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PLANNING COMMISSION
August 18, 2016

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PLANNING COMMISSION
Thursday, August 18, 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 Fe, 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, Vice-Chair
Commissioner Roman Abeyta
Commissioner John B. Hiatt, Secretary [arriving later]
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Sarah Cottrell Propst

Members Absent
Commissioner Piper Kapin [excused]

Others Present:
Ms. Lisa Martínez, Land Use Department Director
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
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. APPROVAL OF AGENDA

Commissioner Hogan moved to approve the agenda as published. Commissioner Greene seconded the motion and it passed by unanimous voice vote. Commissioner Hiatt was not present for the vote.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES: July 21, 2016

Commissioner Gutierrez requested a change on page 10 where it should say, Commissioner Gutierrez asked, in a perfect traffic world, how many cycles should you wait to get through an intersection."

Chair Kadlubek requested a change on page 16, paragraph 4 where it should say, "statistics on affordable housing," not "portable housing."

Commissioner Abeyta moved to approve the minutes of July 21, 2016 as amended. Commissioner Propst seconded the motion and it passed by unanimous voice vote. Commissioner Hiatt was not present for the vote.

2. FINDINGS/CONCLUSIONS:

There were no Findings/Conclusions to consider.

E. OLD BUSINESS

1. **Case #2016-64. Las Soleras ~~Minor~~ Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards. James W. Siebert & Associates, Inc., agent for Las Soleras Oeste, LTD., Las Soleras Center, and Pulte Homes of NM Inc., requests approval of ~~a minor~~ an amendment to the Las Soleras Master Plan to establish alternative height and setback standards for the R-6, R-12 and R-21 residentially zoned districts of Las Soleras. (Noah Berke, Case Manager) (CONTINUED FROM JULY 7, 2016)**

STAFF REPORT

Chair Kadlubek recalled that there were some specific elements the Commission wanted to see worked on from July 7th until now. So he asked Staff not to repeat the whole report but to speak to those matters. He thought they would talk mostly about the park.

Mr. Berke presented the staff report for Case #2016-64. A copy of the staff report is attached to these minutes as Exhibit 1. Please refer to Exhibit 1 for details concerning this report.

Mr. Berke thanked Pulte and Las Soleras and all of City Staff for the progress made in the last four weeks and for getting close to agreement.

At the July 7th meeting, the case was postponed with directions for the Applicant to work with Staff. Two conditions that were specific were to figure out the park plan, including cost estimates and financial obligations, and a phased approach to the park plan; and also the 10-acre dedication to the Santa Fe Public School District.

Since July 7th, Staff held four meetings with the Applicant, the Legal Department and other City Staff members. They also had a few site visits to parks around the City to see what an active regional park should look like. They concluded that Pulte, Las Soleras, and Staff would publish a community survey for the community to determine what elements they would like to see. They received 200 responses. He listed their preferences and their overwhelming support for two dog parks, one for large dogs and one for small dogs.

Since then, the Applicant submitted a conceptual design for Phase One of the Regional Park. It was done after he had prepared the Staff report packet. So that information was handed out to the Commission. A copy of it is attached to these minutes as Exhibit 2. It has a preliminary cost estimate for the park's first phase at approximately $638,444. As of two hours before the meeting, Pulte agreed to provide a financial guarantee for $538,000. It still remains unclear how the remainder of the $638,444 would be financed for phase 1.

Mr. Berke explained that the conceptual design (which he handed out) does not include the full buildout of the park, but primarily based on phase one. In the packet, he included what the Applicant had submitted for the three phases. The Applicant proposed that the remaining phases would be financed by other tract developments. The Applicant is not sure about timing of the park development since it is unclear when the other Las Soleras tracts would be developed. There is no cost estimate for the remaining phases or what elements they would entail.

The 10-acre dedication to the Santa Fe School District which the Planning Commission required, was accepted by the School Board at their meeting on August 2, 2016. A letter certifying the acceptance is included in these minutes as Exhibit 3.

Staff is of the opinion that the Applicant has fulfilled their obligation to meet with City Staff and draft a proposed conceptual plan for the park as well as providing a preliminary process associated with phase 1. However, at this time, they have not reached final agreement on the regional park plan and how full financing will be provided.

If the Commission believes that the two conditions are fulfilled, Staff recommends approval to the Governing Body with conditions (Staff packet, Exhibit E) that have strict deadlines, financial commitments, maintenance schedules, and penalties for obligations regarding the regional park.

He noted that the Applicant has brought other proposals since the report was written. In a few more weeks, he believed they would have a final plan but it is pm a tight schedule.

Mr. Berke recommended deferral to the Commission to make these recommendations either for approval, denial, no recommendation, or postponement. He also included the Las Soleras Development Plan Agreement and the Annexation Agreement that starts on page 9.

Mr. Berke also included minutes of the September 9, 2015 Council meeting and the Findings of Fact and Conclusions of Law. He also included excerpts from the City Code about financial guarantees; how dedication is done and other elements that might come up at the meeting.

The City in the past, has not taken every offer of dedication. Usually it goes with the development of the park, acceptance, and then dedication. It is the same for all public improvements are done for the City.

QUESTIONS TO STAFF

Commissioner Hogan asked if the plan and components of it were derived from the survey.

Mr. Berke agreed. There were some elements not chosen to be included in the Master Plan but they worked with the Parks Department. Most of them were based off of the survey.

Commissioner Hogan noted that some elements were quite specific like a grass field versus a turf field. He asked if Mr. Berke could talk about that.

Mr. Berke said the Applicant indicated that in the first phase of park development, they will provide for a seeded field that would take 4-6 months to establish and be usable. They will not be turf or sod fields.

Commissioner Hiatt arrived at 6:15.

Mr. Berke said in the total design of the park there would be two soccer fields next to each other and suitable for any age group.

Chair Kadlubek clarified that the conditions of approval are for phase one and not what the Applicant came up with for their design.

Mr. Berke explained that for his conditions of approval, at that time he wrote them, the Legal Staff and Land Use Department didn't have total agreement and some obligations are missing. The annexation agreement is one mechanism but doesn't provide specific details such as time lines, assignment of responsibility, etc. So they went into greater detail. Those elements were based off of two plans previous. Right now it is plan 5 and that was perhaps plan 3. So there are elements that need to change. For instance, it references a basketball court which perhaps was a substitute for a dog park. The basketball court is no longer in the design. He also tried to separate out the responsibility of the Master Developer, Las Soleras, and the Sub-developer, Pulte.

Chair Kadlubek asked, from a legal standpoint, if it is okay for the Commission to recommend approval, based on the current conditions of approval, or if the Commission should add language that some elements are interchangeable or suggestions.

Mr. Berke agreed that the Commission could say some elements will change, based on the park design. It is more of a template.

Commissioner Propst felt that was problematic. The conditions of approval are the conditions and not supposed to be flexible. Everything has been coming together in the last couple of days. So, once again, the Commission doesn't have the full information.

Chair Kadlubek agreed and asked how specific the Commission needs to be on the park. We can tell that there is great effort being made. The Applicant seems to be saying they are working along. They have some specifics. And now, we can say design and construct the first phase of the Las Soleras Regional Park by no later than October 31, 2017 with features determined through discussion with Staff and community surveys, or something more general like that.

Mr. Berke said that was fine if the Commission wanted to do that, but the Applicant doesn't agree with the conditions of approval and has countered those conditions with their own conditions of approval since publication of the packet. There have been two more meetings with another different design.

Commissioner Hochberg said, "You alluded to the fact that the park cost would now be estimated to be how much?"

Mr. Berke said the park cost, as it was presented as of yesterday, for phase one is $638,444 and Pulte, as of two hours ago, agreed to put up a financial guarantee for $538,000. At the time he wrote the Staff memo, Pulte had committed to put up $388,000. It is now changed to $538,000.

Commissioner Hochberg asked how much the narrowing is now.

Mr. Berke said it is $100,000.

Commissioner Hochberg commented that they were talking about phases. The Park is the Park. And once completed, that park is not contemplated to be further embellished. It is incumbent on whoever goes first, and that is Pulte, to fulfill the obligation of the park. Whoever is paying for it is another issue. But before approving any portion of the Master Plan, the Commission should have the park paid for.

Mr. Berke said a financial guarantee is needed.

Commissioner Hochberg understood that meant the payment is going to be there. Prices do tend to go up. So he asked if it is tied to dollars or to specifics of the responsibility to build the park in accordance with some design.

Mr. Berke said we are talking about dollars to build the park and the responsibility is upon Las Soleras.

Commissioner Hochberg asked what would happen if the $638,444 turns out to be short.

Mr. Berke said if these $638,444 is short, there will be some elements missing from the park as it was proposed to Staff.

Commissioner Hochberg said irrespective of what Pulte is giving, the $638,444 is based on a certain plan.

Mr. Berke agreed.

Commissioner Hochberg said as he understood it, the Master Plan people are still obligated to do the park.

Mr. Berke agreed.

Commissioner Hochberg felt this is the time to decide that. We have to be clear that with the cost estimate, that seemed fair to him. Then we have to see how that money will come in. He assumed that two hours ago, Pulte handed that commitment to Staff in writing.

Mr. Berke agreed.

Commissioner Hochberg said, "We don't want to have to chase that $100,000, and we don't want to face not having a completed park, in accordance with what everybody is talking about. So we have to get to the bottom of who is giving us a guarantee on that hundred thousand dollars. Pulte can arrange it any way they want on who is going to make whole on the guarantee that Pulte is responsible for. But I'm worried about the last $100,000."

Mr. Berke said the last $100,000 was a verbal agreement as of yesterday and it has changed in the last four hours.

Commissioner Hochberg understood and asked where we are right now.

Mr. Berke said right now we have a commitment of $538,000 and a cost estimate of $638,444. We are still at phase 1.

Commissioner Hochberg understood. But Pulte is only doing part of the Master Plan.

Mr. Berke said Pulte has stepped up and they have committed to doing more than their share of the park.

Commissioner Hochberg understood that someone applies for a Master Plan. "They get a Master Plan and it includes the park and then it sits quietly, because no one is acting on the Master Plan. Suddenly, we have someone doing a part of the Master Plan and call it phase 1. So the City says they have to put in this amenity - they have to put in the park. So the first time in has to put in the park or arrange to tell the Commission how the cart is going to be guaranteed. You are telling me that that is not exactly what is going to happen, even if we get to the $638,000 because that is still only part of the park.

Mr. Berke said that is correct.

Commissioner Hochberg continued, "So it is already a compromise from how I envisioned it. Am I incorrect in how I am envisioning that when you do a Master Plan, assumed that building on the Master Plan is done, the fixed amenities have to go in?"

Mr. Berke said that is correct.

Commissioner Hochberg said, "So of the $638,000, if we were disposed to accept only that, it is still a boon to the developer."

Mr. Berke agreed.

Commissioner Propst recalled, "Part of the logic of tying the park to this phase of the development plan was because they were coming in with a green field housing development, asking for a variance with tiny little side yards. And part of the logic in their mind of us approving that variance was that it was tied the park so they didn't need to worry about not having open space by your house, even though it doesn't meet code. And that is why the park is so important to this first phase. It is all based back to the original proposal in the discussion we had back in July. Am I remembering that right?"

Chair Kadlubek agreed that was the conversation and then the larger conversation about getting the park and who is responsible for assuring that we would get the park. Ultimately, the question is, "Where is Las Soleras with regard to this whole process?" We've heard a lot about Pulte and Pulte's willingness to come forward with 80 or 90% of phase 1. He asked if Mr. Berke could speak to communication with Las Soleras.

Mr. Berke said communications have been good with Las Soleras in the last few weeks. They can tell you their piece. "They are unsure of their financing for their obligation to the park right now and they don't feel they have an obligation to provide a financial guarantee for their portion of the park or for the whole park. They can give you their reasoning it. So they have come to us and said they will work out financing for up to the $538,000 but the $538,000 is, as of today, all they are agreeing to and that is all they are able to afford right now. They have also stated, Las Soleras has said they will fund the remaining portions of the park in the phasing mechanism, as different tracts of Las Soleras are developed residentially. So what they will be doing is they will hope that all of Las Soleras is developed and they will take quite wasn't paid in impact fees and put that toward the park. When that may happen is unsure. Nobody can predict the future. The most recent besides Pulte, that you have seen as a residential component that waived impact fees was Spectrum. And Spectrum was an approved development plan. They have not recorded their development plan as of today. So we're not sure when or if they will come. That was 187 units of residential development which would have come in for $187,000 of impact fees if you were to earmark it at $1,100 per residential unit."

Commissioner Abeyta asked, "If Las Soleras is not built out, would you need a regional park."

Mr. Berke responded, "A regional park is an obligation that was made and an agreement. So whether it is needed or not, it was committed to in the annexation agreement. So whether it is needed or not, it has to

happen. It was a condition of approval for that Master Plan and for them even to be annexed into the City.

Commissioner Abeyta said, "I would think that the park is needed because of all the development. To me it makes sense that as it develops, the park gets built. Because, why have a big park in the middle of nowhere. It makes sense to build it in phases as developments are built in phases."

Mr. Berke agreed that is the logical way to do it and Staff supports phasing. He cautioned that it is important to have deadlines associated with phasing. There will be 294 Pulte homes out there potentially. And then Ross's Peak at 277 and Spectrum at 187. So there is substantial and pleasing is a great idea. You wouldn't want to park in the middle of nowhere.

Commissioner Abeyta asked then, why they have to pay for all of it; instead of just their part.

Commissioner Hochberg asked, "Isn't that exactly what they are proposing for phase one of the park?"

Mr. Berke explained that phase I is the part that was presented in the recent meeting. The park is in three phases and that is included in the Commissioners' packet.

Commissioner Hochberg understood this is just phase 1 of the regional park and the part that will be built for the units that are being built now. And piggy-backing on what Commissioner Propst said, those people need a park for those short side setbacks now.

Commissioner Abeyta asked if the Commission is arguing over $100,000 of improvements in phase I about park then? They are offering $500,000 but the City wants $600,000.

Mr. Berke said he wouldn't say the Commission is fighting. There are elements of this park that cost that much. The Commission probably doesn't want half of a soccer field. But you might settle for some improvements at $538,000. He listed those elements that would total $538,000. That was submitted today. It was handed out to the Commission by the Applicant. A copy is attached as Exhibit 4.

Commissioner Gutierrez asked who made the motion that is shown in the handout.

Mr. Berke explained that that is the proposed motion from the applicant.

Chair Kadlubek said it seems like a chicken and egg or cart before the horse situation. He asked if there any other situations like this that has a park as a requirement - any model of how this should go?

Mr. Smith said there have been others with a park. Nava Adé was between 1997 and 2007. Tierra Contenta was built from 1995 and still going. On Tierra Contenta, a primary developer assumed financial responsibility approved by Council and Nava Adé was done by phases. It was handled by staff but didn't involve multiple coordination. Tierra Contenta did. But the master developer assumed all financial responsibility and development of parks. So it is close, but not identical because of the coordination issues that have arisen with this Master Plan and these developers.

Chair Kadlubek concluded that we haven't had a situation where we are moving forward and development of a Master Plan that is requiring a park but don't have financial guarantee of the whole park.

Mr. Smith agreed.

Chair Kadlubek said it is a unique situation. It seemed to him that if various projects are going to pay their share and the Commission feels confident with that phasing, he imagined there would be something the master developer could do to leverage the amount of projects that are moving forward in this area to be able to get some amount of financing to support backing the park until reimbursed by those projects. He asked if there has been any discussion on that. It would not be like they would have to have $1 million in cash in their bank account.

Mr. Berke said the conversations Staff has had regarding other options are a mortgage agreement which doesn't provide as much security. That hasn't been done before in the city for a park. The mortgage agreement would cover $1.2 million for the park. That's the most they are going to pay to build the park. And the only other option is a financial guarantee and the Applicant as stated that they have to have the money to back the guarantee. In the annexation agreement there is language for securing the infrastructure. They are providing a financial guarantee for infrastructure or a surety bond for infrastructure. But for this part, the offer has been a mortgage agreement with the city. And if the developer files for bankruptcy the City would have to sell the property.

Commissioner Greene asked to hear from the applicant. He asked if Mr. Siebert was wearing two hats.

Mr. Smith said Mr. Rob Carter from Parks is here also.

APPLICANT'S PRESENTATION

Present and sworn was Mr. John Mahoney, one of two managing partners for Las Soleras. "I started working on this in 1999. I'd like to start from the present, rather than to go back to where we've been. I got involved in working with Pulte and Jim Siebert and the Staff by this about five weeks ago; the day after the last Planning Commission meeting. We've made a lot of progress and I went to acknowledge Lisa and her staff, Greg and Noah, Zach and Rob and Richard from Parks, as well. We couldn't have done this and made so much progress if we hadn't spent so much time working together. With me here is Josh Skaarsgard, an attorney representing Las Soleras. Jim Siebert you know. Kevin Patton with Pulte, Garrett Price with Pulte. And so let me just sum this up.

"Las Soleras has an obligation to build a park. We know that. And we are going to build a park and we have a plan to build a park. The people behind me are going to outline how that works. I don't want to discount or say that it was easy to get here and that we just worked it out - this plan as late as this afternoon. But the way we did this is, we focused on the design with the Parks Department, and we focused on conditions with Legal and we focused on the general concept with Land Use the kind of told us all together. And we think each appropriate division of the City put in the input that we needed so we could come up with something that works. We are have a park design that we put together by a professional landscaper after Jim Siebert outlined it. We've got a civil, engineering that was done by our civil engineer

so we know how it grades, how it drains, how you get there, where is the parking lot. And so, this is still... It's not finalized because it is pretty far to get in five weeks. But it is finalized enough that I'm pretty clear that the Parks Department, with a few tweaks maybe down the road, is comfortable with how this is going to go. We've met with Zach today and gone over these conditions that were put in front of you a little while ago. We think that will work. And we brought some other detail to work out as we go forward. This is a big project. It needs to come in phases as the housing comes in phases. With that said, I'll sit down and let Jim Siebert give you a short presentation on how it works." And then, Josh and I and others will stand for questions.

Present and sworn was Mr. Jim Siebert, 915 Mercer, and Mr. Kevin Patton, 7601 Jefferson Street, Suite 220, Albuquerque.

Mr. Siebert said Skip Skaarsgard would have been here as well but he is getting ready for back surgery. So he is unable to make it. I know there is a real concern on the part of the Commission to have representation from Las Soleras and we have full representation tonight.

There are two distinct issues here. One is the Las Soleras amendment to allow for different kinds of heights and set back standards. The other one was raised by the Commission last time – is the issue of the regional park.

Just to be clear, they are two entirely distinct issues. Pulte is the one that's requesting the amendment Pulte is responsible for construction or any of the improvements in the regional park. The developer, Las Soleras is responsible for that.

Mr. Siebert gave a presentation on the amendment first with a brief refresher. The request was for a five-yard setback for both single story and two story dwellings. The typical lot is 50 x 100 and the subdivision the commission reviewed and approved before. The design about 14 feet, which he called the wedding cake plan, requires a step back so there is a total of 10 feet from the side yard and 20 feet from other buildings.

He showed the section that is West of Walking Lane that is age-targeted for people aged 55 and older. Should the traditional area and the green space and the connection to the Regional Park? The open space provided is 20.92 acres. The City code requirement is zero. They do have to comply with neighborhood park requirements, which in this case, would be 1.8 acres.

The Commission approved the trails, which, so far is over one-mile long. 75% of the lots are adjacent to open space in phase 1-A, 85% in phase 1-B and 67% in phase 1-C. Regarding lot distance to open space, the analysis of the three sub-tracts, which are platted, showed only one lot is as much as 300' away.

Mr. Siebert showed a comparison of 2-story units as a percent of development in surrounding areas. - Villa sonata has 35% and Nava Adé has 60% as 2-story dwellings. Tierra Contenta has its own design standards for Phase 2B with different standards for height and side yard setbacks that are not consistent with city code. They are less than normal setbacks.

For age-targeted homes he listed the models highlighted in yellow that don't conform to city standards and in blue that do conform. Those with pitched roofs facing the street don't conform but Pulte feels it is an important addition to the palette of designs. Of the traditional homes, there are homes that do comply and models that don't. The highest is 28' 10" with roof sloping to street.

Mr. Patton briefly discussed the designs.

Chair Kadlubek asked if the Commission wanted to consider the height and setbacks at this meeting or just the park issue. He said the Commission is really trying to figure out the park issue.

Commissioner Hogan said he had concerns about the two-story homes.

Commissioner Propst excused herself from the meeting at 6:56 pm and left.

Mr. Patton said that for this development, 28% could be two-stories. The remaining 72% will be single story homes. He said Commissioner Hogan had a concern that only single-story homes be allowed at intersections and a concern with how many two-story homes could be in a row. He agreed that this development would comply with the intersection restriction and have no more than 3 two-story homes in a row.

Mr. Patton noted that current City code allows a 5' setback unless the home exceeds 14' in height. Homes today can be built at 5' setback. "You just saw the amount of open space. We are not required to have any open space. We've included 21 acres of open space and feel our homebuyers will have sufficient open space to enjoy. We are not taking away open space that is required."

He included height definitions from other New Mexico cities, as well as IRC and IBC definitions. He explained that they are only asking for minor variances.

Mr. Siebert said they agree with the proposed conditions of approval for Pulte to limit the homes at street intersections to be limited to one-story homes. The other is to have no more than 3 two-story homes in a row.

He agreed to take questions on the amendments or go to the park issue.

Commissioner Gutierrez asked if all age related homes are one-story.

Mr. Patton agreed. He clarified that age-targeted homes are not restricted to one-story, but it is their choice to keep them at one-story. Code doesn't require that. A maximum of 84 lots could be two-story homes. The percentage is very similar to surrounding communities.

Commissioner Greene asked if the attic is heated space or at what point the insulation is installed.

Present and sworn was Mr. Garrett Price, 1422 Stanford Drive in Albuquerque, who said they typically insulate just above the ceiling plate.

Commissioner Greene asked if any solar upgrades would be available.

Mr. Price said they are considering that. They don't prohibit that by customers and can rough that in. They are also building to the Silver LEEDs level. Some of that is market driven. Pulte is doing it in Mesa del Sol.

Commissioner Hogan said his issues with second stories is not so much this specific development and he appreciate the one-story restriction at intersections. But his was more to the intent of the code, for quality of life in Santa Fé. There are a lot of places with two-story sheer façades. The code was built on that concern.

He understood the benefit of additional open space but thought it was a quality of life issue across the City and there is pressure for the Commission to make exceptions. He asked if that means we sacrifice those qualities. That was his concern and he appreciated the time and effort taken in the code development.

Commissioner Hiatt said he was ready to make a motion.

Mr. Smith asked about public testimony.

Chair Kadlubek thought the Commission had considered and closed public testimony at the last meeting.

Mr. Smith deferred to Mr. Shandler.

Mr. Shandler said it is the Commission's option.

PUBLIC COMMENT

Chair Kadlubek opened the matter for public comment.

There were no speakers from the public regarding this case and Chair Kadlubek closed the public hearing.

COMMISSION ACTION

Commissioner Hiatt moved to approve Case #2016-64 - Las Soleras ~~Minor~~ Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards subject to conditions of approval as contained in Exhibit 4 and three additional conditions contained in Mr. Siebert's letter to Mr. Berke, dated August 10 that include the drawings on the lots at street intersections shown on Exhibit A will be restricted to one-story dwellings, no more than three two-story dwellings be constructed in a single, continuous row, and no two-story units in the age-targeted section which represents over half of the dwellings in the 300-unit project. Commissioner Abeyta seconded the motion.

Chair Kadlubek said the consideration now is really around the conditions of approval that Staff has laid out regarding the regional park.

Discussion on the Motion:

Chair Kadlubek had questions on the park conditions numbered 4 and 5. He noted the Commission has an alternative set of conditions that have been recommended by the Applicant. It appeared that needs to have some reconciliation because he assumed that the Applicant was not going to agree with the conditions of approval the Staff has set forth with regard to condition #4.

Chair Kadlubek asked what a Pickle Ball Court is.

Mr. Patton said pickle ball is a game that came from tennis courts. If you know how to play tennis, this uses the same service lines and out-of-bounds lines. It is played a ball like a whiffle ball and solid wood paddles. It is an interesting game and all the rage.

Chair Kadlubek said there seemed to be interest in a bocce ball court and asked if it is one or the other. The Staff recommended bocce ball and the Applicant recommended pickle ball.

Mr. Patton said, "I'd like to answer that. There was discussion that Mr. Berke had brought up about an exact amount of $638,000. That amount that was brought up was an original, when we were working together. We came up with amounts and we tried to trying to figure out how the amounts associated with certain things and in our last discussion, we talked about kind of a That we were all agreeable to. And it is like a menu and if you go to a menu and say, this is how much we have in our budgets. So if we look at how we came up with this budget, and the budget actually exceeds what Pulte is responsible for. So we would say, here is the budget. This is what you can pick and choose from. We could do pickle ball or dog park. Here is the list of menu items with pickle ball, bocce ball, dog park, shade structures, rest rooms. All of those things are on the list from Mr. Berke's original list. If you wanted to take something from phase 2 and put it in phase 1 – as long as we have this. This is how much we have and we can buy dinner tonight. It is one of those things that this is how much we can afford. I think that's where we are at and we are open to different things there. Again, if you look at Mr. Berke's survey that was given, there were certain things that were on high priority like a dog park, which was people's number one thing and a soccer field has been discussed. And maybe a restroom. So those are the things and if you wanted pickle ball to the next phase are you want bocce instead of pickle, we're open to all of that.

Chair Kadlubek said that is outlined here in #6 of your recommended conditions.

Okay. With regards to the phasing of this park, is it logical to think that when future developments come forward… I guess I'm having difficult time understanding the process on our side when future developments come forward. We will then need to see a financial guarantee at that point for future phases if we were to go down this road of piece-mealing it out? And do we have the opportunity for us to be able to do to hold their feet to the fire?

Mr. Shandler asked Mr. Hiatt to withdraw his motion at this time. Because, usually during the liberation of a motion you don't take comments from other people. And, to build a record, I think Mr. Siebert needs ten more minutes where he explains costs phasing. We are so close to explaining everything to the Commission but you have to give him 10 more minutes to build a record. If you could withdraw the motion at this time for procedural reasons.

Commissioner Hiatt and Commissioner Abeyta agreed to withdraw the motion and second.

Mr. Siebert agreed to get there in ten minutes. "Let me set the context here. This is a Master Plan for the SWAN Park. And as I was going to this SWAN Park Master Plan, I noticed what it said was that they didn't begin to even design or consider the SWAN Park, which is a regional park, until there are over 9000 residents living in Las Soleras or Tierra Contenta in the area until they made 9.5 acres of land. So if you take a look at the SWAN Park... And this is once again from the Master Plan. The actual developable area is 43 acres and they are including that development - the hundred-year floodplain - which we do as well, considering the developable area. If you would take a look at that 9000 residents and you divided by two, which is set forth in the code in terms of the number of people living or household - once again, it is part of the code, you end up with 4,500 dwellings. If you take a look at that 4500 dwellings, and you multiply it times the regional park requirement which is .024 per dwelling it comes out to be 108 acres.

"The other thing, really quick, is that there is a statement that the Master Developer of Tierra Contenta paid for the park. It is my understanding that was not the case. It was paid for by bonds. All of the citizens of Santa Fe pay for that part. This would be the very first time that a private developer has ever dedicated and paid for a regional park.

"So what is the value of it? The value of the land that we are estimating, and we assume that in a floodplain it is a dollar a square foot and we have a dollar number for both of those areas. And then it is $4.50 a square foot for land that is zoned R-12 or R-21.and that is based on recent sales within the last month. If you read together, that would total $5.2 million of land that has been dedicated to the City of Santa Fe. That is something that has not been factored into this whole process."

"The other thing is that if you are doing less ... And this is code... If you are doing less than 167 dwellings, you basically pay on the average about $1,200 per dwelling unit for an impact fee. And that's the end of it."

"So what has Las Soleras done? They kicked in $5.2 million of land and they are agreeing to pay for the estimated thousand dwelling units at $1,200 per dwelling unit. So that is $1.2 million. So, they are paying $6.4 million for all of the value that Las Soleras is providing. So where does that come to? On a per dwelling unit basis, that would be $6,400 per dwelling unit or approximately five times what a normal developer would have to pay for less than 167 dwellings."

"In addition to that, they have about 6 acres of city trails throughout the development and adding the 29.18 acres for the regional park. That is 35.18 acres of land. So if you take the thousand units that are estimated in Las Soleras, the Regional Park requirement at .024 would be only 24 acres. So they have substantially exceeded that requirement for regional park dedication by code and substantially exceeded for Tierra Contenta."

"Let's talk about the actions that have been taken since July 7th. We've had five meetings with City Staff; several versions of park plans have been prepared by myself and by John Brawley. We'll see that tonight. The City Staff prepared a certified City-wide survey of what users would like to see in the regional park. We submitted a survey to Nava Adé residents on their preferences and actually, I just received that today but haven't had a chance to tabulate it. Then we had preliminary engineering completed. Because we wanted to know if this does work from an engineering standpoint. We didn't want to put something out that we really couldn't build. We did have one meeting with city staff as result of that."

"So this is the landscape plan prepared by John Brawley at Heads Up Landscape. The key elements are the green area. And what Las Soleras is proposing to do is to grass that entire area for two soccer fields and a family play area. It also includes a trail through the park. It is a city trail, 12' wide and engineered to make sure it works and can get back to the crossover at Railrunner Road. There is an access to the park with a driveway access and a parking area.

"The problem is that there is only so much money and Pulte has committed more than its fair share. They added another 10% more than the requirement. Las Soleras or Spectrum has to step up for the remainder."

"We don't have a final agreement with staff on almost anything. We don't have it with design, we don't have it with dollars. We are doing our very best and staff is doing its very best. It is a fairly arduous process."

"But what was discussed, and I think there really is general acceptance here, is they want to see a soccer field and we are providing two of those. There is a City trail to the soccer field; base course parking area; two pickle ball courts, a dog park and restrooms. $538,000 probably won't cover all the costs. But there is some cost-saving that can be done by Las Soleras."

"There is machinery out there right now and can be easily shifted over so there are no mobilization costs for equipment. There is discussion about the financial guarantee. What I heard from staff is that there is no financial guarantee. The conditions as outlined, as prepared by Las Soleras, there is a financial guarantee, and the financial guarantee is $538,000 and there is a schedule that has been set out for when to provide that money. and all of it is addressed in those conditions."

Commissioner Gutierrez said with Spectrum and Ross's Peak and Pulte, there are over 700 homes and all are part of Las Soleras.

Mr. Siebert agreed, that is correct.

Commissioner Gutierrez said with 700 and some homes, what we heard tonight is that Las Soleras; not Pulte, doesn't know where they can find the money to guarantee this park. Is that correct?

Mr. Siebert said no. That is not correct. The $538,000 is guaranteed by a letter of credit. Pulte will work out an agreement with Las Soleras for what would have been the impact fee for Las Soleras that will be used for improvements in the park. Under the City Code, if the developer provides for the city park, the city

waives the impact fee. The reason is to allow more flexibility in how the money is collected and dispersed. In this case, because it is a waiver, the developer can collect those funds and put it directly into the park. So there is money to pay for it as the money comes in. Regarding timing, my opinion is that there should be a relationship between number of rooftops and the regional park. In this case, the park is being developed in advance of dwelling. For quite a long time, there will be little use of that park. Because of comments made and commitments from Pulte, it will be put in up front.

Commissioner Gutierrez asked if Ross's peak had an agreement signed with Las Soleras.

Mr. Siebert said Las Soleras has closed on its agreement with Ross's Peak. That is 200 homes.

Commissioner Gutierrez said Pulte is 300 homes.

Mr. Siebert said Spectrum's agreement was closed last week for 150 homes. So that is 650 homes in those three developments. The difference is that Pulte has 167 platted and ready for recordation. Ross' Peak has not been recorded and is not building any homes at this time.

Commissioner Gutierrez said there would be 650 total here that the park will serve.

Mr. Siebert agreed.

Commissioner Gutierrez pointed out that there is a soccer field but no children's amenities in the park.

Mr. Siebert said that was done in cooperation with staff. Staff felt the biggest demand was soccer fields.

Commissioner Gutierrez asked if he was saying that Las Soleras is giving $6,400 per unit for the park that was not their obligation.

Mr. Siebert said that is not what he said. The developer is putting into satisfying the park requirement $6,400 per dwelling unit which is five times what most developers would be required to, if they had less than 167 homes.

Commissioner Gutierrez said he was trying to determine the valuation of school property if they did not accept the 0 acres offered. He pointed out that these ten acres is valued at $850,000 but valuing the park property at $5,203,000.

Mr. Siebert didn't understand the correlation.

Commissioner Gutierrez explained that in the packet it said, if the school decided not to build a school, the developer would pay them $850,000 for the ten acres.

Mr. Siebert said Pulte offered them ten acres suitable for building a school and offered it at two different locations and they turned it down.

Commissioner Gutierrez said his point is that they used- two different value rates. The school property is valued at $8,500 per acre and the park property at $180,000 per acre.

Mr. Siebert said the values can be substantiated with the closing from last week.

Commissioner Gutierrez said the schools need another five acres. He asked if they have had conversations with the school for 5 more acres.

Present and sworn was Mr. Josh Skaarsgard, 8220 San Pedro NE, Suite 500, Albuquerque. He said the discussions are under way. But the obligations for Las Soleras have been met with the Santa Fe Public Schools and were adopted by their Counsel. So we are trying to find a suitable site for them. If it doesn't work, they have collateral in a mortgage on commercially zoned property; not residential. So Mr. Siebert's $5.2 million of value is dedicated to the City for residentially zoned property, based on recent closings. The commercial is different lots and a different value.

Commissioner Gutierrez asked if commercial property is less value.

Mr. Skaarsgard said its value is substantially higher. Commercial is $8-10 per square foot; residential is $4 to $4.50 per square foot and sometimes as low as $2.

Mr. Skaarsgard wanted to narrow this discussion and asked Commissioners to pull up the conditions of approval so he could answer all of the questions.

Commissioner Gutierrez said before that, he had a question for staff and did have the floor.

Chair Kadlubek agreed. The Commission does have that and he felt they have a good sense of it.

Commissioner Gutierrez asked if SWAN Park is also being done in phases.

Mr. Berke agreed.

Commissioner Gutierrez asked is phase one for SWAN Park has been completed.

Mr. Berke will said SWAN Park is not part of an annexation agreement. It should be separate in the two parks.

Commissioner Gutierrez asked what the value is of that phase.

Mr. Rob Carter said cost for the first phase of SWAN Park was just under $5 million.

Commissioner Abeyta asked what the cost of full buildout of the regional park is.

Mr. Berke said right now, the applicant has said they would commit to $1.2 million. But the elements that final design has, we don't have an estimate for the elements but $1.2 million is what they are willing to commit to this park.

Commissioner Abeyta reasoned that the Commission is trying to figure out if $538,000 is adequate or if the Commission should require the $600,000 for phase one.

Mr. Berke thought the cost estimate for $638,000 was reasonable for phase 1.

Commissioner Abeyta asked Mr. Carter if he thought it should be $638,000 and not $538,000.

Mr. Carter replied that it is a very good question. He said it should be the higher amount for what is proposed to do in phase 1. One of his biggest fears is to see this happen and nothing happen after that. He disagreed with the notion that if you build it, then people will come. The higher amount is probably more appropriate for the first phase amenities. He liked that they put grass all in one part and irrigate it.

Commissioner Abeyta asked Mr. Berke how we will make sure the rest of the park will be built out.

Mr. Berke said it must be a financial guarantee. He included that $1.2 million in the conditions The commitment is to the whole regional park of 28 acres.

Commissioner Abeyta pointed out that the recommendation is not requiring the full financial guarantee of $1.2 million.

Mr. Berke said this is a regional park; not just for these houses. He deferred that full build out cost to the Commission.

Commissioner Abeyta asked why Staff didn't require $1.2 million.

Mr. Berke was not sure why. The point is to get the park. He agreed with Commissioner Abeyta about the $1.2 million. But we have not gotten far enough along in negotiations to figure out who will step up for that commitment. As Las Soleras sells more property, they will commit more money to the park.

Commissioner Abeyta asked if the Commission could place that as a condition of approval to ensure that it happens. Even with their commitment of $600,000, we might not get it done.

Ms. Martínez said what is interesting in this whole discussion is that Staff looked at the various options for the park. We have talked about phasing because we realized that not all of the money is available to build the park out to its full capacity. The cost estimates for the first phase, the landscape planner is pretty confident the cost estimates are good. But she was curious whether the $1.2 million for full build-out is a realistic number. We talked about 28-29 acres. Mr. Carter could speak to this more but she understood that SWAN Park came in at a price of $1 million per acre. Granted, they had to put in infrastructure that didn't exist. And Las Soleras, the Master Developer, put it in here. But she didn't know if we can pin ourselves down to the $1.2 million as a truly realistic number or how we get the financial guarantees for that amount.

If it gets approved and gets to City Council, it will get questioned at that level, as well. Because the development and the build out of the park was an issue of contention that they called a special recess for that, to have us sort through how to make that happen. But how we get to full buildout, we don't have

answers right now, even though we felt we made huge progress working on the phase 1 piece.

Mr. Smith added that the calculation Mr. Siebert used for 24 acres with a thousand units is based on a specific calculation of regional park dedication and improvement requirements. There is also a neighborhood park dedication and improvement requirement. The overall park acreage is 30 acres, including regional and neighborhood parks. At this point, he did not believe that Ross's Peak and Pulte does not have any neighborhood park dedication. The 30 acres is an appropriate dedication amount for all the types of parks that would be required.

Chair Kadlubek said the Master Plan asks for a park. He asked at what point the park is done- before any development begins?

Mr. Smith said there is not a specific requirement as to planning of parks. for that. It is just a requirement with a subdivision or 167 or more units and normally done concurrently with the subdivision, itself with the master plan. They did Tierra Contenta differently than Nava Ade, for example.

Mr. Shandler said a section of the Master Plan says, "The park should be built at the time that the park tract is platted." And that hasn't happened yet. Usually, that's a great incentive for a builder because they want to have their tract platted because they need that to sell homes on the tract. Here we are dealing with a park. So if we had to go back in time and did the Master Plan and had all the conditions and timing, we probably shouldn't have triggered it to when they need to plat the park because there is not an economic motivation there.

Chair Kadlubek asked if it would be appropriate for the Commission to move forward on this with a phasing of the park rather than the complete security of the park – just as a base line.

Mr. Berke agreed. It would be appropriate with subjective phasing to houses being sold, never sold, or who knows.

Chair Kadlubek understood the risk of it. He just wanted to make sure that, alone, was okay.

He went next to the Parks Division and Mr. Carter for questions brought up regarding the price of the park and amenities of the park and needs of the community from his perspective.

Chair Kadlubek first wanted to make sure that soccer fields and green fields that could be soccer fields is the top need for parks in the City.

Mr. Carter agreed.

Chair Kadlubek asked what high priority item is not being addressed in Pulte's layout in Phase 1.

Mr. Carter said it would be the playground.

Chair Kadlubek asked if pickle ball and bocce ball courts are a high priority.

Mr. Carter said pickle ball is becoming a very big program and, especially with senior housing. They do pickle ball three days per week at GCCC and just had a pickle ball tournament that brought in 90 people from all over the country. So pickle ball is high.

Chair Kadlubek said the fenced dog park came out strong in the survey also.

Mr. Carter recommended it not be in the first phase. He didn't think it would be a high priority for first phase, nor bocce ball or horseshoes. High priority would be the green space, a restroom, pickle ball a playground and parking as well as what they are going to put in for trails.

Chair Kadlubek asked if bocce ball could be cut, then.

Mr. Carter said pickle ball could wait for the next phase. A family is more likely to use the green space and kids on the playground.

Chair Kadlubek for his analysis of $1.2 million for the whole park.

Mr. Carter said $1.2 million is nowhere near what it will take to build a 28-acre regional park.

Commissioner Greene asked if the hospital and Spectrum gave a contribution to the park.

Mr. Berke clarified that- the annexation is not specific for Las Soleras. I don't know what the developer collected from them for the park. It has been 8 years. They have had it set up. I don't know what they collected from Presbyterian. I didn't see the Spectrum agreement. So I don't know. Park requirements tend to go with residential.

Chair Kadlubek asked if he could explain the future opportunities for contributions.

Mr. Berke said it is the developers' responsibility to build the park.

Chair Kadlubek explained the was trying to get a sense of how many more there might be.

Mr. Berke said he would have to benchmark it the same way. Another 200 homes on line would bring $500,000 more. Spectrum is the next one in line. Ross's Peak was just approved but not recorded. There are others out there.

Commissioner Abeyta said if they agreed to the $638,000, you wouldn't require more things in the future.

Mr. Berke said the City would like to require more as it is built.

Commissioner Abeyta said the difference is $67,000. That amount won't get a good playground. They are much more expensive than that.

Mr. Smith said the Spectrum properties are approved but not recorded; Ross' Peak is approved but not recorded. With Pulte, there is also issue of holding up building permits until recording of the documents. And more will be coming to the Commission. He was not representing the City stand on that.

Chair Kadlubek said the way he read the conditions of approval that were handed out, he wondered if Pulte is okay with staff conditions or it their conditions would replace some staff conditions. And if so, which ones? Would Pulte be okay with 4-h through s and all of 5 and 6? The area is 43 acres with less than 15 in the flood plain.

Mr. Skaarsgard said he would take 5 minutes to answer the question.

Mr. Shandler said an engineer estimates the cost and while you build it and subcontract, you can draw down that amount. He read the financial guarantee language and said the $538,000 is the engineer's estimate.

Chair Kadlubek didn't want to strip all staff conditions for these but some, the Commission would want to stay and piece it together.

Mr. Skaarsgard said sections 1, 2, and 3 are okay. We are asking for a replacement of 4 in its entirety. He offered to show how their version all the staff conditions.

Chair Kadlubek asked Staff, if the Commission accepted their version of section and in place of what Staff recommended, if there would be anything lost.

Mr. Berke said he hadn't had enough time to review it. This is last minute. We have had over a week and they didn't get it to him until an hour before the meeting and he was not that comfortable.

Chair Kadlubek asked who worked with them on this.

Mr. Shandler said that around 3:30, he worked on it with them and Las Soleras.

Chair Kadlubek asked if Mr. Shandler had compared the two to identify areas that would be lost.

Mr. Shandler said there are three main parts. When it would be done is identical in both. Second, what will be built has a little discrepancy. The part of conditions, as drafted, has an unestimated amount. The fourth is a series of penalties by Staff and that part is not in the substitute language. Las Soleras probably would say no penalties are needed because the $538,000 is set aside.

Commissioner Abeyta: **Mr. Chairman, I move for approval of Case #2016-64 with the staff conditions except staff condition number 4. I would replace #4 with the applicant's proposal of 538 thousand.**

Chair Kadlubek: Do we want to add the additional conditions into that that were listed by Mr. Hiatt earlier That would be these three here as responses?

Commissioner Abeyta: **Yes, that would include the two-story dwelling at street intersections and no**

more than three two-story dwellings be constructed in a single continuous row. That's my motion.

Chair Kadlubek: Okay.

Commissioner Greene: **I second the motion.**

Chair Kadlubek: Okay, so now that we have a motion and a second, we can only discuss amongst ourselves. I guess that's the rule. We cannot take questions. So that's it. What's up?

Commissioner Greene: Okay. so in looking at the park amongst ourselves, one of the issues that we had had in a previous case that came before us was some relatively dense affordable housing right up against the park. That was accepted except that the park was going to give it access. There is another spot that is adjacent to this where this case is probably going to come up again. And there is a solution in this park where a road would go between Railrunner Road and Las soleras. It would not be just a utility road for park maintenance but would actually be a road for access to the denser housing immediately to the south and east of this. Anyway, this is potentially an amendment to say that the park could be used for access to those to facilitate making that development more accessible.

Chair Kadlubek: Are you suggesting that the motion gets changed?

Commissioner Greene: Well, there is potential for a friendly amendment that the Parks Department look at the park at those 28 acres for that purpose.

Chair Kadlubek: Can we make a friendly amendment to the motion that states that the applicant will work closely with the Parks Department to determine best use of the park and with access –

Commissioner Greene: future access along those two – they are lots 9-A-2 and 9-A -1 of high density along the west side.

Commissioner Abeyta: Yeah. I think that we could just make ... we could make it like so it gets looked at and ...

Chair Kadlubek: Mr. Shandler?

Mr. Shandler: Yeah, I agree with Commissioner Abeyta. It has to be... This is a complicated development and cannot have a condition on something we haven't talked about. It has to be "may.".

Chair Kadlubek: so may work with the Parks Department to determine best use of the proposed park with access to other developments in mind.

Commissioner Abeyta: Yeah.

Chair Kadlubek: Okay. Commissioner Hochberg?

Commissioner Hochberg: If it weren't for the fortuitous circumstance, that Pulte wants to build some two-

story units... or offered to the public the possibility to building two-story units, they would not have had to come here for a variance today. We wouldn't be involved in this at all at this moment in time. Is that correct?

If they just wanted one-story .... Yeah, yeah, okay.
So we are off on this other issue, which is very important because, as Commissioner Propst said before she left, it actually ties in for the variance they want.

Chair Kadlubek: It kind of does. I think ... I think we ...

Commissioner Hochberg: It kind of does? It does. Because if you look at those photographs that Mr. Siebert gave us to show us what two buildings put together and the narrowness between them - it looked like an alleyway. It reminded me of the old City of Jerusalem – they are so narrow. I mean, so we need someplace for those people who are 55 years of age or older. Where we are going to have that park. So we find out that we have a lot of ambiguities about this park – who is responsible, exactly when. Las Soleras' representative say they recognize their responsibility and that they need a lot. But, as you don't see them opening their checkbook exactly. So I don't know when this responsibility is supposed to occur.

I think its... We shouldn't pass this down again by just saying we are going to accept $538,000 or whatever amount of money. We should figure out about this park before one unit gets built. We're, you know...
.
Chair Kadlubek: I feel like we are sort of catching it at this stage.

Commissioner Hochberg: Okay, so we have it now.

Chair Kadlubek: We are catching some piece of it.

Commissioner Hochberg: So with pickle ball do you catch the ball or never catch the ball. I don't know. So we have it now.

Commissioner Abeyta: The reason why I'm agreeing to the 538 is because we don't even know what the cost of this park is. First we were told it was 1.2; then we were told 1.2 won't even come close to it. So when I look at 67,000, I don't think it is a big deal. We don't even know what this park is going to cost. And at least we are getting 538,000 as a starter. But anyway it is a starter. And again, 67,000 isn't going to get us that much more when you're talking about cost of park.

Chair Kadlubek: for phase 1. And the question would be about phase 2, phase 3. Commissioner Hochberg?

Commissioner Hochberg: It is in there we suddenly are getting a windfall of $538,000 because Pulte has stepped up. We are suddenly going to have [unintelligible] there. People are going to be living there. So he park becomes ... We didn't even call them when they didn't up and ... You know you have a responsibility to have a park and there is nothing there yet. But build your park. And we didn't do that. And suddenly, people are going to be coming here. This is something we are approving for people that come and live here. So we take this offer; we take that offer. It seems to be a very strange way to do business, to be

honest with you. We had a corporation. Right? They had an annexation plan and a master plan. And all of these things were agreed on by Las Soleras with their eyes wide open. Yet we don't have the park. Okay, it isn't fair to ask them to put in a park when they haven't sold a single tract. Okay. Fair is fair. I think they are acting in good faith and there is no question about that. But I haven't heard a concrete plan for how this is going to be put in yet. So we're going to approve this, whatever we take on a fireman's sale and then the next set of people come and we get another part and we get the park. And we never have the park.

Chair Kadlubek: I think the important thing here for me. I hear you and that is the issue we are dealing with right here in front of us. It is a strange situation. It seems like a general development that is in a lot of ways being salvaged – was agreed upon before something really terrible happens in the market and now is trying to be sort of after the fact before bad weather sets in, in a lot of ways. And I think the important piece for me with regard to the park is what the Parks Director said, which has that the top priority of the park is going to be built out. That the need for green space and the soccer field is the top priority that is in phase 1; that's part of the conditions of approval that has been moved and that is a "shall" that does say that. So I think that we know we are not getting a full park but we are getting the prioritized piece of the park from the first person coming forward.

I feel like we are between a rock and hard place – partly feeling grateful that somebody is willing to come forward with half a million dollars to give us the prioritized aspects of a park here and also feeling kind of like we are untethered and floating and hoping. Which I hate to be in that position. I'm not sure how we would have done it differently at this point. But… Commissioner Hiatt?

Commissioner Hiatt: Well, I want to say before we vote that I'm very pleased that Pulte came forward. And I would be happy to move forward today. I'm disappointed that we couldn't get to a solution. I appreciate Mr. Mahoney's efforts on behalf of Las Soleras. And I was going to ask you earlier before we got to this motion for some input. But I'm not pleased with the Las Soleras finality here. And I understand the time crunch and here we are again. So I haven't said how I'm going to vote but those are my feelings.

Ms. Martínez: Mr. Chair, I do want to note for the record, that should the Commission choose to move forward with the conditions of approval as noted without #4 and replacing #4 with a document that has been presented that, I note for the record that I am concerned that neither the staff nor I had an opportunity to review this before the meeting. And that is a huge concern to me. Because as it moves forward, I don't know what we are agreeing to and if it gets approved and goes to City Council, the Council will have to account for that I just want that on the record because this came in this afternoon and I had meetings up until about 15 minutes before this meeting and haven't had a chance to go through it and understand fully what it means.

Chair Kadlubek: Commissioner Hiatt?

Commissioner Hiatt: I move to table.

Commissioner Hogan: Second

Chair Kadlubek: We have a motion already on the floor. Do we have to vote on that first or do we withdraw the motion and then have a second motion?

Mr. Boaz: A motion to table is a priority motion and does not require the motion be withdrawn.

Mr. Shandler: Usually you put a date for the City of Santa Fe to postpone to a definite date.

Commissioner Hiatt: I would amend my motion to postpone for 30 days to the next meeting.

Commissioner Abeyta: Mr. Chairman can we get... this was already postponed once. Can we give Staff some kind of direction so we are not postponing it again in 30 days?

Chair Kadlubek: I feel like we do have a direction. We had a direction at last meeting. For the most part, that direction was followed.

Commissioner Greene: WE need a really hard number on the parks to have the Parks Department recommend a number; back out whether the infrastructure is being handled by that developer and then what the fixtures and all those are.

Commissioner Abeyta: Mr. Chairman this is a hard number. I don't think postponing could discuss the 67,000. We could leave. We can vote whether it is 637 or 538 and maybe add some language that staff feels comfortable with. I just hate to see this postponed again. They can look at the conditions and then come up with...

Mr. Shandler: It is not debatable, Mr. Chairman.

Chair Kadlubek: Ms. Martinez?

Ms. Martinez: Mr. Chair, like I said earlier, I fully want to recognize all the efforts that Staff and the parties in this room have put in to making this happen. I don't want to disregard that. If this were to be postponed. I would commit to working with this group, putting it on at the next Planning Commission meeting and coming to you with conditions of approval that we all agree upon; come up with a phasing plan. We may not have a hard number on the cost for full build out but we can certainly work through that over time. But at least we would come forward with conditions of approval that we are all in agreement with and I would commit to doing that immediately.

Chair Kadlubek: Can we have others comment on this at this time?

Mr. Shandler: It is at your discretion. That's fine.

Chair Kadlubek: If you have something to say as applicant. If you want to speak...

Mr. Price: Mr. Chairman, May I suggest, if you are going to defer it, we have homes going to construction and lots of money invested. We've worked tirelessly, tons of legal. In fact, I have a legal opinion letter which was sent to Mr. Zach Shandler on the 12th from our attorney, saying that the conditions that are being placed on our submittal are borderline legal. So with this case, I would suggest that in deferral that if you can't prove it or recommend yes then recommend denial and we will proceed to City Council.

Commissioner Abeyta: Mr. Chairman, this is a recommendation. Staff could always present a different set of recommendations to Council that what we come up with. They could say the Planning Commission recommended these conditions but what we are recommending the Council does this.

Chair Kadlubek: Is there space between now and Council for the same work we would do during deferral to happen – as a postponement to happen before it gets to the Governing Body.

Ms. Martínez: Mr. Chair, I believe there is. Yes.

Chair Kadlubek: Okay. Can we identify on the record that these recommendations that we have adopted in this motion…? Here is the other thing we could do.

We could recommend approval based on staff conditions and leave it on the applicant what they want to do in the next 30 days before it goes to the Governing Body. And if they want to renegotiate with their amendments and get their conditions right, then it is on them and not on our Staff to do that. So instead of replacing 4, we could approve with staff's 4. And if that is not what they want to go for, they have a month to work it out with Staff. It can be a template for that. So we are not taking their conditions and trumping staff conditions.

Commissioner Abeyta: So the only change would be accepting the $538,000 is what we would require in my motion.

Commissioner Hochberg: We are negotiating against ourselves. If the engineer said 600 and something, then that is what we need. Why not go with that?

Commissioner Abeyta: Because the engineer said it is 1.2 million for the entire park. So I'm not even convinced that 605 is adequate.

Commissioner Hochberg: So we are all not convinced. So we should take less?

Commissioner Hogan: I seconded that motion to postpone. I wonder if we can have any more discussion on it.

Chair Kadlubek: We should vote on that motion first. I personally feel moving forward with a recommendation of approval or a recommendation of denial, based on existing staff conditions of approval is best for everyone. Let's vote on this postponement.

Chair Kadlubek: Roll call.

Mr. Boaz: Commissioner Hogan, how do you vote?

Commissioner Hogan: pass.

Mr. Boaz: Commissioner Greene. [thinking]

Commissioner Abeyta: Commissioner Abeyta votes no.

Commissioner Greene I'm going to vote yes because I think we need more time to discuss it.

Commissioner Gutierrez – Before my vote, can I ask a question of Staff?

Mr. Shandler: Mr. Chairman, we usually do not read Robert's Rules of Order in a literal sense. If you want to invoke it, you could but it is up to your discretion.

Commissioner Gutierrez: I'll pass.

Commissioner Hiatt: yes.

Commissioner Hochberg – yes.

Commissioner Hogan: no.

Commissioner Gutierrez: Without being able to ask one question, I will vote yes.

Mr. Boaz Commissioner Greene voted yes.

Chair Kadlubek: My vote is no.

Mr. Boaz: it is 4 in favor and 3 against.

Commissioner Abeyta moved to approval of Case 2016-64 with the Staff conditions and with the only change being that the amount of the bond be $538,000 as opposed to 605,270 and that includes the two-story dwellings on street intersections and no more than 3 20story dwellings in a row.

Commissioner Hiatt: This is a substitute motion because we are back on the original motion. This is a substitute. Who seconded your motion?

Commissioner Greene: I did.

Commissioner Hiatt: Is that agreeable to you?

Commissioner Greene: Yes. I'm just not comfortable with the number at this point. I think if we need to buy some time for Staff.

Commissioner Abeyta amended his motion for the 605,270 and then you guys can ask you to give...

Chair Kadlubek – So the motion is to approve Case 2016-64 - Las Soleras Amendments to Master

Plan with staff conditions and the addition of two other conditions as previously stated.

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Commissioner Hochberg: I would second that.

The motion passed by unanimous roll call vote.

Chair Kadlubek said, Okay, we will let this be worked out in the next 30 days. I want to make sure it is stated on the record what Ms. Martínez said which was that this came to Staff late. It put the Staff in a pretty tough position with things coming in at the last second. And the Commission got put in a tough position because of that. And, we will let the applicant and Staff and Governing Body work this out.

Mr. Berke: Commission, in the next thirty days, can you provide clearly what you would like to see presented to Council. Any direction to Staff you would like to see for Staff and applicant in the next thirty days?

Chair Kadlubek: We can do it now. It could still be in the record from this meeting.

Chair Kadlubek: We would like to see further work with the Parks Department to figure out a realistic number for the cost of the entire park projects based on the features and amenities of the 3 phases.

Commissioner Green: We would like a recommendation from Staff for the access road on the south and east corner edge of the park4 where a road needs to be incorporated there. That would be on my list of things that should be quantified.

Commissioner Hogan: Yes, Mr. Chair. I think that a work around in the park, if we can encourage them to come forward with a clear scope of work for the park and what the first phase is. And then use the time between now and Council presentation to figure out the best mechanism for securing that. It is not a handout, but a guarantee.

Chair Kadlubek: That clearly is the biggest issue. How will the rest of the money be secured? We need to be sure we have a clear path to that number, if it is going to be phased and parceled piecemeal. How to get to a number that makes sense. Otherwise, some other creative solution to get there or the Master Developer needs to get there. This is a key responsibility of theirs and recognizing that they are holding back the rest if this doesn't happen.

Commissioner Gutierrez said, with the costs of phase one, remember to switch it off and have a playground and the things Mr. Carter said were probably more important than the dog park. So, have Parks Staff kind of guide you for a playground and what children need to play out there.

Mr. Shandler thought that was not a priority.

Chair Kadlubek said Parks said it was the second priority. He added that this is not the first time for last minute changes.

F. NEW BUSINESS

1. **A bill amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a Requirements section; and amending Sub Section 14-8.2(D) Best Management Practices for Grading Before and During Construction. (Councilors Ives, Dominguez and Villarreal) (Katherine Mortimer)**

STAFF REPORT

Ms. Mortimer presented this report as Exhibit 5. Please refer to Exhibit 5 for details regarding this Staff report. She used a power point presentation with her report.

QUESTIONS TO STAFF

Commissioner Greene asked if incentives for sustainable upgrades are built in such as wiring for solar on the roof at development.

Ms. Mortimer said they have to reach a certain HERS score and could do that in many ways. Bigger homes have higher standard to meet usually solar would be included. It doesn't require any specific technology. It is technology neutral, based on size and the feedback we got is that flexibility is important. The technology is there.

Commissioner Greene asked regarding water use, if it targets abandoning wells as a priority.

Ms. Mortimer said that is not addressed in this code. This code is about building, itself and that is a water system issue.

Commissioner Greene suggested it is also a sustainable issue.

Ms. Mortimer said this code is blind regarding source of water. They worked with the Water Conservation Committee and their goal is to use only water that falls on your site. So the energy goal on greenhouse gases is zero by 2030.

Ms. Mortimer suggested abandoning wells is a policy for the Water Division to consider.

Commissioner Greene commented that if we keep sucking water from the aquifer, all of Alameda will soon be dry.

Commissioner Hogan said she mentioned the life cycle cross over time and bringing down investment costs. He asked what backs that up. He heard that said repeatedly but asked what the data is. The banks recognize that in their financing with higher initial cost but payback with savings.

Ms. Mortimer said the numbers were obtained in 2008 from National Homebuilders Association when they wrote the first code. And that was a conservative group and against the green code but their numbers were high. The payback on these added energy saving measures, especially with this, is about 8 years. So money is greater in your pocket.

Commissioner Hogan said that makes sense if banks recognize it.

Ms. Mortimer said there is a mechanism for that and it was pushed during the downturn. She didn't know if they are comfortable with it moving forward. In Affordable Housing we use it in the whole picture. So people at the bottom get that benefit.

Commissioner Hogan asked if there is a recognized percentage for cost increase over non-green building.

Ms. Mortimer said this code, to comply, is typically less expensive by going through what most will do. More emphasis is on water and energy. There are added costs for administration and the FIR shows we will need more staff. There is a small fee added that doesn't cover that cost. The percentages she has heard are 2% to 4% and with smaller house, it would be less.

Commissioner Hogan reasoned that in comparing two homes - one with this code and one conventional, he would expect to pay more for green code bells and whistles but couldn't tell how much more.

Ms. Mortimer said she has heard between 2-4%. So $4-8.000 on an entry level home.

PUBLIC COMMENT

Present and sworn was Ms. Terry Buell, 219, East Chile Line Road, President of the Santa Fé Area Homebuilders Association and also a HERS rater, said first that she thanked Ms. Martínez and Ms. Mortimer for their conscientious work with the building industry on this new code. It was a good presentation, although there are a few technical issues to work out. In a meeting this morning, Staff asked the Association to provide some technical language to make corrections. But overall, the SFHBA is in favor of the amendments and new code changes.

Regarding the HERS cost, the National Association of Homebuilders work on the cost in homes across the country is about 2-16%, depending on location and type of home built. In her experience, it is about 1-2% here. We worked with Habitat on HERS ratings and it is less than 1% with them.

Relative to solar thermal, what they do in a HERS rating is focus on the shell first before other strategies mainly because of cost. If you focus on a shell, you might not need other strategies to get proper HERS. For those that do, we rate before and after

As far as WERS, the whole purpose is to conserve water and if, over time, we can get people to use city water in more efficient ways. Right now we don't have enough data but by using low flow fixtures and

strategies for irrigation outside, we can lower it. She was on a technical engineering team to develop it.

There were no other speakers from the public regarding this case and Chair Kadlubek closed the public hearing.

Chair Kadlubek said it is nice to see homebuilders are involved. This is a good step up.

Commissioner Hiatt said he is a member of the SF HBA but not in on any of the discussion and this is first time he had seen it.

ACTION OF THE COMMISSION

Commissioner Hiatt moved to approve a recommendation amending Section 7-4.2 SFCC 1987, Residential Green Building Code by repealing Exhibit A to Chapter VII SFCC 1987; adding a Requirements section; and amending Sub Section 14-8.2(D) Best Management Practices for Grading Before and During Construction. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. **A resolution establishing target goals for the City's Green Building Code to meet the goals set forth in the U.S. Mayors Climate Change Protection Agreement, the City's goal of becoming carbon neutral by 2040, and the need to conserve water resources due to the projected effects of climate change. (Councilors Ives, Dominguez and Villarreal) (Katherine Mortimer)**

ACTION OF THE COMMISSION

Commissioner Hiatt moved to recommend to the Governing Body the adoption of a resolution establishing target goals for the City's Green Building Code to meet the goals set forth in the U.S. Mayors Climate Change Protection Agreement, the City's goal of becoming carbon neutral by 2040, and the need to conserve water resources due to the projected effects of climate change. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

3. **Case #2016-88. The Pavilion Final Subdivision Plat. Santa Fe Planning Group Inc., agent for Richard Cook, requests Final Subdivision Plat approval for 34 lots on 371.20 acres, of which 8 lots are in the C-2 portion of the project and 26 lots are in the BIP portion of the project. *This application includes a request to allow recording the plat in multiple phases over a period of more than three years.* The property is located west of NM599, between Airport Road and I-25, and east of Santa Fe Municipal Airport. (Donna Wynant, Case Manager**

And

4. **<u>Case #2016-42.</u> The Pavilion Office Complex Development Plan Amendment to the Phasing Plan. Santa Fe Planning Group Inc., agent for Commercial Center at 599, requests an amendment to the phasing plan for 32 lots on 371.2± acres located west of NM 599, between Airport Road and I-25, and east of the Santa Fe Municipal Airport. The site is zoned BIP (Business Industrial Park) and C-2 (General Commercial). The time extension would extend approvals to 2031. The applicant is also requesting the phasing plan be increased from the original 4 phases of development to 7 phases to allow smaller increments of development to occur at one time. Mr. Scott Hoeft, agent for Commercial Center at NM 599. (Donna Wynant, Case Manager)**

STAFF REPORT

Ms. Wynant presented the staff report for these two cases. A copy of the Staff Report for both cases is attached to these minutes as Exhibit 6. For details of the Staff Report, please refer to Exhibit 6.

These two cases for the Pavilion were reviewed five years ago. Scott Hoeft will answer questions the Planning Commission may have. The original approvals were made in May 2001. The original conditions of approval are appropriate from that original 2011 hearing. DRT review had no comments. There are four new conditions of approval which she read. She showed the phasing plan which starts at the east and goes to the west.

Ms. Wynant received an email from Commissioner Greene with an extensive list of questions. John Romero could not be present but Dave Quintana is here to answer questions.

APPLICANT'S PRESENTATION

Present and sworn was Mr. Scott Hoeft, 109 St. Francis, who thanked Ms. Wynant for the presentation. He concurred with all of Staff conditions of approval.

He explained that there were moving pieces in the project. They got the interchange and the west side of 599 near Tierra Contenta approved in 2010 and 2011 and got extensions until the interchange was completed. So the emphasis now is getting Jaguar and Plaza Central connected with the interchange. Bonding is an issue. There are just a lot of moving pieces on something of this size. The expiration on the other side is in November but he won't have to request an extension if it all goes well. That is on the east side.

COMMISSION QUESTIONS

Commissioner Greene said the interchange was held out as condition but the entrance to the Airport and Jaguar were left behind. So he asked if that is engineered and ready to build.

Mr. Hoeft said on the east side, it was tied to Village Plaza and the interchange to both projects and

airport to this project.

Commissioner Greene asked if he is willing to build out that airport connection and finish it by next Fall.

Mr. Hoeft said he talked with Matt O'Reilly about it. Once through this process, he'd like to come back and amend a few conditions. At the first round, he asked for no credits. Mr. O'Reilly said we would have to come back for the impact fee credits. And at that time we would commit to a deadline.

Commissioner Greene said that 5 years ago, Mr. Hoeft committed to it as a part of the annexation plan and if intersection is part of that, it is okay. But 5 years ago, we had a gentlemen's agreement. We already gave him a five-year extension and he has not got those connections in. One year more seems reasonable. So that's what he'd like to see as a commitment - one year for the airport and SWAN park connection.

Mr. Hoeft said SWAN is Jaguar Drive. That is in the City now and we've worked with the City Attorney. The extension to the airport is part of this and he is reluctant to commit to a year. It is up to $9 million and still trying to get to lot sales. At some point we have to start recouping the investment. We can't continue putting more into the infrastructure. After the interchange, we would first go to the east and begin to sell lots. There is now a dirt road but once that happens, then we can shift to the west.

Mr. Quintana presented an update on building the roads and mitigation of traffic and showed where those roads have to be built. It was not a condition to connect to the airport. Until they start developing traffic, the road is not necessary.

Commissioner Greene said it is a point for the Commission here. The Governing Body has given lots of attention to the Airport and the State is giving money that has gone to the airport. So this is a priority and we now have a haphazard way to get to the airport. And Mr. Hoeft has a beautiful way to get to the airport. It will help bring success in selling land. Traffic will come there.

Mr. Hoeft concurred but said they have to take a few steps forward and then recoup. They would like it by tomorrow. It is actually engineered and went through the city dedication. So it is already city property. They are in the process and about 2/3 there now. they just need to dedicate the funds, given SWAN Park and Phase 2 design going out for bids.

Commissioner Greene pointed out that this is Pavilion on the west side and that is also the airport side. We can separate the two aspects or put them together. But the west side needs that connection.

Mr. Hoeft concurred. There is something in the works and he would sit with Mr. O'Reilly to work toward that end.

Commissioner Hochberg understood Mr. Hoeft is accepting all the conditions for the revised request but not willing to commit to a year for completion. He asked if he was willing to commit to a date.

Mr. Hoeft said he was not, publicly, until he knows what is happening on the other side It is market driven and they must recoup something.

Commissioner Hochberg said the 3-year permit went by and two extensions were granted. You are not dilatory and you are now asking or another extension. You say it is relating to something on the east. You are now here to ask for something from the Commission. You are a reasonable fellow and have to give us something because we are extending ourselves to you. You have to make some commitment. You are treating them as separate things. When is the connection to the airport going to happen?

Ms. Martínez asked if this connection tie-in to the Airport Master Plan take that phasing into account.

Mr. Hoeft said he met with the airport manager a couple of months back but didn't believe it is tied to the Airport Master Plan in any way or any of his phasing.

Chair Kadlubek asked if there is any timeline he could speak to. This is significant.

Mr. Hoeft said, as Mr. Quintana mentioned, there is no traffic yet. That will be some time away. So we are seeking middle ground when it is right for us. He was very reluctant to commit to a time line now.

Chair Kadlubek understood. The infrastructure build-out is related to traffic. It makes sense. But the city is putting in a lot of attention to the airport and it makes that whole investment make sense. He understood from Mr. Hoeft's perspective why he was waiting for traffic. But why is the city letting it go?

Mr. Smith said the actual ROW is owned by the City. The development of this subdivision will require Mr. Hoeft to build on city property.

Commissioner Greene knew it is not a priority because it is offloaded to the developer.

Chair Kadlubek reasoned that the City wants the developer to do it. But the City still has the responsibility, if they make the airport an investment. The developer is going to wait for the traffic and sales.

Commissioner Hochberg reminded them that it was expected to be done in three years and then five years. The interchange is already in. We should have the road because we anticipate traffic not only from this development but all of airport. He thought the Commission should put a condition on it with a realistic date. He asked if three years is out of the question. He is going to make it a condition because Mr. Hoeft needs to concentrate on this project for what the City needs -- an airport connection. If you are unable to give one, we will make a time frame.

Mr. Hoeft said they put $7 million into the interchange and felt they should be allowed some leeway on it. If it becomes financially difficult to build a road, they cannot afford to build at that time. He mentioned earlier that he is working with Matt O'Reilly and this road will come back to the Commission and Council. Mr. O'Reilly had asked him to commit to a time line but he said he can't right now.

Mr. Smith clarified that the staff condition to record the first phase in 5 years will require putting up the money within five years.

Commissioner Hochberg didn't know what is reasonable. He was impressed with the applicant and didn't want to kill him. He has already had five years. He understood the $7 million and the need for breathing room but he'd like to put some kind of date on it.

Chair Kadlubek said the five years is already built in.

Commissioner Hochberg asked what is realistic. He understood one year is very unrealistic.

Commissioner Greene said if they were looking at next Christmas for a nice road to the airport, it would be great. Perhaps the Spring of 2018.

Chair Kadlubek agreed. The City really wants it. The City still has the ability to invest it themselves. If they care about it enough. The developer might need five years. If the City wants it sooner, they should invest money in it.

Commissioner Gutierrez asked Mr. Smith about credit for impact fees. What would staff recommend to use of the interchange.

Mr. Smith was not in a position to analyze that until Mr. O'Reilly looks at the costs remaining.

Commissioner Gutierrez asked how much the road to the airport would bring sales for Mr. Hoeft.

Mr. Hoeft said the interchange was what was needed. No doubt there will be a lot of traffic to the airport there.

Commissioner Gutierrez asked how much the success of his project depends on this road.

Mr. Hoeft didn't know.

Mr. Quintana said the biggest would be the approval of the interchange. At that time, he was with DOT. The way we looked at it, it was a glorified driveway permit. They projected a certain amount of traffic and proposed the interchange to get access to developable property. 99% was tied to the interchange.

Commissioner Gutierrez kind of disagreed with Commissioner Greene and Commissioner Hochberg. It took $7 million to get the interchange. He thought they need to recoup some money. It will have to be addressed in five years but not built out.

Mr. Smith added that the engineering drawings, financial posted was not completely connected at that point.

Commissioner Gutierrez said that satisfied him.

PUBLIC COMMENT

Chair Kadlubek opened the case for public comment. There were no speakers from the public regarding this case and the public hearing was closed.

Commissioner Hochberg asked where the interchange is going right now.

Mr. Hoeft said there will be a roundabout and then south into the site.

Commissioner Hochberg reasoned that the $7 million was to bring traffic to the site but not further to the airport.

Mr. Hoeft said it will eventually.

Commissioner Hochberg asked where traffic goes now.

Mr. Hoeft said the interchange is complete but not the roads that connect to it.

ACTION OF THE COMMISSION

Commissioner Hogan moved to approve Case #2016-88 - The Pavilion Final Subdivision Plat, subject to Staff Conditions of Approval. Commissioner Hiatt seconded the motion.

Chair Kadlubek asked the City Attorney if it is okay to use this application.

Mr. Shandler agreed. The Staff put the condition that this final, if not recorded within five years, is not approved.

The motion passed by majority roll call vote (5-1) with Commissioners Hogan, Gutierrez, Abeyta, Hiatt and Hochberg voting in the affirmative and Commissioner Greene dissenting.

Commissioner Hogan moved approval of Case #2016-42 - The Pavilion Office Complex Development Plan Amendment to the Phasing Plan, subject to Staff Conditions. Commissioner Hiatt seconded the motion. The motion passed by majority roll call vote (5-1) with Commissioners Hogan, Gutierrez, Abeyta, Hiatt and Hochberg voting in the affirmative and Commissioner Greene dissenting.

G. STAFF COMMUNICATIONS

Mr. Smith said for the meeting on September 8, the agenda would include the urban agriculture corridor overlay district, San Isidro Apartments and a shopping mall. The Summary Committee will also have four cases on Sept 8.

For the record, the neighbors who spoke in opposition met and they decided to appeal but none is filed.

H. MATTERS FROM THE COMMISSION

Chair Kadlubek said he couldn't attend the Summary Committee on September 8.

Commissioner Hiatt said he would be out all of September. He had to go to Italy.

Commissioner Hogan said he won't be here on September 8th.

Chair Kadlubek clarified that he will be at the Planning Commission meeting on September 8.

There were no other matters from the Commission.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Commission, Chair Kadlubek adjourned the meeting at 9:40 p. m.

Approved by:

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Vince Kadlubek, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.