with. He does not know how many people would want to live on St. Francis breathing the fumes. He does not think the change in zoning will prevent anybody from living there.

Ms. Jenkins agreed this does not prevent anyone from living here. They have options and are not limited to finding someone that wants to live on St. Francis Drive. She said the City created the overlay to respond to this while protecting the neighborhood character.

Commissioner O'Reilly asked if that is the accurate reason the C-4 overlay was created.

Mr. Smith said subsequent to St. Francis bisecting the neighborhood there is a map in the packet. He noted that various tracts of land are eligible to apply for C-5 zoning, but the ordinance did not automatically rezone everyone fronting St. Francis. Stone Forest and the metal smith are responses to the C-4 overlay district. He said the general plan does not support the idea that you are eligible for office uses just because you have frontage on an arterial road. He believes the zoning was placed in the 1980's.

Commissioner O'Reilly questioned if the applicant submittal is a development plan.

Mr. Smith explained that the depiction of proposed parking, setbacks and buildings is a site plan. He said on these small scale projects they do not require all the detail as the intent is to show the layout can accommodate the parking. He said staff feels the uses would be required to be listed on the site plan.

Commissioner O'Reilly understood there is no change in use anticipated, but asked if this were sold property and they tore the structures down if the variances would go with

the land.

Mr. Smith said staff interpretation is that the variances are tied with the specific characteristics of the site when approved. He said demolishing the buildings would mean the development plan would have to be amended and would be a separate application to the Board of Adjustment or the Planning Commission.

Commissioner Salazar asked what would happen to the parking if these were sold to two different owners.

Ms. Jenkins said there is an easement for driveway access that crosses both properties and they are creating a new easement for shared parking. She said any attempt to change that would be agreed upon by both property owners.

**Commissioner Hughes moved to approve Case #ZA-2007-12 with staff conditions, Commissioner Lindell seconded the motion.**

Commissioner Armijo thought they were required to have a firewall if they have 0 setbacks.

Mr. Smith said for new construction that is the case, but the existing buildings are not affected by this. He said it is relatively typical in the old neighborhoods to not have the firewall. It may be that the building codes would trigger compliance. He noted that they are making a transition to the international codes and he is not sure what the transitions are.

Commissioner Armijo asked why they are requiring conformity for lot splits.

Mr. Smith said that is where the new lot line creates the 0 setback as they are creating a new nonconformity rather than an existing nonconformity.

Commissioner O'Reilly asked if the intention of the motion was that it included the representations that the uses will be restricted to office use.

Commissioner Hughes replied no because the application does not prevent residential.

Ms. Jenkins agreed to have the commercial limited to office uses.

**Commissioner O'Reilly made a friendly amendment that commercial uses are restricted to office. Commissioner Hughes and Commissioner Lindell accepted the amendment.**

**The motion passed by a majority voice vote of 6 to 1. Commissioner Armijo opposed the motion.**

**H. BUSINESS FROM THE FLOOR – None**

**I. STAFF COMMUNICATIONS**

Mr. Smith said they are reviewing proposals for Chapter 14 and they are hoping to pursue those actively. Staff is interviewing applicants with what appears to be a good



array of candidates and so they hope to be to full staff in January or February.

Mr. Smith reported that there has been an agenda advertised for December 20<sup>th</sup> as long as they have a quorum. He said they do not anticipate a January 3<sup>rd</sup> meeting based on the flow of applications.

Commissioner O'Reilly was the only Commissioner that would not be attending the December 20<sup>th</sup> meeting.

Chair Gonzales introduced Kelly Brennan, the new land use attorney, and welcomed her to Santa Fe.

Ms. Brennan said she spent the last 13 years working for the Boston Housing Authority which houses 10% of the population with 65 developments up to 1200 units each. Boston has an aging infrastructure and she dealt with lots of environmental issues. She used energy conservation work to finance new systems and prior to that she worked for a private development company for 13 years. She has been traveling to Santa Fe for 15 years with family here.

## **J. MATTERS FROM THE COMMISSION**

Commissioner O'Reilly reviewed the syllabus that was developed with Commissioner Bordegaray. This was presented to the Commission and is incorporated herewith to these minutes as Exhibit "6."

Chair Gonzales asked if they need to formally appoint a subcommittee.

Mr. Smith agreed to amend the December 20<sup>th</sup> agenda to include the appointment of a subcommittee.

Commissioner O'Reilly requested as the public process goes forward at some point that those Chapter 14 changes come to the subcommittee or Commission.

Mr. Smith explained that the overall revision process is likely to spread out over 12 months with a variety of working groups. He said in 2004 an official subcommittee with two members from each board was appointed with a number of public hearings.

Commissioner Bordegaray believes this is a good start and suggested discussing it at the next meeting after everyone has time to review it.

Chair Gonzales said he hopes to figure out the syllabus for the entire year then they can cement the foundation of training for years to come and show the public that they are addressing this. He anticipated this helping the staff with budgeting for this.

Mr. Smith thanked them for the effort and appreciated what looks like a comprehensive list. He requested the Commission discuss at the next meeting how much time they want to make available for doing this, so staff can get a handle on whether staff or consultants will make presentations.

Commissioner Bordegaray wanted to stress the importance of understanding the relationship amongst staff and the different departments.

Chair Gonzales asked if the Commission could have a holiday lunch with staff as long as they do not talk about business.

Mr. Smith agreed to look into this and see if they have to notice that a quorum would be present.

Commissioner Hughes requested having a formal meeting between the Commission and City Council. He feels they spend a lot of time on these cases visiting the sites and crafting good recommendations and then the City Council overturns the project unanimously such as the Governor Dempsey project. He questions what their role is and why they are given no reason for overturning recommendations. He believes this would relieve frustration.

Chair Gonzales agreed there is a lot to talk about.

Commissioner O'Reilly pointed out that there are a few members that serve on different committees and a few cases coming up will go before all three committees. He noted that the chair of the BCD requested an opinion as to whether members can hear the case twice or if they have to chose which hearing they attend. He said he has no answer yet and has a meeting next Thursday.

#### **L. ADJOURNMENT**

There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner O'Reilly moved, seconded by Commissioner Armijo to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:45 p.m.

**Approved by:**

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**Chair Estevan Gonzales**

**Submitted by:**



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**Denise Cox, Stenographer**