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PLANNING COMMISSION
February 4, 2016

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PLANNING COMMISSION
Thursday, February 4, 2016 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner Vince Kadlubek, Chair
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Justin Greene
Commissioner John B. Hiatt
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent
Commissioner Roman Abeyta [excused]

OTHERS PRESENT:
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Noah Berke, Current Planning Division, Senior Planner
Mr. Dan Esquibel, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Carl Boaz, Stenographer

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

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ELECTION OF A SECRETARY

Mr. Smith clarified the duties of the Secretary.

Commissioner Propst moved to elect Commissioner Hiatt as Secretary. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF AGENDA

Mr. Smith said item #3 is postponed to the next meeting.

Commissioner Hiatt moved to approve the agenda as amended with #3 postponed. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

E. APPROVAL OF MINUTES AND FINDINGS OF FACT

1. MINUTES: January 7, 2016

Commissioner Hiatt asked for corrections of two typos. The first was on page 10, 11th paragraph which is should say, "Chair Kadlubek asked staff to clarify the process for the Commission to place an additional condition when approving as case." The second was on page 17, last paragraph, where a dash should be deleted after "Mr. Siebert said...'

Commissioner Hiatt moved to approve the minutes of January 7, 2016 as amended. Commissioner Kapin seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

2. FINDINGS OF FACT & CONCLUSIONS OF LAW

a. Case #2015-115. Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat.

A copy of the Findings of Fact and Conclusions of Law for Case #2015-115 is attached to these minutes as Exhibit 1.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2015-115 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

b. Case #2015-116. Pulte SFHP Development Plan.

A copy of the findings of Fact and Conclusions of Law for Case #2015-116 is attached to these minutes as Exhibit 2.

Commissioner Hogan moved to approve the Findings of Fact and Conclusions of Law for Case #2015-116 as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

F. OLD BUSINESS

There was no old business.

G. NEW BUSINESS

1. An ordinance establishing requirements for bicycle parking for new developments or those increasing in intensity by 25 percent or more. (Councilor Bushee) (Melissa McDonald)

Ms. McDonald noted the Commission had a copy of the ordinance in their packet and stood for questions. A copy of this proposed ordinance is attached to these minutes as Exhibit 3.

Commissioner Kapin was glad to see this and other proposals that promote pedestrian traffic here in Santa Fe. She noticed that it looked like lots of numbers were amended in Exhibit C. She asked if those numbers are from some sort of data in other communities.

Mr. Keith Wilson (MPO Staff) said their intern, Nathan Todd, did the work on this last summer. He researched the results of what other cities that had ordinances on the books and came up with these numbers. They seem to be reasonable outcomes.

Commissioner Hogan said it appears that the numbers are consistently reduced as a result of the code.

Mr. Wilson agreed.

Commissioner Hogan noted in the FIR that it would have no financial impact on the City for enforcing but also any developers would have a decreased obligation.

Mr. Wilson said that was potentially true, depending on the style they chose. He is now doing an analysis of bicycle parking types. The wavy style is a little cheaper.

Commissioner Greene was concerned about location. Sometimes they are put close to the door like in

front of the Santa Fe Community Convention Center and that congests traffic at entrances. They could take up a pedestrian pathway. It says within 50' but maybe the ordinance should add "not within 25' of a pedestrian point" so as not to be close to entrances.

Ms. McDonald agreed to add that.

Chair Kadlubek said the reason for making it less than 50' is that some developers put them far away from the entrances. Maybe the language could prohibit installing them at congested areas. Some are building permit only but the Commission can catch those with a development review.

Commissioner Kapin pointed out that under the parking section, the last bullet says "must be hard surface." She asked what that would be, other than concrete or pavement.

Ms. McDonald said compacted crusher fines would qualify as well.

Commissioner Propst asked if this pertained only to commercial and major residential or all developments.

Mr. Wilson said it was not for single-family houses. He read that section from the code.

Commissioner Propst asked why certain types of facilities were prohibited.

Mr. Wilson said it was from national guidance that the type installed needs to provide two points of contact for the bike frame.

Ms. McDonald said it was discussed extensively at the BTAC meeting and determined that this one was superior.

Commissioner Kapin said she has seen bike racks that double as public art. What this lays out is really clear. To allow creativity would be good.

Chair Kadlubek thanked Councilor Bushee for bringing it forward.

Commissioner Hiatt moved to recommend to the Governing Body approval of Resolution 2016-6 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. A resolution requesting staff to develop a Land Use Facilitation Program based on the highly successful Albuquerque model. (Councilor Bushee) (Lisa Martínez) (Noah Berke)

Mr. Berke presented this resolution. It was brought by Councilor Bushee for Staff to develop a model facilitation program with input from Commission and the other boards and would be brought back to Council within 180 days. There will be a Fiscal Impact Report(FIR) when brought forth as an ordinance but

not one now because it is a resolution.

Mr. Smith clarified that this is a public hearing and members of the public are here to address it.

PUBLIC HEARING

Chair Kadlubek opened the public hearing.

Mr. Philip Crump, 1897 Conejo Drive, said he has been a mediator here in Santa Fe since 1992 and a participant contractor in the Albuquerque Land Use Facilitation Program since 1998. He has been advocating for this to be incorporated into the City's planning process since the year 2000. He is encouraged that the new Land Use Planning Director is open and working with Staff in considering the Albuquerque program and bringing elements of that program to enhance the ENN process. He provided a handout for the Commission that summarized the Albuquerque program (attached to these minutes as Exhibit 4).

Mr. Crump went through the process with the Commission. Applications are going to proceed to HE and screened by Staff for any potential need to address concerns. The meetings are conducted at no additional cost to the citizen or to the City's General Fund. Recently the Director in Albuquerque noted that about 30% are screened for facilitation and about 80% are resolved at the meeting. The issues are either resolved there or by the time they get to the hearing body the issues are clear. The meetings are conducted by the facilitator who contacts all potential parties, conducts the meeting and writes the report on the results of the meeting. A big advantage is in using neutral facilitators.

Those living within 300 feet of the project location are invited. Using a facilitator to conduct the meeting saves time and resolves most issues before going to the hearing bodies, saving them lots of time and gives citizens a voice. Providing a voice for citizens in an organized and coherent fashion allows the citizens and applicants to have productive conversations.

Ms. Deborah Oliver, 814 Camino del Monte and Founder of Common Ground Facilitation Services in Santa Fé since 1977, emphasize the use of professionally trained facilitators for land use. She has seen some hot headlines lately in the papers about polarized dynamics. Those can be prevented with early intervention.

She said it is important to use professionals who can de-escalate or prevent those tensions in a safe controlled environment to get some resolution and some common ground. It gives a voice to everyone and sometimes it is found the best ideas are in the minds of those quiet folks in the back. It eliminates bullying. The work product is a very detailed report listing things resolved, those not resolved, etc. - a really detailed report to Staff.

This City hasn't used this type of facilitation but controlled facilitation has served the City. Back when Chief Beverly Lennen was police chief and there was tension between the police force and community activists, we helped defuse the tension and took hot, dangerous issues and brought them to resolution in

the community so it is a very powerful tool.

Ms. Mary Schreiber, 2129 Rancho Siringo Road and representative of the Rancho Siringo Neighborhood Association, was speaking in favor of this resolution. These changes to the ENN practice model the original ENN by Craig Barnes at the development of the Railyard in the early 1990s. In her neighborhood there were two meeting with developers without facilitators and they could have gotten better results with facilitation.

Mr. James Dyke, 2005 Calle de Sebastian and President of the Southeast Neighborhood Association said their Association is in favor of this resolution.

Ms. Kate Kennedy, 929 López Street, representing the renters' voice, said the- renters should be heard. She is a renter without an association and wanting renters to be included in these conversations

Mr. David Gold, 362 Calle Clina, also working in the Albuquerque program with Mr. Crump, said this process saves time and money for everyone - for citizens, decisions makers, staff and developers. It benefits everyone. When things get emotionally charged, the parties get reckless but in a controlled environment, people can talk with each other in non-adversarial manner with a less tense, safe environment. He has seen it many times. It unites rather than divides communities.

There were no other speakers from the public regarding this case and the public portion for this item was closed.

COMMISSION DISCUSSION

Commissioner Greene thanked to Mr. Berke for bringing it. It is ironic that it happens at the end of Councilor Bushee's term.

First on his list, was a concern that the resolution says nothing about open space, access to open space in that list. Road network, maybe more specific on trails, multi-modal, etc. need to be on the list.

On the third page at the top, he asked if anybody could call for this facilitation.

Mr. Berke said yes, as currently drafted and as in the Albuquerque model but he would welcome any language to improve that section.

Commissioner Greene thought it should be maybe a resident living nearby or a member of a neighborhood association located there instead of someone who lived far away. There is also a definition of "neighborhood planner" needed.

Mr. Berke didn't think it is defined in the current Land Use Development Code, but he was hired as a neighborhood planner.

Commissioner Greene asked what the cost is now on a small project.

Mr. Crump said the average cost is around $500 for contacting the parties, conducting the meeting and writing the report. Typically, there are two facilitators present - one conducting and one recording. In Albuquerque it is a "citizen with standing" who can make the request.

Mr. Berke said he researched the Albuquerque model. It has been in place since 1987. They charge every applicant with a development plan fee of $75 whether it is going to dispute resolution or not. The City Attorney' Office handles that fee. We would have to use our own process here in Santa Fé.

Commissioner Kapin asked if all neighborhoods in Albuquerque have associations.

Mr. Crump said they don't.

Commissioner Kapin said there are many here without associations, so she wondered how Santa Fe could get broader participation.

Mr. Crump said Albuquerque has hundreds of neighborhood associations and have had for over 100 years. The Office of Neighborhoods helps. In areas without an association, the applicant must still post a notice. Usually, by the end of the facilitation meeting, the neighbors begin to understand the importance of having an association. Not everyone joins an association. It is a matter of notification - providing information and support. "Instead of having a gaggle of panicked individuals, you have a structure and most have knowledgeable people who know about land use regulations. And they can point out the legal points."

Commissioner Kapin said there is not much coordination among neighborhoods in Santa Fé.

She asked what the hurdles in this model are when this is set up between the applicant and the neighborhood association.

Mr. Crump said he was surprised when looking at the long list of associations in Santa Fé, many of which are dormant until events come along. This process is reason for them to come to life. Having a full-time neighborhood planner is fantastic and Mr. Berke can help bring them back to life.

Mr. Gold said they also see this as a deficiency in the Albuquerque program when people are not notified. We hope this has an improvement with the ENN type of notification.

Commissioner Kapin said she would like to see that, going forward.

Chair Kadlubek agreed the issue here is, with the long list of associations, that most of the time the associations are sparked only when an issue comes along. And it is about representing not the neighborhood but a specific opinion in a neighborhood. He asked where the room is for the person who lives in the neighborhood but differs from the association and might not be invited into the association so that they follow some kind of code of conduct.

Mr. Berke said right now there are no criteria for registering an association but the City has set up some parameters, including that the association has to be open to all who live within the boundaries. It is different from a Homeowners Association. He said the City can try with social media platforms to see if they notify neighbors and inform all citizens. There are south side associations that may exist but are not registered. We would like to hear from all of them and work to bridge that gap.

Chair Kadlubek added that Ms. Kennedy's point about renters is also important. When the Commission has developments happening near a neighborhood, there are definitely stakeholders who don't live in the neighborhood.

Commissioner Greene recommended this should be for residents of all types, including those who are trying to move there or a business that wants to locate there. They would have standing.

Commissioner Propst thought this is positive and a good thing to consider. She asked if it would replace the ENN.

Mr. Berke said it does not. It would stand alone separate from an ENN.

Commissioner Propst asked what the sequence is.

Mr. Berke said the ENN that happens first might lead to some conflict and this facilitation would then kick in.

Mr. Smith explained that this is a resolution for Staff to work and develop standards. He didn't think Staff knew the answer yet to her question. There will be hearings, but not until it is finalized.

Commissioner Propst asked if there was currently a method for the City to hire a facilitator.

Mr. Berke said that currently, it is through an RFQ process and if under $5,000, the Land Use Department can hire a facilitator. Public Works has hired a facilitator for the design group working on a project. Over a certain amount requires an RFQ.

Commissioner Hochberg said he heard from a citizen the word "professional." He asked if there is a license for facilitators.

Mr. Crump said there currently is no license issued for mediators or facilitators. It is a general term for full-time practicing. However, they are trained. In Albuquerque, they have done some training.

Commissioner Hochberg asked about what is included in the report - whether the report reflects all points of view, consensus points of view, disgruntled people, etc.

Mr. Crump said all of the above is reported: All who attended, overview of the meeting, points agreed upon and points not agreed upon. It is a topical outline of the meeting, not a transcript. It is to capture the flavor of the meeting; next steps or indication of what issues are still in contention if there are some. And,

because people do have a voice, it typically calms the emotions. He conducted one with 800 people present on a Walmart issue. And people know their points have been presented.

Commissioner Hochberg asked about the time frame. He understood this would be after some contention has arisen.

Mr. Crump said it is typically about 3 weeks from the referral until the report is due. Reports are due within 48 hours after the meeting and it goes to all participants. Because it has been in place for a long time in Albuquerque, many developers go to the associations before purchasing the land. If there is major opposition, they can use a facilitation meeting. So a lot can happen before spending lots of money.

Chair Kadlubek asked if anyone is welcome in the Albuquerque meetings.

Mr. Crump said it is an open public meeting.

Chair Kadlubek asked if any representative from the City would attend the meeting and their interests and needs be represented.

Mr. Gold said generally they would not be there but they could be.

Mr. Crump said there are occasionally traffic planners at the meeting because traffic is almost always an issue. Typically, the planner is not present for the City. And if they are, it is for information only but not to get involved with an opinion.

Commissioner Hiatt asked why this doesn't have a resolution number.

Mr. Smith was not sure.

Mr. Berke thought there was a resolution number but was not typed in.

Commissioner Hogan asked how many meetings there might be. In his experience it takes more than one meeting to get resolution.

Mr. Gold said these are generally one single meeting but he has seen a few with a second meeting. It is pretty easy to identify what is agreed and what isn't.

Commissioner Hogan asked if there is any mechanism for qualifying assertions made by people at the meeting. People can play the facts up or down, depending on their interests. This is sort of left to their own integrity.

Mr. Gold said he always tries to ask the right question so the truth is heard. That is the job of the facilitator to bring the reality up. He has always worked closely with City Staff to know the issues. And if something is incorrect, he would include it in the report.

He also thanked the Commission for hearing this.

Commissioner Hiatt moved to recommend approval to the Governing Body of Resolution 2016-___ that supports development of a Land Use Facilitation Program based on the Albuquerque model. Commissioner Hogan seconded the motion.

Commissioner Kapin proposed an amendment to add the specific training requirements for facilitators. Commissioner Hiatt and Commissioner Hogan said the amendment was friendly.

Commissioner Kapin asked for an amendment under step 3, first bullet point, to include non-association outreach.

Commissioner Hiatt and Commissioner Hogan accepted the amendment as friendly.

Commissioner Kapin said the Commission heard that in contentious situations, there is sometimes a desire for people who cannot attend the meeting for whatever reason to have a mechanism for participation, whether by social media or for a person to write in comments. She asked that such a mechanism be included in the resolution.

Commissioner Hiatt accepted that amendment as friendly.

Mr. Berke said he had seen some proposals from facilitators to have video conferencing.

Commissioner Hogan asked if that is provided on request or a standard provision.

Mr. Crump said it is typically done in scheduling. We work through the associations and they will poll for attendance and try to find a time for as many as possible to attend. The report is pretty complete and sent out and allows for others to provide input to the HE.

Commissioner Hogan reasoned that even if the meeting is not broadcast, a recording could be made available or just rely on notification.

Mr. Crump said they do what they can to involve as many participants as possible and offer the complete report so people can submit other input

Commissioner Hogan said he would have accepted that as friendly if offered.

Chair Kadlubek had a few requested amendments. The first is that facilitation is in addition to ENN. Commissioner Hiatt and Commissioner Hogan accepted that amendment as friendly.

Chair Kadlubek asked for an amendment to include all types of projects including open space and trails. Commissioner Hiatt and Commissioner Hogan accepted that amendment as friendly.

The motion, as amended five times, passed by unanimous voice vote.

3. **An ordinance amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a Requirements section to the Residential Green Building Code; and amending Section 14-8.2(D) with regards to Best Management Practices. (Councilors Ives and Bushee) (Katherine Mortimer)** ***(TO BE POSTPONED TO MARCH 3, 2016)***

4. **Case #2015-124. Pacheco Courtyard Development Plan and Variance.** Thomas Gifford Architect LLA, agent for the Santa Fe Civic Housing Authority, requests approval of a development plan for three existing and six new dwelling units with a density of 18 units per acre. The application includes a request to allow additional dwelling units with access via a private road or lot access driveway (Rincón del Sol and Pacheco Court) that does not meet the standards of Subsection 14-9.2(C)(8). The property is located at 1343½ Pacheco Court and is zoned R-21 (Residential, 21 dwelling units per acre). (Dan Esquibel, Case Manager).

STAFF REPORT

Mr. Esquibel presented the staff report for Case #2015-124. Please refer to the staff report, included herewith to these minutes as Exhibit 5.

Mr. Esquibel handed out a site plan that was not in the packet. The site plan is incorporated into these minutes as Exhibit 6. He noted the monitors are not working correctly so the applicant wanted to but couldn't show his power point presentation.

The Staff report recommends approval of the Development Plan and Variance, subject to conditions presented in Exhibit A. The variance has to be addressed first. The application requests a variance to road standards. They cannot widen the road because of structures that are in the way. So the Fire Marshal also requested a portion to be maintained continually by the Applicant in a condition that would support 75,000 pounds (fire truck). They also required the applicant to install sprinklers in all buildings including existing buildings. The Applicant has agreed to those requirements.

The project is to expand the density beyond 10 units per acre. Chapter 14 requires a development plan when density is beyond 10 units per acre.

The Applicant has addressed all relevant requirements of the Code and has addressed the variance criteria. It is up to this Commission to determine if that is so.

QUESTIONS TO STAFF

There were no questions to staff.

APPLICANT'S PRESENTATION

Mr. Tom Gifford, 805 Early Street, was sworn. He indicated they are asking for a variance. It is a Heritage Neighborhood. The lots were divided around 1942. The private drive is 15' wide with multiple projects on that lot with similar densities to this one with 22 and 24 units per acre existing. It is in compliance with the General Plan for high density residential.

PUBLIC COMMENT

Mr. Smith pointed out that the Commissioners have email correspondence under other submittals in the packet. Richard Rose is correspondent.

Ms. Kelly Lucero Brickbuddy, 1319 Pacheco Court, addressed the safety and the road upkeep for the development. She was not necessarily against the development. There is only 15' width for the road and there are two entrances for Pacheco Court. Lots of people live there; some in two-story condos, and everybody uses the road. She said her dad maintains it now and no one else contributes to that. Everyone has to help. Pedestrians who take the train walk through there and there is a lot of trash back there from the people who use the road. The road also has potholes and is icy in winter. PNM owns power poles at the L part of the road and if they could put up mirrors on the poles, people could see when someone is coming from the other direction. Perhaps it should be 5 mph back there. It would be safer for pedestrians first and motorists back there.

Commissioner Hiatt asked Mr. Esquibel to show her the site plan so she could indicate where she lives.

Ms. Lucero came forward to show Commissioner Hiatt where she lived. She pointed out the location of the L-corner in the road and the second entrance off Pacheco Street near Alta Vista and the chain-link government parking lot.

Mr. Esquibel clarified at the bottom of the map, the City owns from Pacheco Street to Pacheco Court and Pacheco Court is private.

Mr. Dennis Lucero. 1321 Pacheco Court, said he lives right on the corner by the north end. He said the developer said they would maintain the road for the fire department. He asked how they are going to do that and how they will get the garbage containers out of there because the big garbage trucks cannot get through. Everyone on Pacheco Court has to push their garbage bins up to Pacheco Street. He also asked how they proposed to alter the road so the fire trucks can turn at the L.

Mr. Shandler asked Mr. Lucero if he was in charge of the road as his daughter had described.

Mr. Lucero said he was not in charge of it but nobody else does any clean up. He didn't think it should just be up to him. It needs to be addressed because it isn't fair for only person to have the burden.

Mr. Anthony Chávez, 27 Shore Drive, Los Alamos, was sworn. He said the private drive was shown on the plat was named Rincón del Sol. He said he owns a unit in the Andover Condominiums which is adjacent to the subject property. The road is really not maintained and he wondered if the City is going to take it over and require that it be paved with curbs and storm water drains.

There were no other. speakers from the public regarding this case.

QUESTIONS TO THE APPLICANT

Mr. Esquibel said on the southern part of the site map where it is labeled, C-1 PUD is the area of concern for the Fire Marshal. Pacheco Court is not a city street. At the intersection with Pacheco Street to the center of the site is the request for maintenance and upkeep from the Fire Marshal upon the applicant. That is the direction the fire truck would travel in an emergency. He felt they could pull into the drive and back out to return back out the same place.

Regarding trash removal, Exhibit B-5 is the response from Environmental Services for trash and garbage.

Commissioner Kapin said the testimony is that the residents have to push their trash cans out 200'. She asked where they have to push them for pick up.

Mr. Esquibel said the only response he got is that they bring them out to the curb. The applicant will have to clarify that condition.

Commissioner Kapin knew there are a lot of little easements like this. She asked at what point the City would take over maintenance when it does happen.

Mr. Esquibel explained that when the City takes over a road, it has to meet the road standards and it goes through a process. He talked with the Traffic Engineer and there is no plan for the City to take it over.

Mr. Smith said the variance does include lack of curb and gutter. It is not feasible to bring that road up to city standards.

Mr. Esquibel added that at the ENN, the applicant indicated he would contribute to the maintenance there. They will have to sustain it for fire protection at a level to withstand 75,000 lbs.

Commissioner Hogan said the Commission heard that to offset the access issue the units must be sprinklered and asked if separate fire service is required to be extended.

Mr. Esquibel said there seems to be an abundance of hydrants. There are two on the property as shown and the applicant would address that.

Commissioner Hogan pointed out that it just says a line extension would be required. So he wanted to

know how the hydrants on the property are being served. The firefighting ability requires a 20' wide access for a lot of reasons. Access from the south is one way but usually two access points are required. While he was supportive of the project, He was aware of the density there and the limited emergency access. For access to be difficult for garbage trucks, let along fire trucks, made him concerned with that density and what the impact on the neighborhood will be.

Mr. Esquibel said in talking with the Fire Marshal, the condition was based on building up that southern part of the road and sprinkler all proposed and existing buildings. Going out the other end was not discussed.

Commissioner Hogan said there are all kinds of logistics on fire fighting and 20' is the standard for hoses and once in place, they cannot be moved. He was not sure the Commission could get answers to that now since the Fire Marshal is not present.

Mr. Smith said the Fire Marshal does routinely attend the meetings and he was not sure why he is not here tonight. It could be postponed until he is present.

Commissioner Hochberg suggested doing that. He was not comfortable yet.

Commissioner Hogan said his other concern is the density in the neighborhood. There appears to be very little common open space. It looks like all of the open space is sidewalk.

Mr. Esquibel said they do comply with having 250 square feet per unit, most in back yards.

Commissioner Greene asked if Pacheco Court is a one-way road or two-way.

Mr. Esquibel said it is two-way. A one-way might reduce the conflict.

Ms. Lucero said it wouldn't make sense because the fire truck has to come in from the south and could not go out the north. She could clear it in her truck but a big truck won't be able to negotiate it.

Commissioner Greene understood but the blind corner is where it happens.

Ms. Lucero agreed.

Commissioner Greene said he didn't know whether Traffic would recommend that or not.

Chair Kadlubek commented that it seemed one-way would not do it because the fire truck has to turn around or back out to the south entrance. Every time Chief Gonzales talks about it, access is automatically 20'. So he was surprised about this variance and also the traffic congestion. This adds 16 units in already congested traffic. So it seems the Commission would have to talk with Traffic.

Commissioner Gutierrez asked, since this development will have to be sprinkled, if the north and south would also have to be sprinkled. There are 18 residents coming in. He asked how they could find a way

to put their 96-gallon garbage cans on Pacheco Street too. The Commission needs more information on that and whether the City would use one of their smaller trucks for this location.

He asked Mr. Esquibel if the south entrance to the end of the project site is where they will maintain the road.

Mr. Esquibel said his conversation with the Fire Marshal is to maintain the road only to the entrance of the project site. The entrance is right in the center of the property. And it is a 20-foot driveway at the center of the site. The City owns Pacheco Street to Pacheco Court but Pacheco Court to the project site is private.

Commissioner Gutierrez asked if that part of the road is asphalt paving.

Mr. Esquibel was not sure.

Commissioner Gutierrez asked if Rincón del Sol that was mentioned is the continuation of Pacheco Court on the north side to Alta Vista.

Mr. Gifford said it goes to Rincón del Sol which is actually a utility easement.

Commissioner Gutierrez said the Commission doesn't know if it is 15'.

Mr. Gifford said there are encroachments to the 15'.

Mr. Esquibel said it appears to get tighter on the north end.

Commissioner Gutierrez wanted to see the figures. He noted the ENN looked well attended with e0 people there but he only saw three short comments on the ENN.

Mr. Esquibel said those were the only ones. The rest of the questions got answered.

Commissioner Gutierrez asked about drainage.

Mr. Esquibel said there are two ponds at the parking area for storm water detention. Our terrain management engineer is here to address issues. There was some concern with drainage at the ENN. The Applicant said they would make it better as they accommodated the drainage for this development.

Chair Kadlubek asked if the Commission wanted postponement now or to continue asking questions tonight or.

Commissioner Hiatt thought it would be best to deal with the issues.

Mr. Smith clarified that with the density of 18 units per acre, this will have 9 on this half acre with 3 existing now and six proposed.

Commissioner Hiatt asked the Applicant about being a good neighbor and helping with clean up on that entire stretch of Pacheco Court.

Mr. Gifford said they agreed to maintain about 150' of Pacheco Court with 6" of base course which would carry the 75,000-pound load and it is more than their fair share. As the Commission knows, the Fire Marshall doesn't make recommendations lightly. They had four meetings and discussed these issues. Life safety is very important. They will have two sets of duplexes and single family structures using concrete blocks that are very safe. They are requiring sprinklers in all proposed and the three existing and that is very costly. The system is 13R and can run off the domestic line or separate units. They worked on it quite carefully. The fire truck would will pull in and back out of the drive. They didn't feel they needed another access for this size development.

Commissioner Greene said we usually require two access but if there is a fire in a front unit there is no other way out. The separation is not 20' but 10' 9" and fire coming out of the windows makes getting out of the project difficult.

Mr. Gifford said they would not go by a burning building.

Commissioner Kapin said these fire questions need to be addressed to the Fire Marshal. She was debating about where it is safe or not. We do have a lot of questions for the Fire Marshal. She didn't want to go down a lot of what if scenarios.

Chair Kadlubek thought the Commission wants to trust staff recommendations. And we do want that to dictate these developments. But it is not just fire but also access to that road so questions for traffic and trash pickup are also being asked. There are a few loose ends to tie up. There has been respectful dialog with neighbors but we might just have to wait. There are issues like the amount of area they are willing to maintain and whether that seems to be a fair amount they are willing to take on.

Mr. Lucero said it is very unfair. On the north end it is 150 feet long. They are doing it in front of their building and a little to the left. Nobody is going to take care of the north end. Who will do the maintenance on the north end. That belongs to nobody. It needs all the neighbors to do that.

Chair Kadlubek asked if there is a way to solve that.

Mr. Lucero said he goes around and asks for help because they all use it. They say they use the south but they go north in their cars and speed around that corner. The north part is the worst part. It stays frozen until April because of the two-story buildings there. And if something happens on one side. They go the other way. He just wanted some help.

Mr. Ed Romero, Executive Director of Housing, was sworn. At the ENN he agreed to full participation in same number as units on the property. He did meet with the Fire Marshal several times. We have followed the process significantly. We probably would be the only ones sprinklered in that street. And the fire truck could go half way up to the street. It is costly and we are not sure we can build it with the resources we have. It is an infill project and that is meaningful. They are difficult to find in this town. We did have the

ENN, we met with Fire Marshal but time is money. We purchased in April last year and would like to do it as one project but we would like to move forward now.

Mr. Shandler said it looks like south side is just a parking lot.

Mr. Esquibel said that is correct.

Mr. Shandler asked if there was any talk about the applicant purchasing that 20' feet.

Mr. Esquibel said Santa Fé Civic Housing is not a rich organization. Aside from the recommendation, there was also a sewer issue. The City found the line but the Applicant has to build a new sewer line to tap in at the manhole at the southern end and build up the road for the fire truck and add fire suppression to all buildings and now, including his fair share to help with maintenance along that road. It is my understanding that what the project is able to bear may be over the top at this point.

Mr. Smith said in response to Mr. Shandler and the Commission concerns. That he believed any dedication of the south part of the road would help. If the findings cannot be supported and the Commission chose to postpone, it could be added to the February 18 meeting and March 3 would be the next one. We could have staff available on February 18 if that is the direction.

Chair Kadlubek asked Mr. Gifford about postponing it for two weeks. From the Commission view, it is more about having a few questions answered and making sure the staff are available. He asked if two weeks would be suitable.

Mr. Gifford said the Applicant prefers a vote this evening.

Commissioner Gutierrez asked Mr. Romero about how they would you continually maintain the road - how often in intervals.

Mr. Romero said it depends on the weather and it is hard to say. But we always respond immediately to complaints. We are out there to remove snow. If the road deteriorates we would have to get professionals to restore the road. At the end of the street is a neighborhood issue and we would talk with them on how to maintain it properly. Everybody should participate in the process and we will do our fair share.

Commissioner Gutierrez asked if any of their other units are on dirt roads.

Commissioner Gutierrez said only in Española.

Commissioner Gutierrez asked if they could put this on a regular maintenance schedule.

Mr. Romero said if they understood the schedule, yes. In his conversation with the Fire Marshal, to suppress depends on how fast the fire department can get there. Given the sprinklers and the maintenance of that road continual maintenance means a vehicle of 75 thousand pounds can get in there

to fight a fire. It would be his definition. Whenever the fire marshal says we need to work on it, we will.

Commissioner Gutierrez pointed out that if they stack more than one vehicle, then they are running into a separate issue.

Commissioner Propst didn't understand why a two-week delay would destroy the project. She felt the Applicant is bullying the Commission.

Mr. Romero said they were not trying to bully the Commission. So we will accept the two weeks. If you want to vote, that is fine too.

Chair Kadlubek said there are members of the public here but it would be nice to have fire and traffic represented here. We have their opinion documented here. They feel the variance can be approved and the development can move forward. What more will we get from their answers that we don't have already? Is it only for our own satisfaction?

Without this project we are left with twice as much road not maintained and a road that cannot handle a fire truck. The residents are worse off if we say we cannot approve it. It is not like a place with no residents. He was having a hard time wondering what more the Commission needs.

Commissioner Hiatt moved to approve with the conditions outlined by staff/Commissioner Gutierrez.

Chair Kadlubek -we have to first approve the variance.

It seems like the variance is the issue. The fire variance.

ACTION OF THE COMMISSION

Commissioner Hiatt moved to approve the variance request for Case #2015-124. Pacheco Courtyard Variance. Commissioner Gutierrez seconded the motion.

Commissioner Gutierrez asked Mr. Smith if there is something Land Use Staff can do with that easement in case a fire apparatus needs to come park on that place.

Mr. Smith said they spent a fair amount of time and he was not sure they found all the documents that recorded this easement. Land Use Staff have very little authority to modify an easement. The Fire Marshal could require maintenance of a private easement. But the Land Use Department would not have that authority. The Commission has the authority to require improvements to easements. It is within your power to require improvements in the public ROW but he would be hesitant to say Land Use has such authority.

Commissioner Hogan said they got conflicting testimony on the solid waste. He heard there is not adequate solid waste removal. They have to take it to Pacheco Street. What is the actual situation on that?

Mr. Esquibel said he cannot provide further information. The only curb and gutter is Pacheco Street. They do have smaller trucks but he didn't know if they could use one there.

Mr. Gifford said he has seen them pull it to the curb just south of their property but have not seen a truck there.

Commissioner Greene asked if there is room for each one to have garbage containers.

Mr. Gifford agreed they have room on the property and the residents can putt them to the curb. If the Commission wants a sidewalk there they are willing to construct it

Mr. Esquibel said there was also a good debate in our office. For this road, those two extra parking spaces by the applicant would be very important.

Mr. Smith noted one of the residents indicated she was chair of the association to the south and might consider installing a sidewalk at the property line. It is possible to envision a curb and widening the access at the same time but Staff cannot require that to any adjoining property.

Commissioner Greene asked if it is possible a facilitator could deal with it within the two weeks.

Commissioner Hiatt said that doesn't mean you can't move to table.

Chair Kadlubek said they have contrasting data. One is that we really need more information and the other side says we have deliberated a lot. He asked Mr. Smith or Mr. Esquibel to indicate what this has gone through enough to get to the Commission.

Mr. Esquibel said the biggest issue was fire and the next was sewer. There are areas of the city of which we are unaware because we don't have a map. There were some roots that had to be cleared out to determine what was there. And because it was a city sewer, whether we had funds to do it. But we found it is in fairly good shape to carry the load. The second was since they cannot widen that road to 20', because lots of structures encroach, it does taper and narrows as you go north.

So with that in mind, the Fire Marshal said in order to suppress that fire, he had to hedge his time with sprinklering. The second was that as a private road and not city maintained, he had to require that from the city road to the access point, it had to be built up so a fire truck would not get stuck and the owner had to maintain it. So they established a way to give a variance with the extra fire protection. The trash removal issue was late. It was his fault for not asking which street the trash would be taken to.

Chair Kadlubek asked how long this application has been in City hands.

Mr. Gifford said he brought it to the City in July 2015. The first application was officially in October to start the process. So six months for six units.

Commissioner Kapin understood the fire suppression is quite expensive and knew they are doing their

portion of affordable housing.

Mr. Romero said the rent would be somewhere between $800 to $1100 per month.

Commissioner Hochberg said they are apparently enhancing fire safety for the whole area and a better maintained street. None of the residents testified the application should not go forward. Materially, at least the neighbors will have better conditions and more affordable housing. And there will be greater fire safety in the area. I was first terribly concerned at first but we should be concerned about going forward now. He didn't think the Commission needed the two weeks and they won't hear anything more from the Fire Marshal. He would give a positive vote for the variance.

Commissioner Hogan tended to agree with that. For future cases, particularly when something this unusual from fire comes up he would be more comfortable having the Fire Marshal at the meeting.

Chair Kadlubek felt we could have positioned ourselves better for this past hour. Mr. Gonzales is always here so this is a rare thing. He asked if the Applicant knows what is happening with the lot north of the site.

Mr. Gifford said there is a barn-type structure in the middle and well maintained. It always has a padlock on the gate.

Chair Kadlubek added that there is another empty lot at Alta Vista. This is a good example where reasonable smart development can actually help the area. If there is further development to the north, the road might be better maintained and adjustments so the curve could be safer and provide more fire safety. Maybe it would also solve the Alta Vista/Pacheco strange alignment also down the line.

The recommendation for the mirror on the pole seems legitimate. He asked if that is a PNM thing.

Mr. Smith said it depends if the poles are within the City ROW. No one could put them up unless the Traffic Engineer approves that. If not, then up to someone else.

The motion to approve the variance passed unanimously by roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Hiatt, Commissioner Hochberg and Commissioner Kadlubek voting in favor and none voting against.

Commissioner Propst asked if this is the only time for the Commission to look at the development plan.

Mr. Esquibel agreed.

Commissioner Hochberg moved to approve the development plan for Case #2015-124. Pacheco Courtyard Development Plan as presented. Commissioner Hogan seconded the motion and it passed unanimously by roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Hiatt,

Commissioner Hochberg and Commissioner Kadlubek voting in favor and none voting against.

H. STAFF COMMUNICATIONS

Mr. Smith reminded Commissioners of the study session on Chapter 14 on Thursday, Feb 18th >>>

Chair Kadlubek recalled in the minutes that there seemed to be presentation on the General Plan.

Mr. Shandler agreed.

I. MATTERS FROM THE COMMISSION

Commissioner Greene reported on the West Alameda Corridor Work Group which has been meeting regularly every week except for a break for the holidays. They are beginning to put together some recommendations. They did a comprehensive look at existing conditions and will be scheduling an open house at an unknown date.

Commissioner Gutierrez asked if the open house is to tell the public what they found or to start getting the public involved.

Commissioner Greene said it is to get them involved in visioning but is not a presentation of recommendations yet.

Commissioner Gutierrez announced there was no Summary Committee held.

Commissioner Kapin noted there is no Long Range Planning update again.

She asked if there a City technology person who could be responsible for the AV equipment. It is frustrating when the applicant has worked to have a presentation ready for the Commission. She requested for the technology to be working smoothly for the Commission. It is ridiculous to not have it working when needed.

Mr. Smith said the Land Use Department Staff shares that concern. The person was ill tonight and we need to do a better job on that.

Chair Kadlubek said for the last three months in a row, the Long Range Planning Committee did not meet. That is where the sector plans are supposed to be ratified. It is such a vibrant moment for Long Range Planning and they are not meeting. He didn't know what could be done other than just stating it again. He asked why the Commission is not meeting about Long Range Planning.

Mr. Smith understood his concerns and asked if the Commission wished to have the Long Range Planning Staff attend the February or March study sessions.

Commissioner Hiatt asked Mr. Smith to draft a resolution to move the Long Range Planning Department back to Land Use.

Mr. Smith said the process is that Staff does have some authority to do it but it will take a sponsor from the Governing Body to get it done.

Commissioner Greene said he has not talked with Reed Liming or Richard McPherson but is thinking the next meeting will be before our next study session.

Commissioner Greene said he cannot be present for the first meeting in March.

Chair Kadlubek thanked Commissioner Hiatt for his request.

Commissioner Propst said she would also have to miss the March meeting and will be out of state for the second meeting in March.

Everyone else indicated they will be present.

Chair Kadlubek and Commissioner Gutierrez asked Mr. Shandler about any restrictions of Commissioners regarding ENN meetings.

Mr. Shandler said he would be talking about that at the study session.

J. ADJOURNMENT

Commissioner Hochberg moved to adjourn the meeting.

The meeting was adjourned at 8:50 p.m.

Approved by:

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Vince Kadlubek, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.