



# Agenda

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## SECOND AMENDED

### **PLANNING COMMISSION**

***December 20, 2007 – 6:00 P.M.***

***January 03, 2008 – 6:00 P.M.***

### **CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. ELECTION OF OFFICERS**
  - 1. Vice-Chair (to replace Commissioner Signe Lindell)***
- E. APPROVAL OF MINUTES**
  - November 15, 2007***
- F. OLD BUSINESS**
- G. NEW BUSINESS**

### ***THE FOLLOWING ITEMS HAVE BEEN POSTPONED FROM DECEMBER 20, 2007 DUE TO MEETING CANCELLATION.***

- 1.** An ordinance creating a new Section 14-2.10 SFCC 1987 regarding a Neighborhood Conservation Review Committee; creating a new Section 14-5.10 SFCC 1987 regarding Neighborhood Conservation Overlay Districts; and making such other changes as are necessary. (Councilor Heldmeyer) (Jeanne Price, case manager)
- 2. Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment.** Derrick Archuleta, agent for Evangeline Herrera, requests approval of a General Plan Future Land Use Map amendment to change the designation of 0.306± acres of land from Low Density (3-7 dwelling units per acre) to Community Commercial. The area is located between Camino Alire and Hickox Street. (Lou Baker, case manager)
- 3. Case #ZA 2007-13. 1312 Agua Fria Street Rezoning.** Derrick Archuleta, agent for Evangeline Herrera, requests rezoning of 0.306± acres of land from R-5 (Residential, five dwelling units per acre) to C-2 (General Commercial). The property is located between Camino Alire and Hickox Street. (Lou Baker, case manager)

4. **Case #M 2007-33. Kaushal Business Park Development Plan.** Linda Tigges, agent for A.K. Kaushal requests development plan approval for approximately 8,936 square feet of office use and approximately 13,410 square feet of warehouse use on 1.998± acres. The property is located north of Rodeo Road between Sawmill Road and SFRR right-of-way and is zoned I-1 (Light Industrial). (Donna Wynant, case manager)
5. **Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for A.K. Kaushal requests preliminary subdivision plat approval for 11 lots on 1.998± acres located north of Rodeo Road between Sawmill Road and SFRR right-of-way. The application includes a variance from Section 14-9.2 (E) regarding standards for private streets to clarify the use of driveways for the entrance to a commercial subdivision. The property is zoned I-1 (Light Industrial). (Donna Wynant, case manager) **(POSTPONED FROM JUNE 07, 2007 AND JUNE 21, 2007)**

**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**

**January 3, 2008**

<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>		
<b>1. Vice-Chair (to replace Commissioner Signe Lindell)</b>	<b>Approved Ken Hughes</b>	<b>1</b>
<b>E. APPROVAL OF MINUTES</b> <b>November 15, 2007</b>	<b>Approved</b>	<b>1</b>
<b>F. OLD BUSINESS</b>	<b>None</b>	<b>2</b>
<b>G. NEW BUSINESS</b>		

**THE FOLLOWING ITEMS HAVE BEEN POSTPONED FROM DECEMBER 20, 2007 DUE TO MEETING CANCELLATION.**

1. An ordinance creating a new Section 14-2.10 SFCC 1987 regarding a Neighborhood Conservation Review Committee; creating a new Section 14-5.10 SFCC 1987 regarding Neighborhood Conservation Overlay Districts; and making such other changes as are necessary.  
**Recommendation 2-10**
2. **Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment.** Derrick Archuleta, agent for Evangeline Herrera, requests approval of a General Plan Future Land Use Map amendment to change the designation of 0.306± acres of land from Low Density (3-7 dwelling units per acre) to Community Commercial. The area is located between Camino Alire and Hickox Street.  
**Approved for office 10-13**
3. **Case #ZA 2007-13. 1312 Agua Fria Street Rezoning.** Derrick Archuleta, agent for Evangeline Herrera, requests rezoning of 0.306± acres of land from R-5 (Residential, five dwelling units per acre) to C-2 (General Commercial). The property is located between Camino Alire and Hickox Street.  
**Approved for C-1 10-13**
4. **Case #M 2007-33. Kaushal Business Park Development Plan.** Linda Tigges, agent for A.K. Kaushal requests development plan approval for approximately 8,936 square feet of office use and approximately 13,410 square feet of warehouse use on 1.998± acres. The property is located north of Rodeo Road between Sawmill Road and SFRR right-of-way and is zoned I-1 (Light Industrial).  
**Approved 13-16**
5. **Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat.** Linda Tigges, agent for A.K. Kaushal requests preliminary subdivision plat approval for 11 lots on 1.998± acres located north of Rodeo Road between Sawmill Road and SFRR right-of-way. The application includes a variance from Section 14-9.2 (E) regarding standards for private streets to clarify the use of driveways for the entrance to a commercial subdivision. The property is zoned I-1 (Light Industrial).  
**Approved 13-16**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>H. BUSINESS FROM THE FLOOR</b>		<b>17</b>
<b>I. STAFF COMMUNICATIONS</b>		<b>17</b>
<b>J. MATTERS FROM THE COMMISSION</b>		<b>17</b>
<b>K. ADJOURNMENT</b>		<b>18</b>

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

**January 3, 2008**

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:**

Ken Hughes  
Shayna Lewis  
Matthew O'Reilly  
John Salazar  
Angela Schackel Bordegaray  
Signe Lindell, Vice Chair  
Estevan Gonzales, Chair

**MEMBERS ABSENT:**

Bonifacio Armijo (excused)  
Gloria Lopez (excused)

**STAFF PRESENT:**

Greg Smith, Director Permit and Development Review  
Kelley Brennan, Assistant City Attorney  
Jeanne Price, Legislative Liaison  
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**

**Commissioner Lindell moved to approve the agenda, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

**A. ELECTION OF OFFICERS**

**1. Vice-Chair (to replace Commissioner Signe Lindell)**

**Commissioner Lindell moved to nominate Commissioner Hughes as Vice Chair, Commissioner Bordegaray seconded the motion which passed by unanimous voice vote.**

**B. APPROVAL OF MINUTES**

**November 15, 2007**

**Commissioner Hughes moved to approve the minutes of November 15, 2007, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

**C. OLD BUSINESS - None**

**D. NEW BUSINESS**

***THE FOLLOWING ITEMS HAVE BEEN POSTPONED FROM DECEMBER 20, 2007  
DUE TO MEETING CANCELLATION.***

- 1. An ordinance creating a new Section 14-2.10 SFCC 1987 regarding a Neighborhood Conservation Review Committee; creating a new Section 14-5.10 SFCC 1987 regarding Neighborhood Conservation Overlay Districts; and making such other changes as are necessary. (Councilor Heldmeyer) (Jeanne Price, case manager)**

Memorandum from Jeanne Price, Legislative Liaison, prepared December 10, 2007 for December 20, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Ms. Price presented the staff report included in Exhibit "1."

Councilor Heldmeyer explained that due to the pressure from the Railyard this concept arose. This concept was developed so that neighborhoods can define themselves by their important characteristics with the City helping them. It is a fairly simple concept that has been developed by many different cities of which she gave examples. She explained that neighborhood conservation districts are similar to overlay districts that the City currently has, but they differ in that they are limited. She pointed out that many do not want to be in a historic district because they do not want that level of bureaucratic scrutiny which can be height or setbacks. She stated that the characteristics neighborhoods might want could be maintaining large trees or not having six foot walls and fences. She feels the reason these will be strong is that they are democratic and decided on by the neighborhood. There would also be clear ways of enforcing these characteristics that could be done at the level of building permits. The people can decide what they want their neighborhood to be and can apply to the Council who has final authority and this also imparts a check and balance to make sure the proposals are not at odds with other interests of the City. She used the example if everybody wanted to paint their doors red and they got two-thirds of the neighbors to agree Council could approve or not approve. She feels this is important in terms of letting neighborhoods say who they are because they hear all the time that neighbors don't like things or they do not fit in. This is a proactive way of defining the neighborhood in a clear empirical way with the City helping retain their status. She stated that people buy homes due to certain characteristics that they like in the neighborhood and this allows the neighborhoods to keep those things. She said some neighborhoods have been destroyed by encroachment of non-residential uses and others are in danger. She does not want to see people move out into the County contributing to sprawl, but wants to keep them in the City's own residential neighborhoods. She noted that the Stamm neighborhoods are interested in this as it is more attractive then becoming a historic neighborhood. She added that this will make the Planning Commission's job easier as there will be cases that they will not have to hear because people will not be arguing about specific requirements.

Councilor Chavez stated that if they are able to inform the residents up front in a better way it would help. This is a tool they could use to build on the early neighborhood notification and move in the direction of developing neighborhood plans. He pointed out that they are talking about infill in most cases and dealing with existing conditions which is where the rub is. He explained how the urban density around the two mile area is changing and the process is

flawed. He referred to overlapping jurisdictions with residents caught in the middle because they want to hold onto their rural character, but the densities around them are changing.

### **Public Hearing**

**Lois Synderman, 912 Los Lobatos**, stated that she has been active in preservation for many years. She believes this neighborhood conservation district is an excellent planning tool for the City and the neighborhoods as they can identify what is important to them and their neighborhood along with identifying problems. She thinks the residents should play a stronger role in planning for the neighborhood. This tool can be used in many different ways and it doesn't create the heavy handed guidelines that would be created if a neighborhood became a historic district. She hopes to see this move ahead.

**Rick Martinez, 725 Mesilla**, thanked Councilor Heldmeyer for this ordinance. He agrees that currently the neighborhoods do not have much of a voice. He believes this will show neighbors the tools they need to get their identity and become a true neighborhood. He referred to the residents getting pushed out with inappropriate development in their neighborhoods. He does not want to see people leaving town and believes if the neighborhoods have a tool this can be avoided.

**Harriet Heltman, 1150 Don Gaspar**, acknowledged Councilor Heldmeyer for her integrity and efforts for the future of the City. She asked the Commissioners to consider the words density, infill and urban development, as well as citizens, neighborhoods and preservation. She said people want to be proud this is the City different. She said it is not too late to save Santa Fe and maintain the neighborhoods. She urged the Commission to approve this ordinance.

**Brendan Miller, 1908 Hopi Road**, stated that he is in favor of protecting the neighborhoods and preserving them and liked that this is a check and balance so the needs of the neighbors and the City are both met. He believes people will continue to want to live in Santa Fe and this reflects the locality and the needs of the City. He reported that the Sierra Club is in favor of mixed use neighborhoods where people can work and walk to work in one area.

**Sallie Dentras, 985 Agua Fria**, stated that she was involved in the Railyard district and Guadalupe area, although she now lives in La Madera bounded by the river. She feels her neighborhood is at risk and this arrangement would protect them. She supported this and hoped the Commission would pass it on.

**Greg Heltman, 1000 A Velarde Road**, said that he grew up on Don Gaspar. He said a recent letter from a Sierra Club representative to the newspaper seemed to not support this. He discussed the unintended consequences of changes and the increased density around the core districts of downtown. He said while he is concerned about sprawl, he is also concerned about infrastructure as the streets are no wider and the parking is no better. He believes this provides a strong ability to be in compliance with the General Plan and calls for maintaining the character of a neighborhood. He expressed concern with Bellamah and did not want to have 2-3 houses on one acre lots. He noted the enormous pressure from speculation and development.

**Deanna Einspar, Mesilla Road**, commented that as part of the infill ordinance that is missing is appropriate infill. This proposal enables the appropriateness. Infill can be good and can be bad but it is dividing neighborhoods. She wanted to always use appropriate when referring to infill. In her opinion this is a very democratic process which will lead to more communication, identity and a stronger community. She urged the Commission to support this.

**John Otter, 2300 West Alameda**, said he thinks defining neighborhoods is an excellent idea as it forms a basis for community. He was concerned with the commitment on the part of the City to provide through infill some more affordable housing. He was not clear whether or not this ordinance will have a negative impact on this. He said the lack of which results in greater traffic and sprawl.

**Cheryl Smith, Calle Mejia**, commented that it is important for existing neighborhoods to have a voice. She said it seems it is often a day late after items have been passed that the neighbors become involved or concerned. She thinks it is important that existing neighborhoods have a voice so they can conserve what makes Santa Fe so wonderful. She appreciated the Commission's consideration.

**Michael Gold, 126 Pine Street**, was glad they are discussing this because once it changes it is forever. He said he likes his neighborhood and for this reason he asked the Commission to support this proposal as it is democratic and benefits all of Santa Fe.

**Pen La Farge, 647 Old Santa Fe Trail**, thanked Councilor Heldmeyer for this. He said she has worked hard for those that live in definable neighborhoods. He said certainly there are questions brought up by this, but anything that encourages neighborhoods to maintain their character is a good idea. He believes this resolution is a good idea and again thanked Councilor Heldmeyer for providing it.

**Barbara Conroy, 934 Dunlap**, explained that several years ago, she experienced the coming together of the neighborhood and they got rid of the drug houses that were popping up in her area. She said the socialization that happened was amazing and this ordinance would bring that about. She said it is important to look at the social impact. Her neighborhood has been impacted with inappropriate infill with two story buildings that went in where the density is unreal. She has been living with this every day. To her the most important thing to look at is the socialization that happens with people coming together to decide what they want.

**Nancy Broadhead, 763 Viento Circle**, said they have gotten together as neighbors and formed unions, but have not always been listened to. She thanked Councilor Heldmeyer for the tremendous effort put forth and hopes they will listen to them now. She is grateful to have this democratic process and voice. She has been coming here since 1999 as a visitor and has lived here since 2003. Already so much has disappeared that shouldn't have. She said certainly there are other people who are rooting for this issue that did not know about this. She said there was not any communication regarding this hearing and the City Clerk did not know that the meeting was happening. She felt this meeting was a bad time after the holidays and it would be filled with more people if they consider all the people that worked on this.

**David Broadhead, 753 Viento Circle**, agreed with what had been said and said the Commission has heard from the people, they represent the people, the people voted them in office, so he urged them to please listen.

**Mark Marcus, 1913 Thomas Avenue**, agreed with the others. He added that the neighborhoods can also opt to not participate in this which is something else to consider.

**Marilyn Bane, 622 ½ Canyon Road**, president of the Neighborhood Network, said they have grave concerns over the futures of their neighborhoods. She urged them to foster the preservation and caring and nurturing of neighborhoods. She felt strongly that this resolution should go as far as it possibly can. She said there is not a person in this room that didn't say at



some point what neighborhood do I want to live in. She urged the Commission to please support this ordinance.

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

**Questions and comments from the Commission**

Councilor Heldmeyer responded to the concern with affordable housing and explained that is required no matter what neighborhood you live in. She said that quite often the changes to the code were to bring affordable housing to neighborhoods, but for an individual small one house here or there, there is no requirement for affordable housing. She said recently they have allowed developers to pay a fee in lieu of. She said some developers have taken advantage of this in the downtown areas where most people want development to come back, although the money will presumably help affordable housing elsewhere.

Commissioner Hughes commented that people live in the neighborhoods they can live in or afford, so this could be subject to some debate as not everyone is living in their dream neighborhood. He sees this setting up for some unfairness. He stated that he would like to have a neighborhood planner on board before they do this and asked when that might happen.

Mr. Smith anticipated the last week in January they would have a full staff.

Commissioner Hughes asked if they could have staff assigned to a certain part of town so they know it better.

Mr. Smith stated that they have not taken that approach in the past, but it is possible to consider doing this. He said in larger cities they do assign staff.

Commissioner Hughes asked when they would be going full board on updating of the zoning code.

Mr. Smith explained that they recently approved a contract for a consultant to work with Jeanne Price on this and they hope to have something by early spring.

Commissioner Hughes thought this concept could be incorporated into that work which would be more appropriate.

Mr. Smith said that would be possible.

Commissioner Hughes asked Ms. Brennan if she had any experience with an ordinance like this.

Ms. Brennan stated that she has no direct experience, but she does know that this was regarded as critical in keeping Cambridge as Cambridge.

Commissioner Hughes asked if this ordinance considers commercial streets as parts of neighborhoods.

Councilor Heldmeyer replied no, but said that some older neighborhoods are mixed use where the mixed use does define the neighborhoods. She said this is primarily talking about the characteristics of a residential part. She said they would not want to impose on people things they do not want and various neighborhoods have certain characteristics that draw people in.

Commissioner O'Reilly said he will be asking questions playing devil's advocate. He said there have been several mentions of inappropriate infill, so he asked Councilor Heldmeyer to give an example.

Councilor Heldmeyer said the most recent example is Juanita Street. This residential street on the east side several years ago found out they are zoned RAC and art galleries started moving in. The neighborhood came to the Council to ask to have the AC part taken out. She said this area is zoned as a checkerboard. The neighborhood eventually withdrew the request and within two years almost everyone that had lived there moved out because the area had turned into a commercial street.

Commissioner O'Reilly asked if those people moved out because the property became more valuable or because of inappropriate development.

Councilor Heldmeyer stated that they did not like what was happening to the neighborhood.

Commissioner O'Reilly asked if they are seeing inappropriate development in district 3 and 4.

Councilor Heldmeyer said there is greater pressure in districts 1 and 2, but there is interest from Bellamah and the issue is all over. The economic pressure starts downtown and moves out. She has heard people say if they have to leave their house due to the increase in cost in Santa Fe they are going to move out to Rio Rancho as it is cheaper to live. These same people will also move into the country. She said this issue cuts across ethnic lines and affects native Santa Feans as well as others. She added that people do not think about it until it happens, so this gives neighborhoods a chance to be proactive about who and what they want to be.

Commissioner O'Reilly pointed out that it was mentioned what has been tried already, so presumably it does not work.

Councilor Heldmeyer clarified that it does not work for some neighborhoods.

Commissioner O'Reilly said they have historic districts already and they talk about bringing neighborhoods together. He questioned that neighborhood associations do not have sufficient voices already.

Councilor Heldmeyer said many have tried to talk to the City and said the City would not listen, so people want more than a voice, they want power. She said there are active associations and inactive associations, but this is a way to get at what they want and it is a mechanism to interact with each other.

Commissioner O'Reilly referred to the talk about neighborhood plans and said the Southwest Area Master Plan helped him out because it gave direction. He asked if neighborhoods can come together and form these plans.

Councilor Heldmeyer said what he is talking about is a sector plan rather than a neighborhood plan. The Southwest Area Master Plan does not get into the specific nitty gritty. She said in the 1980's they passed a law saying neighborhoods could have plans, but in a planners mind it is more than just what the neighborhoods want including existing conditions. She said some spent a great deal of time on this and not a single plan was passed by Council. She commented that having to spend time and money for a formal neighborhood plan is more than most neighborhoods would do.

Commissioner O'Reilly commented that the future land use map has densities. He asked why not rezone the portion of South Capitol that is RM-1 to R-7.

Ms. Price explained that this pattern is not used to describe this. She said when they look at neighborhoods there is a pattern of development and if they put in the conservation district it would have that control regulated. She said some can put a second story on that looks good and some do not, as it is not so overwhelming if there is a setback or corner lots might be appropriate for this. She said the difference is that this substitutes for the zoning code.

Commissioner Lindell expressed concern because she wanted to support this, but has heard that the devil is in the details. She stated support philosophically, but felt the details are missing. She asked what the cost of this would be.

Councilor Heldmeyer said they do not have an idea of the cost because they do not know how many neighborhoods would apply to do this. She said the expectation is that within the next year or so they will have a neighborhood division that could deal with this kind of issue and others as well. She pointed out that this is less expensive than other ways because it is self directed by the neighborhoods and it is designed to be grass roots. She is not sure how much of the divisions time would be spent doing neighborhood conservation districts. She added that this fits well for some because it is relatively flexible.

Commissioner Lindell asked what the minimum sizes would be.

Councilor Heldmeyer explained that she wanted to go through the public hearings prior to putting in minimum sizes, although she is not averse to putting a minimum size in. She did not want to make it too large as they have to get consensus about what is important. She felt that they would not get the agreement if it was a large area. She said the enforcement of this takes place at the building permit level.

Commissioner Lindell envisioned this resulting in an intense amount of checkerboard spots.

Councilor Heldmeyer said that depends on what she means because there are areas that may have specific requirements but are few in number and very specific. In her eyes this is not any different than something more comprehensive where you have a lot of overlay zones. She said this would be the easiest to administer. She said a requirement to make those aware that buy real estate could be a powerful sales tool for realtors.

Commissioner Lindell believed that the Board of Adjustment should continue to hear grievances.

Councilor Heldmeyer said she is agnostic on that point. Her only concern is that people are not real knowledgeable on the Board of Adjustment's existence.

Commissioner Lindell questioned that a consensus reached by property owners of record in attendance would be fair as it seems they could have few in attendance and vote on things.

Ms. Price explained that 40% of the property owners make a petition to staff, then there is a public meeting and the notice is like an ENN after that there is a ballot and if there is consensus they issue a ballot.

Commissioner Lindell stated that in principle she likes this very much. She suggested forming a subcommittee to spend more time on the details because as it is presented she cannot support the ordinance.

Councilor Heldmeyer said she would be glad to have work on the details, but there is some urgency in shepherding this through. She was agreeable if they want to have a subcommittee work on this in a short period of time. There has been and will be an extensive comment period. She said many people wanted to count the lack of a ballot as a no vote, but legally they cannot do this which has left issues open for response.

Mr. Smith stated that once the ballot is favored by 2/3 of the property owners it goes to Council.

Chair Gonzales asked if the Commissioners could just express concerns or comments then this could be passed on, so they do not hold it up.

Commissioner Bordegaray said she would be remiss in not weighing in and she speaks from the experience as a planner for the City in 1998. She is sorry they do not have the planning staff working on this now, but expressed concern with the details. She agreed this is much better than proposing more historic districts. She said she knows they care about neighborhood character and it is hard to promote and protect. She referred to the Historic Board height standards and fence and wall standards that require extensive research and field work to implement. She said they basically rely on good staff interpretation and she knows from experience how it is to implement this. She stated again that she is concerned and disappointed that there is again not a staff person from the long range planning Department at the meeting. She did not know why the Director of the Long Range Planning is never at their meetings. She said they are social engineers and she reverses the role. She did not want to be criticized for being a social engineer. She did not see the value and was not interested in protecting her neighborhood. She said most people buy because they have the money to buy where they are. She was not concerned with protecting some of these other neighborhoods. In her opinion the development process is so skewed and zoning is not a panacea. She said the reality is that they drive to where they go due to economics. She commented that this would be an excellent tool if it were implemented properly, but the City has a long way to go. She said there is so much that needs to take place and she wants to see the long range planning discussed so it is the whole picture. She said she did not believe that you can protect all the things the way they are.

Chair Gonzales commented that he thought this was a good way to end Councilor Heldmeyer's legacy. He said this has the potential of being a powerful addition if executed properly. He expressed concerns with the cost and the allocation. He said if they have a neighborhood in District 1 applying and everyone has to pay for the process it could be unfair. He did not want other districts to pay for what is not happening in their district. He wanted to see a fair cost allocation.

Councilor Heldmeyer explained that the costs will be picked up by the City and added that most are working class neighborhoods.

Chair Gonzales stressed the importance of making sure this is fair.

Councilor Heldmeyer said the balloting came out of traffic calming because they had the same issue with fairness and cost allocation.

Chair Gonzales also wanted to emphasize the proper execution as he believed this has the ability of being a powerful addition to the code if it is implemented correctly. He recommended the Commissioners give issues they would like to look into as this moves forward. He did not feel there was time to study this in a subcommittee without holding it up.

**Commissioner Hughes moved that the neighborhood conservation be incorporated into the Chapter 14 rewrite, Commissioner Bordegaray seconded the motion.**

Commissioner O'Reilly asked Commissioner Hughes to restate when he expects this to happen.

Commissioner Hughes explained that he wants this done in the context of the entire rewrite with coherent form and not standing by itself.

Commissioner O'Reilly asked if this could be worked on in the interim.

Mr. Smith explained that rolled into the overall rewrite this would unlikely be a recommendation in Councilor Heldmeyer's tenure. The next step he anticipates is to initiate the process and trying to get back to where they have an ad hoc working group that can work with staff. The first step will be to run a similar concept and prioritize which chunks to bite off with time frames. He said during this process they may be asking for direction.

Chair Gonzales pointed out that the CPPC was dissolved which would have been the place for feedback. He asked if it would be more appropriate to form a subcommittee that is affiliated with the long range planning.

Mr. Smith stated that he is not in a position to give the final opinion on what the feedback loop will be. He said staff will make recommendations on how they think it is wise to handle them which may be subcommittees, but it is too early to know what the form will be.

Commissioner O'Reilly wanted to take up the offer to work rapidly because he had a whole list of changes as there are details that just do not work. He suggested working on those and recommended this go on to the process, even if there is a contract to rewrite Chapter 14.

Chair Gonzales said the subcommittee could come back and report to the Commission.

Commissioner O'Reilly said he would like to form a subcommittee because he is worried that they will never do that if they are waiting on the consultant. He agreed that Chapter 14 needs a comprehensive redo, but wanted to go ahead on this in the meantime.

Commissioner Hughes stated that he wants to see a wholesale change, so they can finally get the zoning to reflect the aspirations. He said they have spent years to try to conform and questioned how many more times they will do this. He thought it would be more healthy with the aspirations of the wholesale change.

Commissioner O'Reilly agreed as long as they do not lose the ability to address the issues.

Chair Gonzales asked for the vote and said they could create a subcommittee if they want under Matters from the Commission.

Commissioner Salazar asked if the motion was to move on with a recommendation for approval.

The motion was clarified that it was to incorporate this proposal into the Chapter 14 rewrite.

Commissioner O'Reilly made a friendly amendment to form an interim subcommittee of interested commissioners to work out some specific details. Commissioner Hughes and Commissioner Bordegaray accepted the amendment.

The motion passed by unanimous voice vote.

2. **Case #M 2007-36. 1312 Agua Fria Street General Plan Amendment.** Derrick Archuleta, agent for Evangeline Herrera, requests approval of a General Plan Future Land Use Map amendment to change the designation of 0.306± acres of land from Low Density (3-7 dwelling units per acre) to Community Commercial. The area is located between Camino Alire and Hickox Street. (Lou Baker, 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. **Case #ZA 2007-13. 1312 Agua Fria Street Rezoning.** Derrick Archuleta, agent for Evangeline Herrera, requests rezoning of 0.306± acres of land from R-5 (Residential, five dwelling units per acre) to C-2 (General Commercial). The property is located between Camino Alire and Hickox Street. (Lou Baker, 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 Lou Baker, Development Review Senior Planner, prepared December 10, 2007 for December 20, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Aerial photograph and surrounding zoning and development map were incorporated herewith to these minutes as Exhibit "2(A)."

Donna Wyniant presented the staff report included in Exhibit "2."

**Staff recommends:**

Should the Planning Commission consider approval of General Plan amendment application #M-2007-36 the action should be based on General Plan Amendment Approval Criteria Section 14-3.2 SFCC. Staff does not have conditions of approval.

Should the Planning Commission consider approval of Rezoning application #M-2007-13 staff recommends the following conditions of approval:

1. This application proposes the ability to maintain commercial activity historically located on this site. Any change to this proposal shall require submittal of a development plan to the Planning Commission; and
2. Applicant shall work with the City of Santa Fe GIS staff to correct the addressing error and submit documentation when completed to the City of Santa Fe Land Use Department; and
3. Applicant shall work with the City of Santa Fe GIS staff to correct parcel boundaries and submit documentation when completed to the City of Santa Fe Land Use Department; and
4. Applicant shall work with the City of Santa Fe GIS staff to correct property owner information and submit documentation when completed to the City of Santa Fe Land Use Department.

**Public Hearing**

**Derrick Archuleta, agent for Evangeline Herrera, was sworn.** He explained that late in 1997 the owner secured a building permit for existing garage to be converted into a barber shop. The design reflected the requirements for landscaping, handicapped parking and paving for customers with approval from the City of Santa Fe. The barbershop operated at the location until 2004. earlier this year, the applicant's wife attempted to lease the building and it was then learned that the property did not have the proper zoning to support commercial zoning. Her intent was to lease the former barbershop space while maintaining the residence. The current zoning is R-5, so under current zoning they would not be allowed to perform any commercial activity. He pointed out that there is a high concentration of this kind of use and zoning in the immediate area. The applicant has reviewed the conditions recommended and supports them and seeks approval.

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

**Questions and comments from the Commission**

Commissioner Lindell asked who the owner of the property is.

Mr. Archuleta replied the owner is Evangeline Herrera.

Commissioner Lindell asked why the record shows the owner is Romero.

Mr. Archuleta explained that Ms. Herrera has a warranty deed covering the entire lot, so there is a question as to why it is showing up as two separate parcels because they have owned it for approximately 25 years.

Commissioner Lindell asked what the proposed business that was going in would be.

Mr. Archuleta said a massage therapist which is similar in not being intrusive.

Commissioner Lindell questioned why they are proposing C-2, not C-1 or a home occupation license.

Mr. Smith pointed out that they are not eligible for a home occupation because the operator does not live on the premises. He said with regards to C-1 vs. C-2, when you rezone there is an issue of spot zoning and he suspects those are the rationale that the property owner has chosen to follow. This would enlarge the C-2. Staff is concerned on rezoning cases of these types and they question at what point to draw the line. He urged the Commission to look at the impact.

Commissioner Lindell referred to the rezoning criteria and asked what the need and justification for the change is. She asked if they are surrounded by other commercial uses.

Mr. Smith referred her to exhibit B that indicates the zoning patterns.

Mr. Archuleta explained that the uses that fall under the R-5 are single family residential. He showed the surrounding uses. Directly west is vacant which is being advertised for commercial use, then there is the Tara School, Critters and the Agua Fria Nursery as well as a flooring company.

Commissioner Lindell asked for an explanation for the rezoning including how the existing zoning is inappropriate and how this would be more advantageous to the community.

Mr. Archuleta said this revolves around the intentions and the process in 1999. The applicant complied with the commercial community activity requirements and is interested in continuing that particular use. He added that the use serves the neighborhood and is not as invasive as what could be done there.

Commissioner Lindell thought that C-2 zoning is way too much for the property.

Chair Gonzales asked when the corner lot become C-2 zoning.

Mr. Smith stated that he is not sure, but the zoning predates 1995 although he is not sure by how much.

Chair Gonzales commented that he is trying to figure out planning for the future and he almost sees the entire island as being C-2 serving the entire area and being a commercial area people could walk to. He did not like having a sliver on the corner with different zoning as he questioned what makes that appropriate for one and not for the neighbor.

Commissioner Hughes felt sorry for the folks and the traffic in this area because it is really difficult. In his opinion, a commercial use is probably better than residential and C-1 might be even better. He felt for people because this neighborhood has been transformed drastically. He was sympathetic to the client and hopes they come up with a solution.

**Commissioner Lindell moved to deny case #M-2007-36 General Plan Amendment, Commissioner Salazar seconded the motion which failed by a majority voice vote of 3 to 4 with Chair Gonzales breaking the tie. Those voting for the motion: Commissioners Lindell, O'Reilly and Salazar. Those voting against the motion: Commissioners Bordegaray, Hughes, Lewis and Chair Gonzales.**

**Commissioner Hughes moved to approve Case #M-2007-36 with staff conditions, Commissioner Lewis seconded the motion.**

Chair Gonzales asked Commissioner O'Reilly why he voted against this.

Commissioner O'Reilly explained that the reason he voted no was because the general plan did not contemplate this area as being commercial. He wants to make sure they are sticking to the general plan. He noted that if some restrictions were placed on the commercial use than he might be more inclined to vote for the case.

Chair Gonzales was not sure he supported C-2, but felt the area is evolving. He asked Commissioner Salazar if he is in favor of C-1 or if he does not want any commercial there at all.

Commissioner Salazar expressed concern not with what the current owner will do with it, but what the next person will do with it.

Commissioner Lindell agreed that C-2 is too much as that is a very intense use. Her other thing was the treacherous traffic as she believes putting commercial adds to the traffic there.

Commissioner Hughes commented that living there is not a good quality of life, so in his opinion the area is more appropriate zoning for live/work.

Mr. Smith pointed out that this is too small of a parcel to qualify for the mixed use district. He said staff is concerned with this happening one lot at a time. He was not clear in the zoning



regulations, but said they could attach conditions to a C-2 case, only allowing certain uses, although he is not recommending that. He stated reluctance to recommend any rezoning of this property. He said they could consider restricted C-2 zoning.

Chair Gonzales asked if staff would be concerned if this area had appropriate locations of commercial and zoning such as C-1 that would have minimal impact.

Mr. Smith explained that C-1 would support the barbershop use and massage therapy use.

Commissioner Hughes asked if they could reflect in the motion C-1 which is an office designation and wanted clarification as to the uses allowed under that zoning.

Mr. Smith said C-1 allows a range of office and personal service.

**Commissioner Hughes amended his motion to change the designation to office instead of community commercial.**

Commissioner Lewis wanted to make sure they do not have to live there under this change.

Mr. Smith said they do not have to live there, but they can.

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

**Commissioner Hughes moved to recommend City Council approve Case #ZA-2007-13 rezoning to C-1, not C-2, with staff conditions, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

- 4. Case #M 2007-33. Kaushal Business Park Development Plan. Linda Tigges, agent for A.K. Kaushal requests development plan approval for approximately 8,936 square feet of office use and approximately 13,410 square feet of warehouse use on 1.998± acres. The property is located north of Rodeo Road between Sawmill Road and SFRR right-of-way and is zoned I-1 (Light Industrial). (Donna Wynant, case manager)**

*Items 4 and 5 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.*

- 5. Case #S 2007-06. Kaushal Business Park Preliminary Subdivision Plat. Linda Tigges, agent for A.K. Kaushal requests preliminary subdivision plat approval for 11 lots on 1.998± acres located north of Rodeo Road between Sawmill Road and SFRR right-of-way. The application includes a variance from Section 14-9.2 (E) regarding standards for private streets to clarify the use of driveways for the entrance to a commercial subdivision. The property is zoned I-1 (Light Industrial). (Donna Wynant, case manager) (POSTPONED FROM JUNE 07, 2007 AND JUNE 21, 2007)**

*Items 4 and 5 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, Current Planning Division prepared December 13, 2007 for December 20, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Photographs of the site and the surrounding area are incorporated herewith to these minutes as Exhibit "3(A)."

Letter from the United States Department of Interior dated December 18, 2007 is incorporated herewith to these minutes as Exhibit "3(B)."

Donna Wynant presented the staff report included in Exhibit "3."

**Staff recommends:**

It is not clear that each of the required findings for a variance (attached) is supported by the facts of this case. If the variance cannot be approved, the preliminary plat and development plan should be denied or postponed with direction.

If the Commission determines that the variance findings can be made, the requests for the preliminary subdivision plat and development plan should be approved subject to compliance with minor "red line" comments by the following staff and shall meet all minimum code requirements:

- Tech. Review Div. Engineering review memo 10/25/07, 3/23/07 (Exhibit M)
- Tech. Review Div. Landscaping review memo 11/1/07 (Exhibit L)
- Public Works Engineering Div. traffic review memo 10/26/07 (Exhibit O)
- Fire Dept. review memo 12/5/07 (Exhibit P)
- Wastewater Management review memo 10/25/07 (Exhibit Q)
- Solid Waste Division review memo 10/18/07 (Exhibit R)
- Sangre de Cristo Water Division review memo 7/24/07 (Exhibit S)

The following additional condition would be appropriate:

Note shall be placed on the development plan that no building authorized under the development plan approval shall commence later than five years after approval of the plan by the Commission, unless an extension or amendment is approved by the Commission.

**Public Hearing**

**Linda Tigges, Tigges Planning Consultants, 1925 Aspen Drive, was sworn.** She stated agreement with the conditions of approval. She pointed out the parcel that became land locked when the Rodeo Business Park came in. She showed on a map what the surrounding properties consisted of. She stated that they had an ENN meeting some time ago. They have met with the property owners and worked on deciding how to handle the access as it is in the parking lot for the BLM office.

**Roger Lengyel, Architect, was sworn.** He asked for approval in converting this to a 12 lot subdivision with the 12<sup>th</sup> lot being an access easement. This will be for small business owners that need a little bit of warehouse space and a small yard for themselves.

Ms. Tigges explained that the lots are about .15 of an acre with the driveway and the open space in common. They are proposing all one story buildings. The variance request has to do with the nature of the lot. She explained that when Rodeo Business Park went in they provided a utility easement. She said they intend on replacing this within the industrial subdivision to improve the entrance so they can move to the lot line. They have been working with Reit Management and they have said it is a great idea, although that is not finalized.

**Yasmin Gonzales, representing Reit Management, 500 Marquette Avenue NW, Suite 360, Albuquerque, was sworn. She said they have had problems with the salvage yard for many years, so they want to give support for this plan and ask for approval.**

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

**Questions and comments from the Commission**

Commissioner Bordegaray asked where Wendy's is in comparison to this lot.

Ms. Tigges pointed it out.

Commissioner Bordegaray expressed interest in the connectivity as she has ridden that section and there is no sidewalk. She understood that it is not the fault of the applicant, but said there is no safe way to get to the corner and go to Wendy's. She saw this as an opportunity to have some through way along with the improvement to redefine the entrance. She was interested in knowing what some of the design features are as she likens this to the entrance to the Lofts where you have no visual way of finding the development. She said when you put in a new piece of property it is interesting to see how you can make it relate and this is a huge opportunity. She reviewed the plans up close with the applicant suggesting some ways to make it work.

Ms. Tigges said in terms of the sidewalk, she believed the area is part of an overall plan for pedestrian improvements. They have discussed connection to the subject property and have talked to the State about it. She knew who to talk to and agreed to, but cautioned that they would need to consider the Rail Trail. She noted that there would need to be some reworking to make that happen.

Chair Gonzales asked staff if they knew what improvements were agreed to.

Mr. Smith stated that he is not aware of specific plans along that area, although there may be discussions now in connection with the Galisteo connection. He suggested that the Commission should be prepared to make those conditions at the time of final development plan.

Chair Gonzales agreed as this would give the applicant time to engage in discussions to start planning.

Mr. Smith said they could require sidewalk improvements in front of other properties.

Commissioner O'Reilly asked why they do not just bring the lot lines to the center line because this is a strange shaped lot.

Ms. Tigges said the Fire Department was more comfortable having an easement and there was some feeling that it was better to have driving area.

Mr. Smith said staff analysis of the subdivision regulation is to serve by public streets vs. private easements. The creation of a separate lot of record is more in keeping with the philosophy.

Commissioner O'Reilly said in his opinion it seems to be one of the variances they are asking the Commission to approve is in a grey area and it sounds like let's just be safe and ask for a variance. He said they can have a private driveway if approved so he questioned if the variance was really necessary.

Mr. Smith agreed the language is susceptible to more than one interpretation, but the intent was that residential lots may be served by private roads and the access to commercial properties was anticipated only by public roads. This is a different interpretation.

Commissioner O'Reilly said he only likes to see a variance that is indisputably required because the way he reads it, the variance is not required.

Mr. Smith explained that it is certainly within the jurisdiction of the Planning Commission to state no variance is required. He noted that procedurally staff takes the conservative approach as it is easier to take off than add on.

Commissioner O'Reilly understood, but said if this were a through easement he could see why it would be more appropriate for a variance.

**Commissioner Lindell moved to approve Case #M-2007-33 with staff recommendations, Commissioner O'Reilly seconded the motion.**

**Commissioner Hughes asked for a friendly amendment to require access to the Railyard property.**

Ms. Tigges stated that her concern is not about this property but about the railroad, so before they agree they need to find out if it is possible. She said she would want to check with them first.

Commissioner Hughes said the City will start quickly on this project where they will be working to design the land uses around the railrunner stops, so it would be better to do now as an option.

Ms. Tigges explained that she is not speaking against it, but would want to make sure that it works with the state in terms of having a pedestrian easement. She agreed to research and come back with more information at final.

**Commissioner Hughes withdrew his amendment and said it is fair enough as they will be coming back at the soonest in two months.**

Commissioner Bordegaray said the amendment could be kept and reworded so they do not lose this opportunity. She wanted to be proactive with this opportunity. **She made an amendment to add the condition that when they return with the final the applicant shall provide a report on the research regarding connectivity. Commissioner Lindell and Commissioner O'Reilly accepted the friendly amendment.**

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

**Commissioner Lindell moved to approve Case #S-2007-06 with staff conditions, Commissioner Hughes seconded the motion.**

**Commissioner O'Reilly made a friendly amendment that the variance is not required. Commissioner Lindell and Commissioner Hughes accepted the friendly amendment.**

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

**D. BUSINESS FROM THE FLOOR - None**

**E. STAFF COMMUNICATIONS**

Mr. Smith stated that the next meeting would be January 17<sup>th</sup>. He said they will introduce the new staff that will be starting in February.

**F. MATTERS FROM THE COMMISSION**

Commissioner Lindell asked for the status on the training or topics.

Chair Gonzales asked if there were any comments on the syllabus for the training.

Commissioner O'Reilly said he received the suggestion for more information on transportation planning. He asked if there is anything staff sees missing or that is repetitive.

Mr. Smith asked if they went to have separate training sessions on Friday afternoons or prior to the meetings on Thursdays.

Chair Gonzales suggested sending a poll via email since some of the Commissioners are not present at this meeting.

Chair Gonzales appointed to the subcommittee Commissioners O'Reilly, Lindell, Bordegaray, and Salazar and asked them to provide feedback to Councilor Heldmeyer.

Commissioner O'Reilly reminded Ms. Brennan of a recent case where a variance request had expired because the applicant did not come forth for two years and they asked for staff to come up with a definite policy when an applicant has to come back and when approvals expire and what the actual time limit is. He also referred to the issue about dual hearings and wanted formal direction if this comes up again. He did not want to lose track of these issues. He commented that they have seen a lot of general plan amendments, so he would like to see a yearly report on the general plan and how often they are amending it and in what areas it is amended. He felt this would give a better sense of how well they are doing in complying with the general plan.

Commissioner Bordegaray asked if they are getting a neighborhood planner.

Mr. Smith said initially in the current planning division there has been discussion with regard to the next fiscal year, although they may request a separate neighborhood planning division so he is not sure where it will fall.

Commissioner Bordegaray questioned the long range planning and the disconnect to the rest of planning. She was very unclear on what they do and the feeling like that is lacking. She again stated that she does not understand why they are not at these meetings.

Commissioner Hughes asked if staff could invite the long range planning staff to come and make a brief introduction.

Mr. Smith agreed to do so and said the long range planning staff is Katherine Mortimer and Richard Macpherson with Reed Liming as the Director.

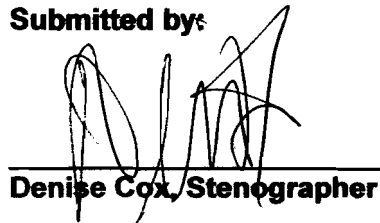
## **G. ADJOURNMENT**

**There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner O'Reilly moved, seconded by Commissioner Lindell to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 9:30 p.m.**

**Approved by:**

  
Chair Estevan Gonzales

**Submitted by:**

  
Denise Cox, Stenographer