City of Santa Fe, New Mexico

memo

DATE: October 26, 2015 for the November 5, 2015 Meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division GTS

FROM: Zach Thomas, Senior Planner, Current Planning Division ZT

Case #2015-83. Pulte Phase 1 Final Subdivision Plat. James W. Siebert & Associates, agents for The Pulte Group, request approval of a Final Subdivision Plat for 77 lots located on 35.25 acre +/- on Tract 15 in the Las Soleras Master Plan which is zoned R-12 (Residential – 12 units per acre). Tract 15 is located immediately south of the Nava Ade Subdivision and immediately north of the future ~~Beckner~~ Road extension. The Preliminary Subdivision was conditionally approved by the Planning Commission on August 6, 2015. (Zach Thomas, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL** subject to the conditions of approval as outlined in this report.

II. EXECUTIVE SUMMARY

On August 6, 2015 the Planning Commission conditionally approved the Preliminary Subdivision Plat, subject to approval by the Governing Body of several concurrent applications associated with the Pulte Homes development (General Plan Amendment, Rezoning, Las Soleras Master Plan Amendment and electrical transmission line relocation). Approval of the other entitlements was necessary to accommodate the 77 lot Phase 1 subdivision plat and the future subdivision phases which will accommodate a total of 300 single family residential lots. On September 30th, 2015 the City Council approved all entitlements with the adoption of the Findings of Fact and Conclusions of Law. The approval of the Master Plan Amendment and electrical transmission line relocation allowed for approval of the Preliminary Subdivision Plat.

III. PROJECT OVERVIEW

The Preliminary Subdivision Plat was conditionally approved by the Planning Commission at its meeting on June 18, 2015. The Findings of Fact and Conclusions of Law were adopted on August 6, 2015.

Pursuant to SFCC §14-3.7, subdivisions are subject to both Preliminary and Final approval. The Development Code further states:

> *Approval of a preliminary plat does not constitute approval of the final plat; rather, it is an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. The final plat shall be submitted to the planning commission for approval and recorded when the provisions of this article and the conditions of preliminary plat approval are met.*

The applicant is requesting approval of the Final Subdivision Plat with the following modifications to the preliminary plat approval granted by the Commission, consistent with conditions approved by the City Council:

- Elimination of the gate for the "age targeted" section of the subdivision on the west side of the Walking Rain Road.
- The "age targeted" portion of the subdivision was to have private streets maintained by a homeowners association. All streets within the subdivision are now public.

IV. DISCUSSION AND ANALYSIS

Analysis regarding the specific components of the subdivision and overall subdivision design was completed at the time of Preliminary Subdivision Plat approval. The Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat approved by the Planning Commission. The final plat has been reviewed by the Land Use Department staff, and other city staff on the Development Review Team (DRT). Staff review has determined that the final plat is consistent with the amended master plan, the preliminary plat approved by the Commission, and with applicable code requirements, subject to the comments that are included as Exhibit B. Any necessary corrections that must be made prior to recordation of the final plat have been addressed by the proposed Conditions of Approval (See Exhibit A).

Santa Fe Homes Program Compliance

As part of the overall Pulte development project, the City Council approved an alternative method of compliance for the Santa Fe Homes Program (SFHP). In summary, the alternative compliance approved by the City Council mandates that in lieu of providing 20 percent affordable housing (60 affordable homes) within the development, the developer provide a 4.5 acre parcel upon which the Housing Trust will develop a tax credit-based affordable housing development. The proposed parcel, immediately west of the Pulte Development, is being created by a lot split that is also being considered by the Planning Commission on November 5th. The final SFHP agreement will be finalized by staff from the City Attorney's Office and

the Housing and Community Development Department, consistent with the alternative compliance approved by the City Council. The executed agreement will be recorded with the Final Plat, as required by SFHP provisions in Section 26-1.7(C)(4).

V. CONCLUSION AND CONDITIONS OF APPROVAL

The Land Use Department is recommending **APPROVAL** of the Final Subdivision Plat. A significant number of conditions are recommended to address technical revisions necessary prior to recordation of the Plat. The Planning Commission may amend the conditions of approval in keeping with the adopted Findings of Fact and Conclusions of Law and development standards and regulations.

VI. ATTACHMENTS:

EXHIBIT A: Final Subdivision Plat Conditions of Approval

EXHIBIT B: Development Review Team Memoranda
1. Traffic Engineering Memorandum, John Romero and Sandra Kassens
2. Technical Review Division Memorandum, Risana "RB" Zaxus
3. Landscaping Memorandum, Somie Ahmed
4. Wastewater Management Division, Stan Holland
5. Water Division Memorandum, Dee Beingessner
6. Fire Department, Reynaldo Gonzales
7. Metropolitan Planning Organization, Keith Wilson

EXHIBIT C: Planning Commission Approvals
1. Findings of Fact
2. Planning Commission Minutes

EXHIBIT D: Applicant Submittals
1. Subdivision Report
2. Final Subdivision Plat

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Final Subdivision Plat Conditions of Approval

Estancias de Las Soleras (Formerly "Pulte Phase 1") Final Subdivision Plat–Conditions of Approval

Planning Commission

Case #2015-83 – Pulte Phase #1 Final Subdivision Plat

Conditions	Department	Staff
The Traffic Engineer conducted a review of the final subdivision plat. The attached memorandum dated **October 19th** notes Conditions of Approval to be completed prior to the recordation of the Plat.	Traffic Engineering	John Romero/ Sandra Kassens
The Wastewater Division Engineer reviewed the Final Subdivision Plat and provided the following conditions of approval: 1. The continuation sheets/match sheet names need to be added to the P&P sheets for water and sewer. 2. There are some deep sewer lines in excess of 20 feet which may require additional easements and separation distances from other utilities. 3. Public sewer line extensions terminating in a manhole to future street connections will be required. 4. Sewer lines with a depth of 16 to 20 feet shall require a 35 foot wide dedicated water and sewer easement and be able to excavate any buried sanitary sewer with 1:1 side slopes from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility. Sewer lines with a depth greater than 20 feet will not be allowed within the roadways serving this development utilizing the proposed typical roadway sections. 5. At a minimum, the grading within the 20 foot sewer easement over top of the sewer line from manhole 1 to its connection to the existing manhole shall have no greater than a 3% cross slope. 6. The Applicant shall be required to comply with all future design review comments issued by the Wastewater Division for this project.	Wastewater Division	Stan Holland
The 16 inch water main and point of connection to an existing 10 inch main shown in the plans has not been built and the plans have not yet been finalized. The proposed connection must be built or an agreement to construct and dedicate must be finalized to relocate the main and build the connection point before the water plan for this development can be approved. An agreement to construct and dedicate will be required to build the proposed mains and connections to existing mains for the development. An approved water plan will be required for the agreement to construct and dedicate to build new mains.	Water Division	Dee Beingessner
The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat. Shall comply with IFC requirements. 1. Shall Comply with International Fire Code (IFC) 2009 Edition 2. Fire Department Access shall not be less than 20 feet width. 3. Fire Department shall have 150 feet maximum distance to any portion of the building on any new	Fire	Rey Gonzales

Conditions	Department	Staff
construction. 4. Shall have water supply that meets fire flow requirements as per IFC, shall meet the IFC distance requirements to the nearest hydrant. 5. All Fire Department access shall be no greater than a 10% grade. All development shall conform to applicable IFC requirements and any requirements set forth by the Fire Marshal.		
The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP) and Las Soleras Trail Plan. The following conditions are added to ensure connectivity with the trail alignments: 1. The trail connection to the existing trail between Howling Wolf Lane and Soaring Eagle Lane approved as part of the Master Plan Amendment shall be included as part of this phase of the subdivision (See attached memorandum dated October 21, 2015) 2. The trail connection along the north side of Beckner Road between Crossing at Chamiso and Cerrillos Road approved as part of the Master Plan Amendment shall be included as part of this phase of the subdivision (See attached memorandum dated October 21, 2015) 3. The final design of all multi-use Trails shall meet AASHTO, MUTCD and ADA requirements and be reviewed and approved by City and MPO staff prior to recordation of the Final Plat (See attached memorandum dated October 21, 2015)	MPO / Roadway and Trails Division	Keith Wilson / Leroy Pacheco
The following conditions of approval shall be addressed prior to recordation of the final plat. 1. Label and provide close-ups of individual open space areas showing planting in each that meets the minimum requirements. 2. Show calculations for shrubs. Shrubs must be five gallon minimum. One gallon shrubs can be planted but do not count to meet minimum requirements for open space (25% must be evergreen) 3. Size of trees shown in 'B&B'. Please provide sizes in caliper (minimum 2"). 4. Provide revised landscape plans showing the guest turnaround and gate eliminated. 5. Show trees along all planter strips on all streets. Provide close-ups of all areas showing this information. 6. Plans show 6 monument signs. Notes are showing calculations for 4 monument signs. Please revise information to be consistent. Show monument sign with details showing all landscaping around signage.	Technical Review	Somie Ahmed
The subdivision developer shall comply with all requirements of the Santa Fe Homes Program (SFHP) alternative compliance and enter into a fully executed SFHP Agreement prior to recordation of the Final Plat.	Affordable Housing	Alexandra Ladd
The City Engineer for the Land Use Department conducted a review of the subdivision plat and provided the following comments which are noted as Conditions of Approval to be addressed prior to recordation of the Final Plat:	Technical Review	Risana "R.B." Zaxus

Estancias de Las Soleras (Formerly "Pulte Phase 1") Final Subdivision Plat–Conditions of Approval

Planning Commission

Case #2015-83 – Pulte Phase #1 Final Subdivision Plat

Conditions	Department	Staff
1. Remove "City of Santa Fe Waterwater" and "City of Santa Fe Water Division" from required Utility Company signatures. These divisions will indicate approval of Plat on the staff signature sheet. 2. Revise "subdivision engineer" to "City Engineer". 3. Revise FIRM reference as it is incorrect. 4. Revise incorrect reference to "Ross' Peak" in stormwater Agreement. 5. Add a statement on sheet 1 that stormwater ponds and appurtenances, median landscaping, street trees, and open space will be maintained by the homeowner's association. 6. Add a note that on-lot ponding is not required and that on-lot swales are not to be revised or disturbed. 7. On sheet 2, revise incorrect designation of "private roads" to be "public roads". 8. Prior to recording, addresses must be obtained and summarized in Address Tables on sheet 5.		
Water rights shall be transferred to the City no later than 60 days after the approval of the final subdivision plat for each phase or subphase of development. Building permits shall not be issued until adequate water rights are transferred to the City.	Land Use	Amanda Martinez
All development shall comply with all standards within the Santa Fe City Code.	All Departments	N/A
The necessary infrastructure for each phase of development shall be determined and constructed to the satisfaction of the appropriate City Department or utility.	All Departments	N/A
Pursuant to Code §14-9.5(A)(2), the Land Use Department and City Attorney's Office will look at the CCR's only to the extent that they are relevant to the perpetual maintenance of the quasi-public infrastructure.	City Attorney's Office	Zach Shandler

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Development Review Team
Memorandum

City of Santa Fe, New Mexico

memo

DATE: October 19, 2015

TO: Zach Thomas, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Engineer Assistant

SUBJECT: **Pulte Las Soleras Phase 1 Final Subdivision Plat, Case 2015-83.**

ISSUE:
James W. Siebert & Associates, agent for The Pulte Group, requests approval of Final Subdivision Plat for 77 Lots located on 35.25 acres± on Tract 15 in the Las Soleras Master Plan which is zoned R-12 (Residential – 12 units per acre). Tract 15 is located immediately south of the Nava Ade Subdivision and immediately north of the future Beckner Road Extension. The Preliminary Subdivision plat was approved by the planning Commission on June 18, 2015.

RECOMMENDED ACTION:
Review comments are based on submittals received on September 30, 2015, unless otherwise noted. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

The Developer shall revise the Final Subdivision Plat and Construction Plans for Pulte at Las Soleras – Phase 1:

- **Public Roads/ Dedication:**
  - Per City Council's condition of approval that the gate be eliminated from the Age-targeted unit, all roads in the subdivision will be public roads that shall be dedicated to the City of Santa Fe.
  - Update all road names that have been changed since your September 30, 2015 submittal.

- **Walking Rain Road design:**
  - Revise the alignment of Walking Rain Road so that the horizontal curve at approximately Sta. 9+50 on Walking Rain Road has a radius of at least 198' in order to meet the criterion for a design speed of 25 mph.
    - ✓ A revised submittal received October 14, 2015 meets this requirement and an agreement was reached between the Developer and the Property Manager for Monte del Sol School concerning this re-alignment and dedication of ROW that facilitates this change in alignment.

- **Pasaje Largo (*Piñon Mesa*) Entry to Age-targeted Unit 2:**
  - Developer shall revise drawings to eliminate the channelization medians and the turnaround lane and reduce the width of the central dividing median in order to reduce the overall dimensions of the intersection.

✓ A revised submittal received October 14, 2015 meets these requirements.

- **Applicable to all Roadways:**
  - Eliminate the speed tables, (raised crosswalks) throughout Subdivision.
  - Place Speed humps on Walking Rain Road at 300 ft. minimum intervals. Stagger the speed humps so that they are between crosswalk locations.
  - Place marked crosswalks at locations where multiuse trails cross roadways. All other crosswalk locations within the subdivision shall be unmarked crossings.
  - Change the pedestrian ramps located at "Tee" intersections from Diagonal ramps to directional ramps. Two crossings will be established by the ramps; one across the intersecting leg; and the other one opposite to the left turn from the through road onto the intersecting road.

- **Sheet 44 – Striping and Signage Plan:**
  - General Notes, Typo - The C is missing from the word City.
  - Street Sign Details – Change Size of W1-1L to 30" x 30" and sign W13-1P to 18" x 18"
  - Indicate locations of all stop bars and add a note 3 to the keyed striping notes to specify striping material and 12" width of stop bar.

- **Sheet 47 – Paving Details and Street Sections:**
  - Ramp types B, C, and D show side tapers through the buffer zone. Change these to have header curbs along the sides of the ramp. Reference the applicable NMDOT sheets from section 608.

- **Sheet 48 – NMDO Standard Details:**
  - Include the applicable NMDOT standard drawings Section 608 that pertain to accessible sidewalk ramps.

- **Sheet SF-7 – City of Santa Fe speed hump details:**
  - Add a note that states, striping on humps shall be on the approach side of the speed hump per the example given in Figure 3B-29, option A, page 396, of the MUTCD, 2009 Edition.

- **Sheets LS-01 through LS-07, Landscaping:**
  - Ensure that landscape items do not block sight distance at intersections within the subdivision following the City of Santa Fe Land Use Code Chapter 14-7.1(F).
  - Ensure that the Entry signs at Beckner Road and Walking Rain Road; follow the sight distance guidance in NCHRP 672, Roundabouts: An Informational Guide.

- **Sheet 76 – Lighting Plan:**
  - Comply with City code 14-8.9 - Outdoor Lighting.
  - Eliminate the Streetlight on Valle Feliz (*Valle Verde*) near lot 10.
  - Add a Street Light at the intersection of Walking Rain Road and Pasaje Largo (*Piñon Mesa*).
  - Include Details for the Streetlight Standards and Foundations
  - Include Details for the LED Luminaires, LED Luminaire for local streets shall provide a luminance equivalent to that of a 100-Watt High Pressure Sodium (HPS) Luminaire.
  - Include Wiring on plans.

If you have any questions or need any more information, feel free to contact me at 955-6697.

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: October 22, 2015

To: Zach Thomas, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2015-83 Pulte Phase 1 Final Subdivision Plat

The subject property is accessible to the City public sewer system.

The Applicant shall address the following comments on the plats:

1. There are additional sewer, water and effluent easements on the Las Soleras Lot Line Adjustment Plat which are not shown on the current plat on the Land Use server. It appears the most current plat as reviewed earlier by the Wastewater Division has not been submitted to Land Use.

The Additional Comments shall be addressed by the Applicant:

1. The continuation sheets/match sheet names need to be added to the P&P sheets for water and sewer.
2. There are some deep sewer lines in excess of 20 feet which may require additional easements and separation distances from other utilities.
3. Public sewer line extensions terminating in a manhole to future street connections will be required

   Additional comments added October 21, 2015
4. Sewer lines with a depth of 16 to 20 feet shall require a 35 foot wide dedicated water and sewer easement and be able to excavate any buried sanitary sewer with 1:1 side slopes from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility. Sewer lines with a depth greater than 20 feet will not be allowed within the roadways serving this development utilizing the proposed typical roadway sections
5. At a minimum, the grading within the 20 foot sewer easement over top of the sewer line from manhole 1 to its connection to the existing manhole shall have no greater than a 3% cross slope.
6. The Applicant shall be required to comply with all future design review comments issued by the Wastewater Division for this project.

DATE: October 14, 2015

TO: Zach Thomas, Case Manager

FROM: RB Zaxus, PE
City Engineer

RE: Case # 2015-83
Pulte Phase 1 Final Subdivision Plat

I reviewed these documents: (1) Final Plat of Pulte at Las Soleras Units 1 and 2, (2) Construction Plans for Pulte at Las Soleras Phase 1, (3) Construction Plans for Beckner Road Extension, (4) Rezoning Survey Plat. The following comments are to be regarded as conditions of approval:

Final Plat:

1. Remove "City of Santa Fe Wastewater" and "City of Santa Fe Water Division" from required Utility Company signatures. These divisions will indicate approval of Plat on the staff signature sheet.

2. Revise "subdivision engineer" to "City Engineer."

3. Revise FIRM reference as it is incorrect.

4. Revise incorrect reference to "Ross's Peak" in stormwater agreement.

5. Add a statement on sheet 1 that stormwater ponds and appurtenances, median landscaping, street trees, and open space will be maintained by the homeowner's association.

6. Add a note that on-lot ponding is not required and that on-lot swales are not to be revised or disturbed.

7. On sheet 2, revise incorrect designation of "private roads' to be public roads.

8. Prior to recording, addresses must be obtained and summarized in Address Tables on sheet 5.

Construction Plans for Pulte at Las Soleras Phase 1:

9. Provide key map to summarize location of information found on survey sheets 1 through 16.

10. On sheet 29, indicate that maximum retaining wall height is 6 feet. Also, indicate that horizontal distance between double retaining walls is a minimum of the vertical height of the walls.

11. On sheet 33, show missing section D-D, referred to on sheet 47.

12. Provide in plan set the revised Slope Analysis Map which was requested as an additional submittal and received by the City on or about October 13.

Construction Plans for Beckner Road Extension:

13. Same as 9 above

14 . Same as 12 above

15. Provide stormwater calculations and plans meeting the requirements of Article 14-8.2, for the new impervious surface of Beckner Road.

16. Median landscaping for the portion of Beckner which has already been constructed (west of the Beckner Road construction proposed in the present set of plans) must be constructed as part of this project, and the required financial guarantee must include an item for this work.

Rezoning Survey Plat

17. Same as 1 above

18. Same as 3 above

19. Remove water division signature line under City review lines.

General:

20. Prior to recording, subdivision shall be given a name, and all relevant Plat and plan sheets shall be revised to indicate this name.

City of Santa Fe, New Mexico

memo

DATE: October 23, 2015

TO: Zachary Thomas, Land Use Planner Senior

FROM: Somie Ahmed, Planner Technician Senior

SUBJECT: Comments for Case #2015-83, Pulte Phase 1 Final Subdivision Plat

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Below are staff's final comments for the Pulte Phase 1 Final Subdivision Plat. Based on documentation and plans dated October 2015 the following comments are a request for additional submittals before a complete Landscape review can be conducted:

- Label and provide close-ups of individual open space areas showing planting in each that meets the minimum requirements.
- Show calculations for shrubs. Shrubs must be 5 gallon minimum. 1 gallon shrubs can be planted but do not count towards the required shrub count. Show only 5 gallon shrubs with the count to meet minimum requirements for open space (25% must be evergreen).
- Size of trees shown in 'B&B'. Please provide sizes in caliper (minimum 2").
- Provide revised plans showing the guest turnaround and gate eliminated.
- Show trees along all planter strips on all streets. Provide close-ups of all areas showing this information.
- Note: Chamisas and other 'large shrubs' being used are known to be problematic in the Tierra Contenta area. For maintenance purposes, this area has experienced problems with these shrubs to invade sidewalks.
- Plans show 6 monument signs. Notes are showing calculations for 4 monument signs. Please revise information to be consistent.
- Note: At time of permit, show monument sign with details showing all landscaping around signage.

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: October 22, 2015

To: Zach Thomas, Case Manager

From: Stan Holland, P.E.
Wastewater Management Division

Subject: Case 2015-83 Pulte Phase 1 Final Subdivision Plat

The subject property is accessible to the City public sewer system.

The Applicant shall address the following comments on the plats:

1. There are additional sewer, water and effluent easements on the Las Soleras Lot Line Adjustment Plat which are not shown on the current plat on the Land Use server. It appears the most current plat as reviewed earlier by the Wastewater Division has not been submitted to Land Use.

The Additional Comments shall be addressed by the Applicant:

1. The continuation sheets/match sheet names need to be added to the P&P sheets for water and sewer.
2. There are some deep sewer lines in excess of 20 feet which may require additional easements and separation distances from other utilities.
3. Public sewer line extensions terminating in a manhole to future street connections will be required
   Additional comments added October 21, 2015
4. Sewer lines with a depth of 16 to 20 feet shall require a 35 foot wide dedicated water and sewer easement and be able to excavate any buried sanitary sewer with 1:1 side slopes from the bottom of the pipe, without disturbing any sidewalk, curb and gutter, or any other utility. Sewer lines with a depth greater than 20 feet will not be allowed within the roadways serving this development utilizing the proposed typical roadway sections
5. At a minimum, the grading within the 20 foot sewer easement over top of the sewer line from manhole 1 to its connection to the existing manhole shall have no greater than a 3% cross slope.
6. The Applicant shall be required to comply with all future design review comments issued by the Wastewater Division for this project.

City of Santa Fe

memo

DATE: October 5, 2015

TO: Zach Thomas, Land Use Senior Planner, Land Use Department

FROM: Dee Beingessner, Water Division Engineer

SUBJECT: Case # 2015-83 Pulte Final Subdivision Plat

The 16" water main and point of connection to an existing 10" main shown in the plans has not been built and the plans have not yet been finalized. The proposed connection must be built or an agreement to construct and dedicate must be finalized to relocate the main and build the connection point before the water plan for this development can be approved. An agreement to construct and dedicate will be required to build the proposed mains and connections to existing mains for the development. An approved water plan will be required for the agreement to construct and dedicate to build new mains.

City of Santa Fe, New Mexico

memo

DATE: October 5, 2015

TO: **Case Manager: Zach Thomas**

FROM: Reynaldo D Gonzales, Fire Marshal RDG

SUBJECT: **Case #2015-83 Pulte Phase I Final**

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction these requirements must be met.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.

2. Fire Department Access shall not be less than 20 feet width thru-out the complex.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets fire flow requirements as per IFC, shall meet the IFC distance requirements to the nearest hydrant.

5. All Fire Department access shall be no greater that a 10% grade.

6. Shall meet all dead end requirements as per IFC or provide emergency turn-around as per IFC. As per IFC 2009 D106.1 *Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.*

Santa Fe Metropolitan Planning Organization

"Promoting Interconnected Transportation Options"

MEMORANDUM

Date:	October 21, 2015
From:	Keith Wilson, MPO Senior Planner KPW
To:	Zach Thomas, Planning and Land Use Department
Cc:	John Romero, Engineering Division Director
	Sandra Kassen, Traffic Engineering
	Leroy Pacheco, Roadways and Trails Engineering
Re:	**Case #2015-83, Pulte Phase 1 Final Subdivision Plat**

The following comments are based on MPO Staff's review of the Pulte Phase 1 Final Subdivision Plat dated August 2015 and a revised Sheet 33 submitted to Traffic Engineering dated October 14, 2015.

Proposed Conditions

- The trail connection to the existing trail between Howling Wolf ln and Soaring Eagle Ln approved as part of the Master Plan Amendment shall be included as part of this phase of the subdivision. (See Attached Exhibit 1)
- The trail connection along the north side of Beckner Road between Crossing at Chamiso and Cerrillos Road approved as part of the Master Plan Amendment shall be included as part of this phase of the subdivision. (See Attached Exhibit 1)
- The final design of all Multi-use Trails shall meet AASHTO, MUTCD and ADA requirements and be reviewed and approved by City and MPO Staff prior to recordation of the Final Plat. (See Attached Exhibit 2 for comments on the design)

Santa Fe Metropolitan Planning Organization

"Promoting Interconnected Transportation Options"

MPO EXHIBIT 1

MEMORANDUM

Date:	June 18, 2015
From:	Keith Wilson, MPO Senior Planner KPW
To:	Zachary Thomas, Planning and Land Use Department
Cc:	John Romero, City Traffic Engineering
	Leroy Pacheco, City Trails and Watershed Engineering
	Greg Smith, Planning and Land Use Department
Re:	**Clarification of Conditions on the Proposed Amendment to the Trails Plan of Las Soleras Master Plan**

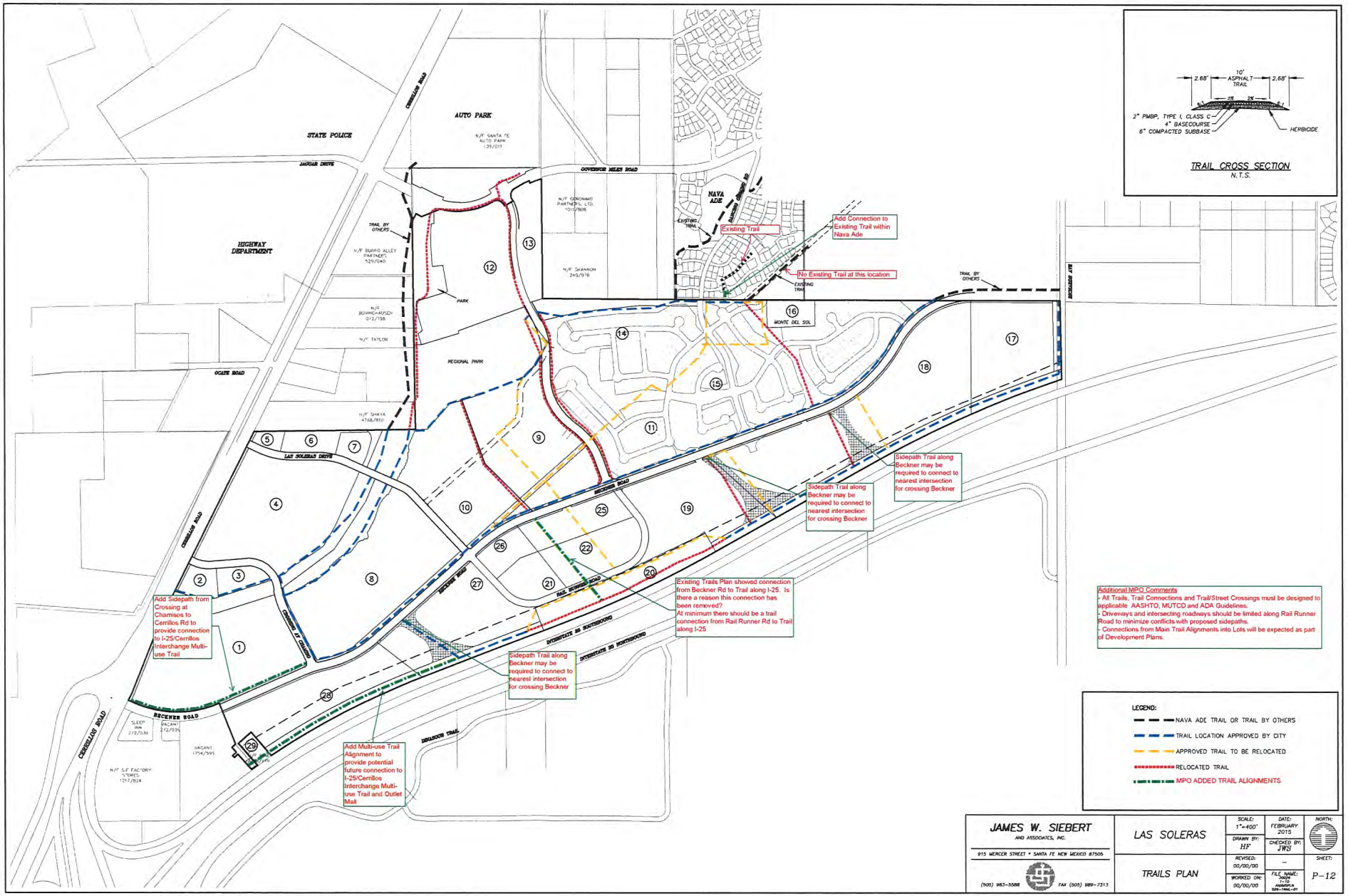
This Memo is to provide clarification of the conditions to be placed on the Proposed Amendment to the Trails Plan of the Las Soleras Master Plan that was submitted and included in Exhibit A of the May 14 Staff Memo.

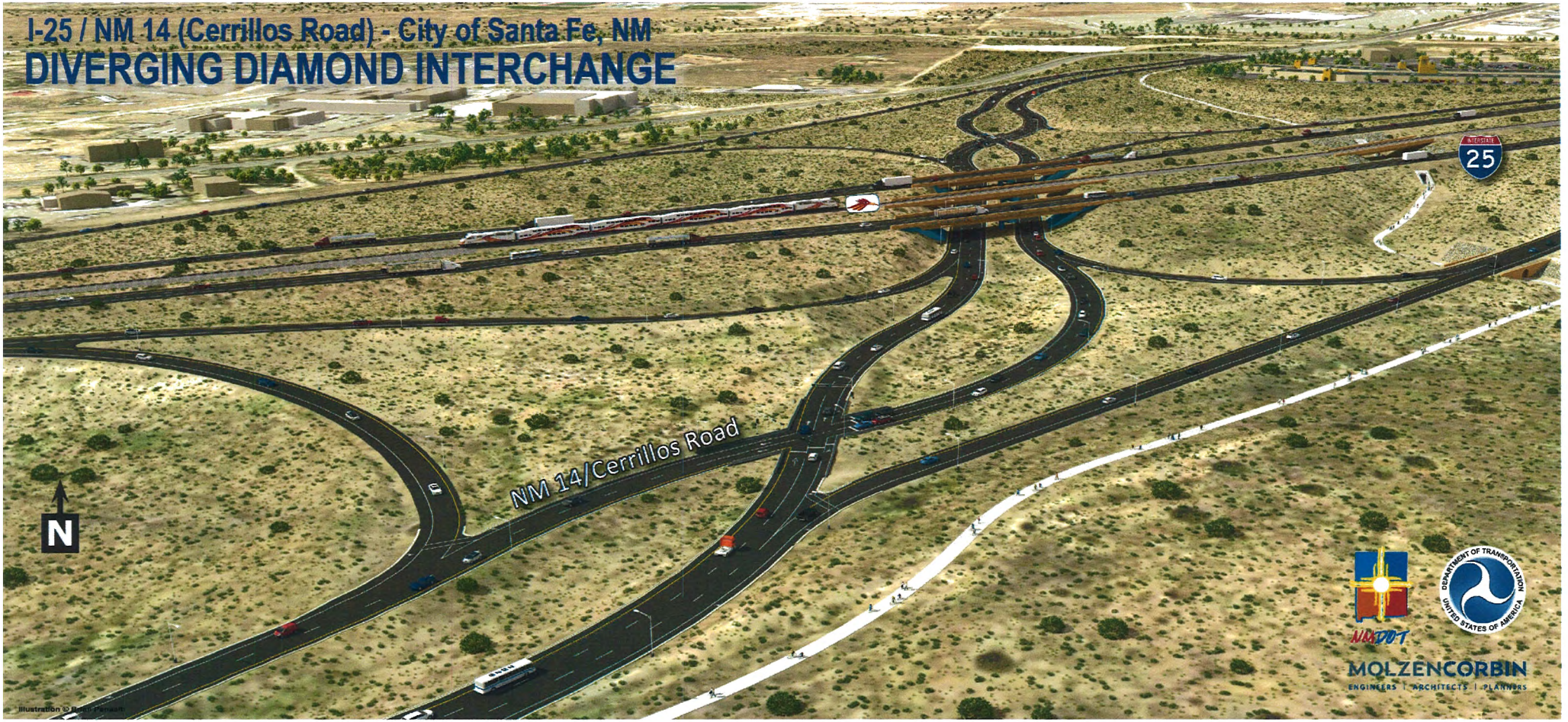
The following conditions are proposed:

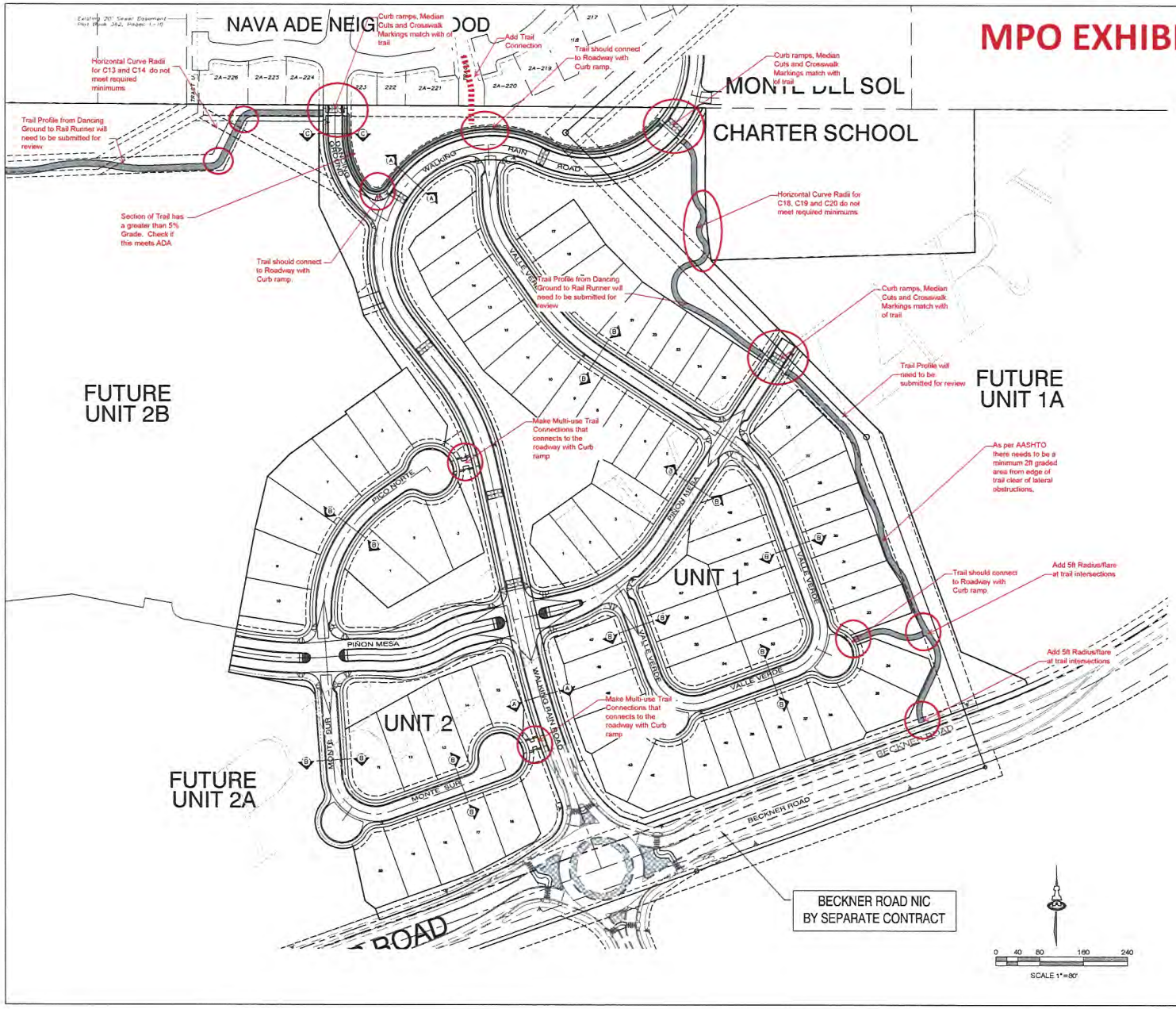
- Add a Multi-use Trail ("Sidepath") on the north side of Beckner Road between the Crossing at Chamiso to Cerrillos Road to provide a connection to the I-25/Cerrillos Rd Interchange Multi-use Trail currently under construction.
- Add a Multi-use Trail parallel to I-25 along the southern side of Lots 27, 28 and 29 to provide a potential future connection to the I-25/Cerrillos Rd Interchange Multi-use Trail currently under construction.
- Add a Multi-use Trail from the Trail along I-25 through lots 22 and 25 to connect to the realigned Trail between Lots 9 and 10.
- The Multi-use Trails that intersect with the south side of Beckner Road may be required to be extended to the nearest intersection for crossing of Beckner Road.
- Add a Multi-use Trail Connection to the Existing Trail located between Howling Wolf Ln and Soaring Eagle Ln in Nava Ade.
- All Trails, Trail Connections and Trail/Street Crossings must be designed to applicable AASHTO, MUTCD and ADA Guidelines.
- Driveways and intersecting roadways should be limited along Rail Runner Road to minimize conflicts with proposed sidepaths.
- Connections from Main Trail Alignments into Lots will be expected as part of Development Plans.

Attachments

Original MPO Submittal included in May 14 Staff Memo
I-25/Cerrillos Rd Multi-Use Trail Graphic


STATE POLICE
AUTO PARK
HIGHWAY DEPARTMENT
REGIONAL PARK
NAVA ADE
MONTE DEL SOL
CERRILLOS ROAD
JAGUAR DRIVE
GOVERNOR MILES ROAD
OCATE ROAD
LAS SOLERAS DRIVE
BECKNER ROAD
RAIL RUNNER ROAD
INTERSTATE 25 SOUTHBOUND
INTERSTATE 25 NORTHBOUND
DRUIDOR TRAIL
TRAIL BY OTHERS
EXISTING TRAIL
PARK
Existing Trail
Add Connection to Existing Trail within Nava Ade
No Existing Trail at this location
Sidepath Trail along Beckner may be required to connect to nearest intersection for crossing Beckner
Sidepath Trail along Beckner may be required to connect to nearest intersection for crossing Beckner
Sidepath Trail along Beckner may be required to connect to nearest intersection for crossing Beckner
Add Sidepath from Crossing at Chamisos to Cerrillos Rd to provide connection to I-25/Cerrillos Interchange Multi-use Trail
Existing Trails Plan showed connection from Beckner Rd to Trail along I-25. Is there a reason this connection has been removed? At minimum there should be a trail connection from Rail Runner Rd to Trail along I-25
Add Multi-use Trail Alignment to provide potential future connection to I-25/Cerrillos Interchange Multi-use Trail and Outlet Mall
10' ASPHALT TRAIL
2.68'
2.68'
2% 2%
2" PMBP, TYPE I, CLASS C
4" BASECOURSE
6" COMPACTED SUBBASE
HERBICIDE
TRAIL CROSS SECTION
N.T.S.
Additional MPO Comments
- All Trails, Trail Connections and Trail/Street Crossings must be designed to applicable AASHTO, MUTCD and ADA Guidelines.
- Driveways and intersecting roadways should be limited along Rail Runner Road to minimize conflicts with proposed sidepaths.
- Connections from Main Trail Alignments into Lots will be expected as part of Development Plans.
LEGEND:
NAVA ADE TRAIL OR TRAIL BY OTHERS
TRAIL LOCATION APPROVED BY CITY
APPROVED TRAIL TO BE RELOCATED
RELOCATED TRAIL
MPO ADDED TRAIL ALIGNMENTS
JAMES W. SIEBERT AND ASSOCIATES, INC.
915 MERCER STREET • SANTA FE NEW MEXICO 87505
(505) 983-5588 FAX (505) 989-7313
LAS SOLERAS
TRAILS PLAN
SCALE: 1"=400'
DRAWN BY: HP
REVISED: 00/00/00
WORKED ON: 00/00/00
DATE: FEBRUARY 2015
CHECKED BY: JWS
FILE NAME: 3000 11/16 ANNEXATION TRAIL-01
NORTH:
SHEET: P-12


I-25 / NM 14 (Cerrillos Road) - City of Santa Fe, NM
DIVERGING DIAMOND INTERCHANGE
INTERSTATE
25
NM 14/Cerrillos Road
N
NMDOT
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA
MOLZENCORBIN
ENGINEERS | ARCHITECTS | PLANNERS



GENERAL NOTES

1. SEE SHEET 47 FOR TYPICAL STREET CROSS SECTIONS.
2. SEE SHEET 44 FOR STRIPING AND SIGNAGE.

ALL SIDEWALKS WHERE LOTS ARE FRONTING SHALL BE CONSTRUCTED BY HOME BUILDER DURING HOME CONSTRUCTION

LEGEND

- SIDEWALK AND CURB & GUTTER
- CURB RAMP
- STREET LIGHT
- ASPHALT TRAIL
- SPEED HUMP

MPO COMMENTS
Shown in red

PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION USE

ISAACSON & ARFMAN, P.A.
Consulting Engineering Associates
128 Monroe Street N.E.
Albuquerque, New Mexico 87108
PH. 505-268-3553 www.iacivil.com

2069 CP-101.dwg Aug 21,2015

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ESTANCIAS DE LAS SOLERAS, UNITS 1 & 2
SANTA FE, NM

MASTER PAVING PLAN

CITY REVIEW

DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIVISION		
WATER SERVICES		
SUBDIVISION DESIGN		
STREETS		
TRAFFIC		

PROJECT:

SHEET 33 OF 76

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Planning Commission Approvals

ITEM # 15-0809

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-124
Pulte Las Soleras General Plan Amendment
Case #2014-123
Pulte Las Soleras Master Plan Amendment
Case #2014-125
Pulte Las Soleras Rezoning to R-6
Case #2014-126
Pulte Las Soleras Lot Line Adjustment
Case #2015-08
Pulte Las Soleras Preliminary Subdivision Plat
Case #2015-09
Pulte Las Soleras Electrical Transmission Line Relocation

Owner's Name – The Pulte Group
Applicant's Name – James W. Siebert & Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on May 21, 2015 and June 18, 2015 upon the application (Application) of James W. Siebert & Associates as agent for The Pulte Group (Applicant).

The property is located within the Las Soleras Master Plan. The original master plan, zoning and annexation agreement were approved by the City of Santa Fe on February 11, 2009. The master plan encompasses 539 acres and includes a mix of uses including: low, medium and high-density residential; community and regional commercial; business industrial park; mixed-use; institutional uses; office and open space land uses. The Applicant now: (1) requests recommendation for approval of a General Plan Amendment to amend the existing General Plan Future Land Use Map designations for 12.92 acres from High Density Residential to Low Density Residential; 14.95 acres from Mixed Use to Low Density Residential; and 3.93 acres from Medium Density Residential to Low Density Residential; (2) requests recommendation for approval of amendments to the Las Soleras Master Plan, which include the realignment of roads, reconfiguration of open space and trails, and the reconfiguration of land tracts; (3) requests recommendation for approval for rezoning of 12.92 acres from R-21 (Residential - 21 units per acre) to R-6 (Residential – 6 units per acres); 14.95 acres from MU (Mixed-Use) to R-6 (Residential – 6 units per acres); and 3.93 acres from R-12 (Residential - 12 units per acre) to R-6 (Residential - 6 units per acre); (4) requests approval of lot line adjustments within the Las Soleras Master Plan to reconfigure land tracts consistent with the proposed General Plan Amendment and Rezoning; (5) requests approval of Preliminary Subdivision Plat (77 lots) for Phase I (Units 1 and 2) of development associated with the Pulte Master Plan Amendment, General Plan Amendment, and Rezoning. The Preliminary Subdivision Plat also includes an alternative street section design request; (6) requests recommendation for approval to relocate an existing 115kv electrical transmission line within the Las Soleras Master Plan as the part of the greater Pulte Group Master Plan Amendment, General Plan Amendment, Rezone and Subdivision request. The proposed relocation will follow the future Beckner Road alignment.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS as follows:

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code § 14-3.9 (C) sets out certain procedures for amendments to master plans including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.9(D).
4. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
5. Code § 14-3.7 (B) sets out certain procedures for preliminary plat and lot line adjustment approval including, without limitation, a public hearing by the Commission and approval based upon the criteria set out in Code §14-3.7(C).
6. Code §14-6.2(F) sets out certain procedures for electrical transmission line relocation approval including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-6.2(F)(7),
7. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
8. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
9. A pre-application conference was held on October 29, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
10. An ENN meeting was held on the Application on December 16, 2014 at the Genoveva Chavez Center. A second ENN meeting was held on May 11, 2015 at the Southside Library at 6599 Jaguar Drive specifically for the proposed change of the required additional 20 acres of park that was a condition of approval of the original Las Soleras Master Plan ("Condition 45").

11. Notice of the ENN meeting was properly given.
12. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
13. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
14. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
15. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the "Applicable Requirements").
16. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
17. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
18. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

19. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].* This proposed Pulte project will begin to make up for the deficit in more moderately priced housing that has occurred over the last few years.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].* General Plan Policies largely speak of providing a mix of commercial uses in close proximity to residential uses of varying densities, such as proposed in the Las Soleras Master Plan.
22. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment is consistent with the

prevailing use and character in the area as the only nearby development that exists is the Nava Ade subdivision to the immediate north. The original Las Soleras Master Plan assumed and planned for a greater variety of density and housing options than those in the Nava Ade subdivision. The proposed amendment would allow for development similar to that of the Nava Ade subdivision.

23. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts [§14-3.2(E)(1)(c)].* The area encompassed by the Pulte project consists of 104.41 acres which is well in excess of two acres of land.
24. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners.
25. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* Development under the lower density land use designation proposed by the Land Use Amendment would largely conform to applicable ordinances and regulations related to development standards.
26. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
27. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* The existing Future Land Use Designations were assigned as part of a comprehensive Master Plan. The land uses represent a variety of residential densities that were intended to contribute to the coordinated and harmonious development of Santa Fe and promote a healthy economy by providing a region with both housing and employment opportunities.
28. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* Development under the lower density land use designation proposed by the Applicant would largely conform to applicable ordinances and regulations related to development standards. The development would ensure the development of roads and supporting infrastructure within the immediate vicinity of the project as anticipated by the Las Soleras Master Plan.

29. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *the growth and economic projections contained within the general plan are erroneous or have changed.* The Applicant provided that the type and density of housing proposed in the Las Soleras Master Plan has proven to be inconsistent with the market place. The Applicant provided that since 2009 when Las Soleras was approved by the City Council developers have not been interested in the higher density residential uses that are permitted by the underlying zoning, especially the R-12 zoning district.
30. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* The Applicant provided that there are very few parcels of vacant land this size where the adjoining vacant lands have a master plan that includes a mix of uses, a road and utility plan that includes connections to existing roads and utilities that have sufficient capacity to provide for the long term infrastructure for a project of this size.
31. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* The market for all types of housing development appears to be improving. The Las Soleras Master Plan specifically anticipated a variety housing types and densities.

Master Plan Amendment

32. Under Code § 14-3.9, an amendment to the Master Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
33. The Commission has considered the criteria established by Section 14-3.9(D)(1)(a) and finds the following facts: *The master plan is consistent with the general plan.* The existing Las Soleras Master Plan is consistent with the zoning of the area and applicable General Plan policies related to new development.
34. The Commission has considered the criteria established by Section 14-3.9(D)(1)(b) and finds the following facts: *The master plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts.* Consistent with General Plan policies, the plan includes a mix of residential densities in close proximity to commercial zoning and planned employment centers and community services.
35. The Commission has considered the criteria established by Section 14-3.9(D)(1)(c) and finds the following facts: *Development of the master plan area will contribute to the coordinated and efficient development of the community.* Consistent with General Plan policies, the plan includes a mix of residential densities in close proximity to commercial zoning and planned employment centers and community services.
36. The Commission has considered the criteria established by Section 14-3.9(D)(1)(d) and finds the following facts: *The existing and proposed infrastructure, such as the streets*

system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the planned development. Necessary infrastructure and road alignments were previously determined and approved as part of the master plan. The proposed amendment will realign road and trails and reduce and realign park space to accommodate single family residential development.

37. In 2009, the Governing Board approved a road plan as part of the original master plan.
38. The Applicant as part of the Master Plan Amendment request provided a modified road alignment for Rail Runner Road.
39. The Applicant as part of the Master Plan Amendment request provided a modified road alignment for Walking Rain Road.
40. During phase 1 of the development, Beckner Road will be constructed as a two-lane divided road from Rail Runner Road to Walking Rain Road and as a two lane rural road from Walking Rain Road to Richards Avenue. Turning lane improvements at Richards Avenue will also be constructed.
41. During Phase 2 of the development, Beckner Road will be expanded to a two-lane divided road from Walking Rain Road to "Point 1" as identified on the Roadway Phasing Plan. "Point 1" to Richards Avenue will remain as a two-lane rural road until subsequent development within the commercial area south of Beckner Road occurs within Las Soleras.
42. In 2009, the Governing Body approved an approximate 21.4-acre park by the northwest boundary and an additional 20-acre park as part of the original master plan.
43. The Governing Body had some discussion whether to place the additional 20-acre park near Monte del Sol Charter School, but the final determination allowed the location to be determined at a subsequent Planning Commission hearing.
44. The requirement of the additional 20-acre park was memorialized in Condition 45 of the Master Plan, which reads: "The applicant shall, in consultation with Santa Fe Public Schools and City staff, locate an additional 20 acres for active park space. This condition shall be incorporated into the Annexation Agreement. The Planning Commission shall approve the park location prior to the approval of a development plan for any Phase of the Project and shall verify compliance with applicable access standards to the parks and open space."
45. The Planning Commission subsequently approved an alternative method of compliance involving the distribution of park land into smaller parcels provided the Land Use Department, Parks Department, MPO and School District recommends approval of such redistribution.
46. The Applicant wishes to amend and replace Condition 45 of the Master Plan because their proposal for reduced density of the housing development could trigger a new calculation of the proposed density/park dedication requirements within the Code. The Applicant's request and calculations are based on their latest submittal to the Planning Commission for its May 2015 meeting.
47. The Applicant is requesting that Condition 45 of the Las Soleras Master Plan would eliminate the additional 20-acre park and would be replaced with:

a. A donation to the City of approximately 7 acres of additional park and these 7 acres would be attached to the planned 21.4-acre park within the Las Soleras Master Plan.
b. A donation to Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of the donation will be secured by the collateralized value of another lot within the area of the Master Plan.
c. A donation to the City of approximately 6 acres for open space trails. The open space will be provided as consistent with the MPO's June 18, 2015 memorandum.
d. A donation to Monte del Sol Charter School of a 130 feet by 350 feet parcel adjacent to the School for a practice field, contingent on acceptance by the School, in exchange for the School granting the Applicant a drainage easement on the parcel.

Rezoning

48. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
49. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* This rezoning is more advantageous to the community since it provides for the type of housing that is critical to growth of the community both from the standpoint of economic development resulting from retirees' beneficial impact on Santa Fe's economy and the working families that are need to fill the jobs which are the foundation of Santa Fe's economy.
50. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
51. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
52. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].* The land subject to the proposed rezone is within the Las Soleras Master Plan and is zoned at such densities so as to accommodate the anticipated growth. The proposed rezone would lower densities to accommodate a proposed single family residential development.
53. The Commission has considered the criteria established by Code §§14-3.5(C) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will*

be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)]; The subject property is located within the Las Soleras Master Plan. The Master Plan anticipated infrastructure needs including those related to roads, sewer and water lines, public facilities and parks. All infrastructures will be adequate for the proposed development.

54. The Commission has considered the criteria established by Code §§14-3.5(D) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.* The Las Soleras Master Plan identified infrastructure needs necessary to accommodate development within the subject area. All necessary off-site improvement and fair share contribution have been identified by the traffic impact analysis prepared for the project. All development would be subject to the contribution of necessary infrastructure.

Lot Line Adjustment

55. Under Code § 14-3.7, a lot line adjustment is a type of subdivision and requires submittal of an application for review and approval by the Planning Commission.
56. The Commission has considered the criteria established by Code §14-3.7(C)and finds the following facts: *(1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The site is currently vacant but has been designated for residential development by the Las Soleras Master Plan. The Master Plan identified park and open space areas. The proposed subdivision would not interfere with existing water courses. Additionally, archaeological and historical clearance was obtained from the Santa Fe Archaeological Review Committee for the entire Las Soleras Master Plan area.
57. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts: *The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions.* No land subject to flooding is proposed for

habitable development. The location of the proposed development would not interfere with any flood plains or other uninhabitable land.

58. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* All infrastructure design and improvements such as roads, landscaping, and trails must conform to the applicable minimum development standards.
59. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed subdivision will not create a non-conformity as it will comply with all applicable development standards.
60. The Commission has considered the criteria established by Code §14-3.7(C) and finds the following facts: *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed subdivision will not create a non-conformity with any other chapter of the Santa Fe City Code.

Preliminary Subdivision Plat

61. Under Code § 14-3.7 (B), a preliminary subdivision plat requires submittal of an application for review and approval by the Planning Commission.
62. The Commission has considered the criteria established by Section 14-3.7(C) and finds the following facts: *All plats shall comply with the standards of Chapter 14, Article 9.* The plat complies with the standards of Chapter 14, Article 9.
63. The Commission has considered the criteria established by Section 14-3.7(C) and finds the following facts: *A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the land.* The subdivision will not create new or exacerbate existing nonconformities.
64. The Traffic Engineering Department recommended the standard 36 foot road for the preliminary subdivision plat.
    a. The Applicant requested an alternative street section design with 32 feet from face to curb to face of curb with a 9 foot driving lane.
    b. The Commission did not adopt the alternative street section design due to Applicant's failure to provide sufficient justification for the alternative design.
65. The preliminary subdivision plat contains some of the housing in the subdivision that will sit between other housing on the eastern side of the subdivision and the park.

a. The Commission added a condition that the Applicant may consider creating some reasonable pedestrian access from the housing on the eastern side of the subdivision to the park.

Electric Transmission Line Relocation

66. Under Code §14-6.2(F)(7), a transmission line relocation requires submittal of an application for review and recommendation by the Planning Commission for approval by the Governing Body.
67. The design of the proposed subdivision requires the relocation of the PNM electrical transmission line that currently traverse the site.
68. All application submittal requirements pursuant to Code §14-6.2(F)(10) have been submitted and reviewed by Land Use Department and PNM.
69. The Land Use Department and PNM find the proposal acceptable from a conceptual level. PNM has stated that variations may be needed to the conceptual design which cannot be determined until further study is done in coordination with the developer. Further study will not be completed until an executed agreement has been entered into with the developer.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.
3. The Commission adopts the written report of its findings Staff Report, subject to certain conditions (the Conditions) as set out in such report unless as itemized below.

The General Plan Amendment

4. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
5. The Applicable Requirements have been met.

The Master Plan Amendment

6. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Master Plan and to make recommendations to the Governing Body regarding such amendment.

7. The Applicable Requirements have been met.

The Rezoning

8. The Applicant has the right under the Code to propose the rezoning of the Property.
9. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
10. The Applicable Requirements have been met.

The Preliminary Subdivision Plat and Lot Line Adjustment

11. The Commission has the authority to review and approve the preliminary plat and lot line adjustment subject to conditions.
12. The Applicable Requirements have been met.

Transmission Line

13. The Commission has the authority to review and recommend the transmission line adjustment and to make recommendations regarding the proposed rezoning to the Governing Body.
14. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF AUGUST, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to Low Density Residential to the Governing Body, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the master plan amendments to the Governing Body, subject to Staff Conditions and with the conditions:

a. Beckner Road, from Las Soleras Road to Walking Rain Road, would be a two lane divided road built during Phase I of the project as identified in the Phasing Plan. Beckner Road, from Walking Rain Road to Richards Avenue, would be a two lane rural road built during Phase I of the project as identified in the Phasing Plan.
b. A donation to the City of approximately 7 acres of additional park and these 7 acres would be attached to the planned 21.4-acre park within the Las Soleras Master Plan.

c. A donation to Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of donation will be secured by the collateralized value of another lot within the area of the Master Plan.
d. A donation to the City of approximately 6 acres for open space trails. The open space will be provided as consistent with the MPO's June 18, 2015 memorandum.
e. A donation to Monte del Sol Charter School of a 130 feet by 350 feet parcel adjacent to the School for a practice field, contingent on acceptance by the School, in exchange for the School granting the Applicant a drainage easement on the parcel.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-6 to the Governing Body, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for the lot line adjustment is approved, subject to Staff Conditions.

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Applicant's request for preliminary subdivision plat is approved, subject to Staff conditions and with the conditions:

a. Applicant may consider creating some reasonable pedestrian access from the housing on the eastern side of the subdivision to the park.
b. The Commission did not adopt the alternative street section design

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the transmission line relocation to the Governing Body, subject to Staff Conditions.

Michael D. Harris

8/6/15
Date:

Michael Harris, Chair

FILED:
Yolanda Y. Vigil

8/10/15
Date:

City Clerk

APPROVED AS TO FORM:

8/6/15
Date:

Zachary Shandler
Assistant City Attorney

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PLANNING COMMISSION MEETING
Thursday, May 21, 2015

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MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
May 21, 2015

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Michael Harris, at approximately 6:00 p.m., on Thursday, May 21, 2015, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Michael Harris, Chair
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Vince Kadlubek
Commissioner Piper Kapin
Commissioner Lawrence Ortiz

MEMBERS EXCUSED:
Commissioner Renee Villarreal, Vice-Chair
Commissioner Katharine Anne Chavez
Commissioner John Padilla
Commissioner Angela Schackel-Bordegary (Resigned)

OTHERS PRESENT:
Lisa Martinez, Director, Land Use Department
Greg Smith, Director, Current Planning Division – Staff liaison
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Kapin, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Gutierrez, Kadlubek, Kapin and Ortiz voting in favor of the motion and no one voting against [4-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: NONE

FINDINGS/CONCLUSIONS: NONE

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. **CASE #2014-119. ROSS'S PEAK FINAL SUBDIVISION PLAT. JAMES W. SIEBERT & ASSOCIATES, AGENTS FOR ROSS' PEAK, LLC, REQUESTS APPROVAL OF A FINAL SUBDIVISION PLAT FOR 200 LOTS LOCATED ON 31.72 ACRES ON TRACTS 12 AND 13 IN LOS SOLERAS. TRACT 12 IS ZONED R-12 AND TRACT 13 IS ZONED R-6. THE TRACTS ARE LOCATED SOUTH OF THE GOVERNOR MILES AND RAILRUNNER ROAD INTERSECTION, IMMEDIATELY EAST OF THE ARROYO DE LOS CHAMISOS. THE PRELIMINARY SUBDIVISION PLAT WAS APPROVED BY THE PLANNING COMMISSION ON AUGUST 7, 2014. (ZACH THOMAS, CASE MANAGER)**

A Memorandum dated May 6, 2015 for the May 21, 2015 Meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "1."

A copy of *Ross's Peak Final Subdivision Report prepared for Ross's Peak Ltd. Co.*, prepared by James W. Siebert & Assoc., Inc., dated December 29, 2014, is incorporated herewith to these minutes by reference, and copies are on file in the Land Use Department.

A copy of Final Plat & Construction Plans for Ross's Peak at Las Soleras, is incorporated herewith to these minutes by reference, and copies are on file in, and copies can be obtained from, the City of Santa Fe Land Use Department.

A copy of the Preliminary Plat Submittal for Las Soleras Residential, Santa Fe, New Mexico, is incorporated herewith to these minutes by reference, and copies are on file in, and copies can be obtained from, the City of Santa Fe Land Use Department.

Staff Presentation

Zach Thomas presented information regarding this matter from the Staff Report which is in the Commission packet. Please see Exhibit "1," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

John Mahoney, Developer of Ross's Peak, was sworn. Mr. Mahoney said, as Mr. Thomas just said, they are here for Final Plat Approval, noting they have made a few revisions. He thanked the staff for working with them on the various changes they made, noting they came forward under the new Code and the Amended Code has since been adopted, so they worked out things as they moved forward.

Mr. Mahoney presented information using an enlarged drawing of the subject site. Mr. Mahoney said, "Previously in the Preliminary Plat 'these' three blocks were front loaded. And in response to one of the builder's requests to reach a price point, to bring a price point down with some attached product, we put some more attached 'here', but we didn't want to front load and have all garage doors on the street, so we reloaded it. So even though we attached it, it seems like intuitively we should have more density, but because of the alleys, we've lost a little density. That's the main change."

Mr. Mahoney continued, "The parking that was requested that we just found out about in the staff report last Friday, was some additional parking 'here.' And the Code doesn't require parking there, but it says the Planning Commission can request up to a half space per house. So this morning I met with staff, this afternoon with Jim Siebert and Mark Goodwin, our Engineer. We came up with a way to get a minimum of 12 spaces, and so we would like you to consider that."

Mr. Mahoney continued, "So, that said, we are in agreement with every staff recommendation and are requesting an amendment to the one, and I've got some language I can read you here in just a second. So on the second page of this, well actually there's a condition of approval back here somewhere. And the condition reads now, '*A condition of approval is recommended to require the residential street on Tract 13 to be developed at an adequate width to provide on-street parking at a ratio of one-half space per dwelling unit.*' And I request that we change that to read '*A condition of approval is recommended to require the residential street on Tract 13 to be developed in such a way as to provide a minimum of 12 on-street parking spaces subject to City Staff approval.*' It's on the last page of the conditions about halfway down the page, page 3 of 3, Exhibit A. That said, we ask for your approval and we stand for questions. I'm here obviously, Jim Siebert is here and our engineer is here."

Speaking to the Request

Steve Burns Chavez was sworn. He said he is a landscape architect, and a resident of the south side of Nava Adé, and can look at the Las Soleras development from his back yard. He has been asked to provide some volunteer support to the Monte Sol Charter School.

Chair Harris said we are hearing Ross's Peak right now, and Mr. Chavez said he will be back in a while for the Pulte project.

The Public Testimony Portion of the Public Hearing was closed

Commissioner Kapin said since the request is to change the parking to a flat number of spaces, how many spaces would there have been based on the ½ space per dwelling unit needed.

Mr. Smith said it would round up to 21 spaces total.

Chair Harris said he has questions about the phasing, grading plan and those kinds of things and asked Ms. Zaxus to step forward. He said in reading the minutes of the meeting in August when we did a preliminary that one of his concerns was on mass grading, noting the Applicant is showing a 6-year timeline for the subdivision. He asked in phasing, are we still anticipating that mass grading would occur.

Risana "R.B." Zaxus, Director, Technical Review Division, said, "No. Only each phase at a time is how we do that. There was a time when we used to issue permits for at risk grading and we don't do that any more. Only if they're going to be developing the infrastructure do we issue a permit for that grading for that phase.

Chair Harris said then they would have to grade the interim detention pond.

Ms. Zaxus said that is right, and any associated utilities to be constructed would have to be somewhat graded to get the down to the final elevation, but otherwise are restricted to the area they actually are developing.

Chair Harris noted that was referenced in the conditions of approval, and said he missed it on the preliminary consideration.

Chair Harris said he spoke with Zach Thomas on Monday and gave him a list of questions. He said one of the graphics he wanted to do had to do with the Trail Plan, particularly the Arroyo Chamiso Trail. He is unsure about the 20 foot platted trail easement, the Ross's Peak portion of the Arroyo Chamiso Trail, and had asked if staff had better graphics available.

Mr. Smith said he is unsure if that was done.

Chair Harris asked Mr. Siebert to be sworn so he can answer that question.

Jim Siebert, 915 Mercer, Agent for the Pulte Group, was sworn. Mr. Siebert presented information using the aforementioned enlarged drawing of the subject site. Mr. Siebert said Keith Wilson is also here tonight from the MPO, and can answer specific questions about the trails. He said, "So what's happening is the planned City Trail which I think people are calling the Arroyo Chamiso Trail, we come across about this point 'this point here.' It's being brought along, and this is a 10 ft. wide trail with a standard 20 foot easement. It is brought along Governor Miles, it comes down at 'this' point through the Park, 'this' is a private park, 'this' is land that is owned by Las Soleras. It comes down through 'here' through the Park, and then has a little diversion that takes it back.... 'this' is a parking area right here. It takes it into the parking area so people can walk down from the parking area to the trail. And then the trail, we haven't patched it out, but the trail continues on and there is a sewer line that is down into the future park of Las Soleras. It goes down to that point and stops at particular point. The other thing that happens, is it continues on and once again it's 10 foot wide trail, it continues on down in the right of way of Railrunner Road to the south end of Railrunner Road, and eventually it will be continued on. But the idea is that 'this' trail that comes down 'here' and stops at the sewer line would continue on through the Park and actually end up at Monte del Sol. Does that answer your question."

Chair Harris said he thinks so. He asked, in terms of the sequence of constructing the trail, if they will build all of that trail initially, saying he doesn't remember, and if it will go down to the sewer line.

Mr. Siebert said, "Initially what happens....the first phase, Railrunner Road has to be constructed, so 'this' section of the trail is constructed, 'this' section of the trail is constructed. Remind me John, does the one that goes through the park, is that part of Phase I as well, or not. So, this is Phase II of III that this will get constructed down to the Park."

Chair Harris asked Keith Wilson, MPO, if he has anticipated a schedule for the City's portion that goes from Santa Fe Place down to Governor Miles.

Mr. Wilson said there is no timeframe at this time. He said just to take a step back, part of the original Las Soleras Master Plan did not include the trail coming off the east side of the Arroyo. It had a trail by others on the west side which goes through about 10-15 different individual property owners. He said, "Since that was done, they have looked at the trail alignment, and really there is no feasible way of bringing this trail. The original concept was that it was going to continue on the east side of the arroyo through the car area on the north side of Governor Miles and come back around, but that's just not feasible, getting through the box culvert under Governor Miles. So, as part of this project, we managed to get the trail shifted to the west side and bring it up to the roundabout on Governor Miles."

Mr. Wilson continued, saying they have had some preliminary conversations with property owners on the north side of Governor Miles who have expressed interest about trying to develop over there. So we've had conversations about cutting the Arroyo Chamiso Trail through there, but nothing has come forward officially that allows that. He said what can happen in the short term, is the trail cuts through Nava Adé – if you're at Santa Fe Place, instead of crossing the bridge, if you're familiar with the Arroyo Chamiso Trail, to get to Santa Fe Place Mall to continue on the east side of the arroyo, there is trail that cuts through

the Nava Adé neighborhood and can get you to Governor Miles and then some routes with some minor on-road or widening of sidewalks that could get you through the southern portion of Nava Adé and then connect through that way. He said these are all contingent on things developing and occurring.

Chair Harris said he knew there were links that were missing which were always an issue. He said he guesses Mr. Wilson is saying that perhaps the City doesn't have the easements to make the connection you would like to make.

Mr. Wilson said that is correct at this time, but he envisions that the pieces that are being developed along the arroyo and Governor Miles will be the Arroyo Chamiso Trail alignment. Part of the overall alignment starts at Siringo, goes through Las Soleras under New Mexico #14 just south of the Walmart, the development there, and continues all the way out. He said when the Pavilion came in they were able to put parts of that trail under #599 and beyond. He said this is all about piecing it together when the opportunities come before us.

Commissioner Kadlubek said in one place we see reduction of lots from 204 to 200, and then on page 4 of Ross's Peak Final Subdivision Report under Development request, we see 199 residential lots. He asked which is correct.

Mr. Thomas said the number is 200, and the actual Plat is for 200.

Mr. Siebert said an emergency access is provided as required by City Code, and it was given a lot number and it isn't a buildable lot. He said there actually are 199 buildable lots.

Chair Harris said regarding the Dawson Survey, page 3 of 6, showing the subdivision it looks as if there is an offset to the platted trail easements. The public pedestrian trail easement is quite wide, and narrows to 20 feet behind 3 lots of the subdivision, but there is an offset to where the easements don't line up.

Mr. Siebert said, "What it is, the heavy black line is the current limits of Ross's Peak. There is a long narrow piece that wraps around and this is still owned by Las Soleras Development. So there is a 20 foot easement that comes through 'here,' for the trail, and then connects into the park. There is a gap 'here,' and the reason for the gap is that 'this' area between the trail and the park has a slope easement to it. So that is really a slope easement, that's what it is. The trail easement and the end of park do actually line up."

Chair Harris said he needs to confirm that with Mr. Thomas and Ms. Zaxus. He said he sees the slope easement, but he also sees the adjacent public pedestrian trail easement, but it's offset from the 20 foot trail easement.

Mr. Siebert said, "We'll verify that."

Chair Harris said it is a mechanical issue.

Mr. Thomas said, "There is also a condition of approval that ensures that the trail is designed prior to recordation, so there is a condition in there to ensure that happens."

Commissioner Kapin said going back for the request for a change to the spaces, he would like staff explanation for the reason it was at the ½ space per dwelling in the original conditions of approval. She asked if Land Use thinks the request is adequate for the density of the project. She asked the reason the ½ parking space per dwelling chosen as a condition originally. She asked Mr. Thomas's opinion in this regard.

Mr. Thomas said the Code allows the Commission to request up to ½ space per dwelling unit, in the event off-street parking isn't provided. That's the maximum within the Code that staff recommended, with an acknowledgment by staff that the Commission could choose to approve less. He said, "I think in this situation, the Applicant has presented a rationale or a reason why almost half the amount of parking would be appropriate based on the location of the roundabout and so forth, and the spacing of the existing street layout. Regarding an opinion, I might defer that to the Land Use Director, to be honest."

Commissioner Kapin said she can retract the request for an opinion.

Mr. Smith said, "My experience in Tierra Contenta and other subdivisions, including Las Acequias Subdivision on the north side of Airport Road there, is there are a number of subdivisions in the City where there are large clusters of lots with few or no curbside parking spaces for guest parking. The experience of the staff has been over the years that if you don't have a minimum of guest parking spaces available at the curbside, there are emergency and large vehicle access problems, especially during the evening hours in a neighborhood. And I would also note that staff regrets this issue was not identified at the preliminary plat stage. That was our error that we did not notice that deficiency at that point."

Commissioner Kadlubek said he is unclear about the staff recommendation for parking spaces, asked if 12 spaces is adequate for what's being requested.

Mr. Smith said the staffs' judgement is the closer to ½ and the closer to 21, the better it is in the long run with regard to having traffic and access work within the Subdivision. He said it doesn't take a variance process to reduce the number of spaces if the Commission is convinced by the Applicant that fewer than 20 spaces will provide for a safe access within the Subdivision.

Commissioner Kadlubek said it's a little difficult, from his vantage point, as to what would constitute safe and what would block emergency access, and asked Mr. Siebert his thoughts on 12 parking spaces and if that number is adequate.

Mr. Siebert said, "Let me tell you the constraint and how this issue came about. If you notice what we refer to as Tract 13, the long narrow tract. When they built the roundabout, Las Soleras donated the land for the roundabout to make the improvements to Governor Miles from Nava Adé to Cerrillos Road. What happened is that we had given a location to the engineer who was designing the roundabout that was a location we thought was appropriate, in terms of the future development of that southern tract. What happened is they built the roundabout much further to the east than we had directed them to do, which

ended up with a tract that was a long, narrow tract. The problem is once you put a road down the middle, the ideal thing is to double load it, so you have utilities on both sides of the road. And then we have additional setbacks that have been provided from Railrunner Road. So there are some serious constraints. The additional parking spaces.... we think that... every car will have a two-car garage and space for two cars in front, so there are 4 parking spaces in total. Certainly, some people turn the garage into storage, but there are two off-street parking spaces for every dwelling on that side of the development."

Chair Harris asked if they are providing modifications to the street profile, or if you were just asking for a lower number.

Mark Goodwin, Engineer for the project, was sworn. Mr. Goodwin said his firm did the engineering for the project. He said, "To get the 12 spaces in, we have to widen the street an additional 5 feet and shorten the planter strips from 6 feet to 5 feet."

Chair Harris asked which sheet of the plans he is referring to.

Mr. Goodwin said that is on Sheet #19.

Chair Harris said Sheet #19 shows a 42 foot right-of-way for Pico Rico.

Mr. Goodwin said it would become 47 feet and they would propose to take all out on the east side of the street because those lots have a little further depth. He said, "I'm also looking at taking that little park area down 'here,'the southeast corner, you'll see a knuckle there where they're providing a turnaround. I'm proposing to put a retaining wall in there so that I can gain a couple more spaces."

Chair Harris asked where is the reduction on the planter strip from 6 to 5.

Mr. Goodwin said that would be on the planter strip between the curb and the sidewalk, and Mr. Goodwin apologized saying it is from 5 feet to 4 feet on the west side.

Chair Harris said then all of this is on-street parking, and Mr. Goodwin said this is correct. Chair Harris said then we've widened the right-of-way and asked the reason we are calling it 12 spaces.

Mr. Goodwin said he put no spaces on the west side of the street and this adds the parking space on the east side, noting it isn't a symmetrical condition.

Chair Harris asked if he will stripe that area and Mr. Goodwin said they will stripe it to show the 12 spaces.

Chair Harris said then the 12 spaces would be the full length of Pico Rico.

Mr. Goodwin said he looked at trying to get some spaces in the hammerhead at the north end and there's a potential for getting two there.

Chair Harris said he could make the lots more shallow.

Mr. Goodwin said, "Right, I just didn't have time to detail that out."

Chair Harris said it would be possible to do parking on both sides of the street.

Mr. Goodwin said the lots on the west side of the street are 90 feet deep.

Chair Harris said he was speaking of the 4 lots at the end at the hammerhead.

Mr. Goodwin said they're 40 feet wide and he needs 18-20 feet for the driveway, so that leaves 20 feet which is one space.

Chair Harris said he was thinking they could widen the hammerhead so people could park on each side of the hammerhead.

Mr. Goodwin said it is considered in the driveways and he doesn't want people parking in front of that.

Mr. Shandler said, "For clarification for the Commission and for the audience, so the section is off-street visitor parking in family development, as follows: *'In a single family, residential development, which this is, depending on the size and layout of the development, and if driveways are located in such proximity to each other that adequate visitor parking is unavailable on the street the Planning Commission may require that additional visitor parking of up to ½ space per dwelling unit be accommodated within the development.'* So you have to look at the layout and the size, and that's the argument made, but it sounds like the floor is zero, and the ceiling is 21."

Mr. Smith said, "If it's the consensus of the Commission, a condition of approval would set a minimum of 12 spaces. Right after the approval, staff would address the issue and it would allow the staff to work with the engineer on the details of this."

Commissioner Ortiz said asked how much thought was given to putting a regular cul de sac at the southeast corner.

Mr. Goodwin said, "We are being directed to provide future access to those properties to the east, so that's basically a temporary turnaround condition."

Commissioner Gutierrez asked if there is any other parking in the Subdivision besides two in the garage and 2 in front of the house.

Mr. Goodwin said in Tract 12 there are many, although he doesn't know the exact count. He said if you go to page 19 you will see there is on-street parking on every street.

Chair Harris thanked Mr. Smith for his suggestion, noting it seems an appropriate solution, but he wants to wait to hear from the other Commissioners.

Chair Harris said John Romero, Traffic Engineer, was to have input on the road phasing plan and asked him to speak to that.

John Romero, Traffic Engineer, said he has a question regarding Las Soleras in general. He said, "Soon after the Preliminary Plat approval, the Las Soleras people gave me a complicated road phasing plan. And the whole purpose behind this was we didn't want to build a bunch of roads to the arroyos and make no connections. As far as Ross's Peak is concerned, as included in that phasing plan, we only need to build the Railrunner Road to its southern limit, and that would suffice for this development."

Chair Harris said then the phasing issue for you had only to do with the main arterial, Roadrunner Road.

Mr. Romero said, "All the roads. When Las Soleras came forward they had a Phase I, II and III, which they couldn't follow because of the different economic climate, I guess, may be the thing. So when they first came forward, the City allowed them to build a Phase IA along Cerrillos Road, and just build immediate access to Taco Bell, McDonald's, Starbuck's and all that type of stuff. But what we told them is before you get into any more substantial development, we need to figure out how and when we're going to build all our major roads, including our major arroyo crossings. So we've come to a pretty close consensus and they made a lot of progress on that. With Ross's Peak, it wasn't so much that I was worried about them needing to build more roads for Ross's Peak, I was just worried about them kicking the can down the road and not coming up with that phasing plan for us."

Chair Harris said so we'll talk more about the big picture phasing plan. He said he thought the condition was just specific to Ross's Peak.

Mr. Romero said, "No, it was the big picture one. And if I may, I would like to provide comment regarding parking. In my Staff Memo, we recommend placing parking along one side of all the streets, including Pico Rico. Our experience with parking is, even in areas with parking on one side of the street, it never seems to be enough. And what ends up happening is people don't park in the garage for one, or people end up being very possessive of the parking in front of their property. And what we get sometimes is people will deliberately park their cars in front of their property, not in their driveway so people won't take them up. All through Tierra Contenta we've had numerous issues with this. So in my opinion, doing anything less than parking on one side, I think we'll have parking problems on those streets if we aren't already having them. With parking, at one time people seemed to figure it out."

Chair Harris said then you are saying that we don't meet that standard, and there are some gaps.

Mr. Romero said the only one he noticed was at Pico Rico. The rest seem to have parking on one side, and Chair Harris said that is true except for the southern portion of Montano Aventura, adjacent to the last phase.

Mr. Romero said the back to back 30 feet, typical section, total 50 foot right-of-way, that's enough to sustain parking on one side.

Mr. Goodwin said he will strike it.

Chair Harris said then with the addition of Pico Rico, that would meet Mr. Romero's recommendations.

Mr. Romero said, "Exactly. My office doesn't do a parking number count, but what they have striped may not be the reality based on... I guess, not necessarily. I now realize the alley, so never mind. So yes, parking on one side is what I think is a minimum that we would want to achieve."

Chair Harris said, "In the conditions from staff, it refers us back to Mr. Berke's Memo, under the section for Technical Review, #12 and #13, refer to the Memo of January 16, 2015, in which Mr. Berke suggests that the street tree in the front of each individual lot, be tied into that lot's irrigation system." Chair Harris asked if that is what is truly being proposed, commenting he doesn't think this is a good idea. He thinks the street trees should be on a unified series of zones that ultimately are the responsibility of the homeowners association.

Ms. Zaxus said, "I think that's the correct way that should be done, and I noticed a note on the plan, I believe in the CC&R's (Covenants, Conditions and Restrictions) that recommended that be taken care of by the homeowners association. I think that's a better idea. Sometimes we've had some difficulties with trees. For example, in Tierra Contenta, they're behind a wall where people sort of feel disconnected from that tree and they were not maintained by the homeowners at all. So I think it's a better idea that the association takes care of that."

Chair Harris said there won't be a 100% survival rate, noting there is a significant number of trees and most homeowners are responsible, although the association would be more diligent in taking care of those trees. He just wanted to make sure we weren't going down that road.

Chair Harris said he was surprised at the statement in Ms. Siebert's report that there really are only 2-3 significant trees on the site currently, and Ms. Zaxus said she was surprised as well.

Chair Harris asked if significant trees are defined at 6-8 trees, pinon trees. He lives in that part of town and uses Governor Miles a lot and drives by the area a lot. He likes the lay of the land and the way the trees accentuate that. He said it seems we had more significant trees. He asked what the City has done to verify that's the case.

Ms. Zaxus said they didn't verify it, but they can do so.

Mr. Siebert said *junipers* don't qualify as significant trees. So the only thing they were looking at were *pinon* trees.

Chair Harris asked Mr. Siebert if he can provide the justification for the two 5 x 20 mailbox easements, one in parcel 2 and one adjacent to the park that won't be developed for some time. He said the size may be appropriate, but it is sequencing for the phasing plan. He asked how many lots are on parcel 2.

Mr. Siebert said there are approximately 42.

Chair Harris said there is one mailbox cluster for 42 homeowners at the turnaround area and that seems it could work, noting there are 160 homeowners on Tract 12A. He said the location appears that it would work very well in terms of the development of the subdivision due to the phasing. He said there are two issues: are the two sites enough, and the one on 12A won't be developed for 2-3 years down the road.

Mr. Siebert said, "You have a point in terms of the phasing. The mailboxes are in the vicinity of the park and that isn't going to develop until the latter phases. So I think we will have to come up with some kind of solution which is acceptable to the U.S. Postal Service, which is strictly their call. In terms of ganging the boxes, they like to have as many ganged together as possible, so when their guy gets out, he just does them all. And that's what we find dealing with the U.S. Postal Service. And you have a point regarding the phasing. We have to set up either some kind of temporary mailbox system, or permanent if we cal talk the Postal Service into it."

Chair Harris said ideally, he would like to see two permanent mailbox sites in Tract 12A, just for the convenience of the homeowners, and Mr. Siebert said, "Sure. We can work on that."

Commissioner Gutierrez said the issue for Commissioner Schackel-Bordegary was the entrance to the trail, and he didn't see much more discussion on that. He asked if it stayed the same and if that was discussed.

Mr. Siebert said, "I did have an exhibit of this at one time, but there's several connection. There's a connection 'here,' the emergency access also serves as a trail connection. There is a trail... 'this' is from the interior of the subdivision. There's a trail connection 'here' to Railrunner Road. There's a trail connection 'here' to Railrunner Road. There's a trail connection on 'this' side to Railrunner Road. Another trail connection that goes to Governor Miles and a future bus stop 'there.' There is a trail connection 'here' that goes down into the park, and then you have the park itself, so we have added trail connections since the Preliminary Plat."

Chair Harris said so the Applicant is proposing to dedicate basically the west side of Railrunner Road for City maintenance of that landscaping strip that would wrap around and be on the north side of the subdivision, adjacent to Governor Mills, and asked Mr. Siebert to explain what he is proposing.

Mr. Siebert said, "We dropped that proposal. Initially the idea was that we end up with a 25 foot easement, part of it being in the right-of-way and part of it being on private land. And we thought it would be more appropriate for the City to go ahead and maintain the area between the trail and the fence. In the meantime, that is no longer the proposal. The homeowners association would do that."

Chair Harris said, regarding the CC&R's, the articles, he has submitted questions in writing to Mr. Shandler and he has responded to him. He said he wonders if it is appropriate for the Commission, as stated, for CC&R's to be reviewed and approved by the Land Use Department, saying it seems that may go too far, the approval side. He said the City wants to look at a couple of things to ensure that future buyers and owners who live in Ross's Peak and are members of the Association understand they have an obligation to maintain the common areas, noting there are 5 categories of common areas. He said we may want to discuss whether the City wants to approve a full packet of CC&R's and Articles of Incorporation.

Mr. Shandler said, "When something is submitted in the packet, the Commission is free to comment on that. In terms of approval, since these documents are enforced by private entities, to make a change to it you need the buy-in, and if you want to change a condition, you really need the applicant to accede to that, to agree to that, otherwise we're getting into a gray area of enforcement."

Chair Harris said that is the series of questions he addressed to Mr. Shandler in writing, but what he is asking now, is whether it is appropriate for this Commission to attach conditions of approval that state that CC&R's will be reviewed and approved by the Land Use Department. He said we do want to review them for certain things, one of which he has mentioned, and he read the language as stated: *"Number 9. All proposed covenants, conditions and restrictions, CC&R's, Homeowners Association documents and design guidelines shall be reviewed and approved by the Land Use Department."* Chair Harris said, "It seems to me that perhaps, and I'm not an attorney, there's not an attorney sitting at this podium, this might put the City at a level they don't want to be."

Mr. Shandler said, "So staff has showed me a section of the Code 14-9.5(A)(2) Infrastructure Dedication, Completion and Guarantees, and it provides, '*All quasi-public infrastructure land designated for ownership and undivided interest, such as private roads and drainage facilities and common open space must be dedicated to and perpetually maintained by an owner's association or similar legal entity. An article of incorporation of by-laws for the owner's association, along with a declaration of restrictions and covenants must be submitted for review and approval by the City Attorney*'."

Chair Harris said he isn't saying it isn't appropriate, but that it's such a broad statement, we're really only reviewing them. He said, "You're not approving design guidelines, I don't believe."

Mr. Smith said, "The practice is very well established in the subdivision review process that the City Engineer and the City Attorney will look at the CC&R's only to the extent that they are relevant to the perpetual maintenance of the quasi public infrastructure."

Chair Harris said, "I would have no problem with that language if that is the way it was stated in the conditions of approval that we are considering."

Mr. Smith said, "If the Commission wishes to have reference to that Subsection 14-9.5(A)(2), that would clarify that for the record."

Chair Harris said that would be appropriate.

Chair Harris said the covenants provide that the Board will change at 50% of buildout, but the articles say 67%.

Mr. Mahoney said, "It's an oversight, it will be 67%."

Chair Harris said then you would go to 67% and Mr. Mahoney said yes.

Chair Harris said the other reference that is provided is to make sure that future homeowners are aware of their obligation as a member of the Association to maintain those. And I think that's clearly identified in the documents. He said, "What I'm asking about is how does the City ensure.... is it this Letter of Credit, is it the HOA Act. How does the City ensure that the Declarant will follow through and provide all common areas at a suitable level and that there is funding initially to carry on. And particularly.... okay.... particularly when I read that the Declarant shall be exempt from the obligation to pay assessments that would otherwise be attributed to the lots with the subdivision that are owned by the Declarant. The Declarant shall have the option to contribute to the association in accordance with 517. 517 just gives you, it says, you may fund, you know, the association prior to the transition time. Again, I didn't read every word, but what do you propose Mr. Mahoney in order to satisfy the Commission that we'd have... maybe, again the Letter of Credit on all the facilities. Maybe that is held by the City. Mr. Smith you could answer that perhaps."

Mr. Smith said, "When the Final Plat is recorded, all of the quasi-public infrastructure is subject to a financial guarantee of completion. All requirements of public infrastructure are inspected by the City and the public infrastructure is formally accepted. The privately owned quasi-public infrastructure such as private sidewalks, private drainage areas are inspected and released, signed by City Inspectors before the financial guarantee is released. The financial guarantee is often released in phases as each phase of the subdivision is completed and a drainage pond for a particular section is releasex, for example. The portion of the financial guarantee that is typically retained by the City is for an establishment period for landscaped areas."

Chair Harris said, "Okay. So the City, again, with the financial guarantee is how you would ensure that, and not just.... Mr. Mahoney I hope you know that I'm not just directing this to your personally, it's just a broader question about, is there a gap. It doesn't sound like there's perhaps a gap, since Mr. Smith described a procedure that seemed to ensure that the homeowners would end up with something that would not be burdensome."

Mr. Smith said, "It's staff's opinion that the established practice is very effective in preventing that type of problem."

Chair Harris asked if Mr. Mahoney would like to add that.

Mr. Mahoney said, "Well I would. First of all I don't take it personally. In reality, all of those quasi-public improvements which we're discussing, which is about $600,000 worth of landscaping is something that we resist on one hand, because you divide that by 200 lots, it's a pretty substantial cost per home. On the other hand, it's an amenity and it makes the homes sell faster. If the homes sell faster, the lots sell

faster, and so we want to provide an amenity. And also, this is something I'm looking at for Ross's Peak which is totally separate from Las Soleras. This is the first residential development that's going to happen in Las Soleras. And our intent and commitment is to make this a little nicer than what you're used to seeing in Santa Fe. So, although we've struggled with how do we afford all this and work with staff on requirements they've asked for, we also know that it is an amenity and it sets the standard."

Mr. Mahoney continued, "So now, the question is, first of all that we complete it, and I think Greg has answered that. How do we maintain it. We have a budget that we provide that goes to our builders, here's what each homeowner is going to pay to maintain this. And it's in the association that if people don't pay it, they get liened, eventually it gets caught up and you always have a line in the budget for people who don't pay or who are paying later, or whatever, you have to cover that, and you do that based on experience. You hope you're right."

Mr. Mahoney continued, "A couple of other things I can add. Oftentimes, the homeowners association, when you get to 68% and they take it over, they always say what do you mean we have to maintain all this. Nobody ever told us that. No matter how many times you read it and how many times they had to sign it and so on. It's a process and it's the development process. And if you're going to be successful with it, you have to do it, and you have to do it right, because if you don't, you're not successful and also it's a lot more work to go back and straighten it out later."

Chair Harris thanked Mr. Mahoney and thinks that's a good answer, noting he looked at their landscape plan and it is significant and believes it will be a real plus for the subdivision. He asked Mr. Mahoney if he knows how the HOA Act reads on this matter.

Mr. Mahoney said he can't tell him from memory.

Chair Harris said, "It's fine. I'm satisfied. Thank you."

MOTION: Commissioner Kapin moved, seconded by Commissioner Gutierrez, to approve Case #2014-119, Ross's Peak Final Subdivision Plat, with all conditions of approval as set out in the Staff Report [Exhibit "1"], and with the agreement for the 12 parking spaces, and that the road be modified for continuous parking along the east side of Tract 13.

VOTE: The motion was approved on the following Roll Call vote [4-0]:

For: Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin and Commissioner Ortiz.

2. **CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.92 ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 14.95 ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.93 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN (ZACH THOMAS, CASE MANAGER)**

Items F(2), F(3), F(4), F(5), F(6) and F(7), were combined for the purpose of presentation, discussion and public hearing, but will be voted upon separately.

A Memorandum dated May 14, 2015 for the May 21, 2015 Meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "2." *Note:* Exhibit F to the Staff Report [Exhibit "2"] is incorporated herewith to these minutes by reference and is on file in, and copies can be obtained from, the City of Santa Fe Land Use Department.

A slide presentation *Las Soleras: Pulte History and Strategy – Market Intelligence*, dated May 2015, prepared by the Pulte Group, entered for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "3."

A Memorandum dated May 21, 2015, with attachments, to the Planning Commission from the Current Planning Division, regarding Additional Information is incorporated herewith to these minutes as Exhibit "4."

A copy of *Summary of Undeveloped High-Density Residential Parcels,* dated 02/07/15, entered for the record by staff is incorporated herewith to these minutes as Exhibit "5."

A copy of the *Nava Adé HOA Board of Directors Statement: Planning Commission*, with attached Las Soleras General Plan/2003, dated May 21, 2015, presented by Kim Wylie and entered for the record by Kim Wylie, is incorporated herewith to these minutes as Exhibit "6."

A copy of Nava Adé Homeowners Association Board of Directors *Response to Pulte Group's Proposed Las Soleras General Plan Amendments and Subdivision Plan*, dated May 2015, is incorporated herewith to these minutes as Exhibit "7."

A copy of *Pulte at Las Soleras Rezoning Report prepared for The Pulte Group*, prepared by James W. Siebert & Assoc., Inc., dated December 29, 2014, is incorporated herewith to these minutes by reference, and copies are on file in, and can be obtained from, the City of Santa Fe Land Use Department.

Mr. Thomas said the overhead projector is unavailable because of the thunderstorm that burned out much of the equipment.

Chair Harris asked what was the expectation on behalf of the staff and Applicant to show the presentation graphically on the screen.

Mr. Smith said, "On behalf of staff, we did not plan to display any exhibits. My understanding is that the Applicant intends doing its presentation to project images on the screen directly behind me."

Chair Harris asked Mr. Smith if it makes sense to talk about the General Plan Amendment, the Master Plan Amendment and the Rezoning as a group, along with the Lot Line Adjustment, and then the Preliminary Subdivision Plat, or should we just "discuss it one fell swoop."

Mr. Smith said they have not divided it into two separate presentations, noting that an individual motion and vote will be required for each of the individually listed actions that are before the Commission tonight.

Mr. Smith said, "The staff presentation will begin with a brief summary by myself, and then we will proceed with a more detailed analysis by Mr. Thomas."

Mr. Smith continued, "The Plan you have before you this evening has implications for policy issues that range beyond the limits of the Subdivision, and in fact extend City-wide. As we discussed in the orientation for the new Commission, which the Chair attended, in which we tried to, as with the other Commissioners in the past, we are encouraging the Commission to make these decisions on a large scale basis. Not that some of the details are not important, but that the important aspects of the decisions to approve or deny for the most part are these larger scale issues. We do encourage the Commissioners to give the greatest weight to City-wide and community-wide policy concerns. This is not to say that the *[inaudible]* specific to the neighborhood level or to the developer's particular concerns are not important, but especially at the general plan and rezoning stage the City-wide impacts are those that are the most important for the Commissioners' decision."

Mr. Smith continued, "We involve every level of detail here from the general plan amendment level all the way to the preliminary subdivision plat. To the extent that there are concerns with the detail level, I would encourage the Commissioners to get it from the higher level of detail to the lower of detail, and that sequence leaves the details to the end of the discussion and questioning period which would be preferable. Specifically, where there are potential concerns of a larger scale, the change out of multi-family housing for single-family housing and a reduction of the overall number of houses that are provided in this area have significant impacts on the character not just of the master plan area but also potentially City-wide. The City does not have clearly established policies with regard to these housing issues, in part because it dates back to 1999. We do have staff from the Housing Office available if the Commissioners do have questions on that issue. We have distributed a summary of the amount of multi-family land that is available for development within the City limits [Exhibit "5"] and in other master planned areas."

Mr. Smith continued, "The other issue to emphasize for the Commissioners' consideration is that all of the general plan policies of the City as last comprehensively overhauled in 1999, which I guess *[inaudible]* at this point, but I would remind the Commission that the Commission and City Council, the developers *[inaudible]* on these policy issues related specifically to the master plan area when this Master Plan was created and adopted in 2005. To the extent that the General Plan and Rezoning level decisions are significant here, it's clear that the Applicant has the responsibility to demonstrate to the Commission that the public interest is better served by the new zoning classifications than by the old zoning classifications. And that the City and the developer both have relied over the years on the approval of that Master Plan for creation of the type and scale of neighborhood that was intended when the City first approved the project in 2005. Having said that, staff recommends that no master plan is cast in concrete. Staff is not suggesting that it would not be appropriate to make changes to the plan. We're suggesting the decision should be based on a determination of not which is in the interest of the developer, but also which is in the best interest of the neighborhood and community as a whole. And Chairman and Commissioners with that, I think we'll proceed with Mr. Thomas's presentation.

Chair Harris said, "In light of your comments, I just want to acknowledge that I think the Commissioners understand the importance of what is front of us. I think we also understand the complexity and also understand that it's going to take more than one session to resolve this. I think perhaps that is the feeling of the group. But we should start and start looking at some of the issues. Mr. Thomas."

Zach Thomas noted the handout this evening containing the ENN notes for the May 11th meeting which were not in the initial packet, and the public comments submitted after the "drop dead" date for publication and duplicating of the report [Exhibit "4"]. This represents everything received by staff until 4:00 p.m. this afternoon.

Zach Thomas presented the Staff Report in this case. Please see Exhibit "2 ," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

All those presenting were sworn en masse

Mr. Siebert said the entire team will be sworn at the same time, and introduced the team: Garrett Price, Vice-President, Pulte Group; Kevin Patton, Director of Development, Pulte and a professional engineer; Fred Arfman, Professional Engineer; and Terry Brown, Traffic Engineer.

Chair Harris asked if the slide presentation be printed out and available to the Commission.

Mr. Siebert said yes, noting he will send it to Mr. Shandler or Mr. Thomas who can then email it to the members of the Commission.

Garrett Price [previously sworn], presented information via slide presentation regarding The Pulte Group and the reasons for their choices in the proposed project. Please see Exhibit "3," for specifics of this presentation.

James Siebert, [previously sworn], presented information via slide presentation, regarding the relationship with Las Soleras and how it affects Las Soleras. Mr. Siebert said he is going to talk about 4 issues: the realignment of the roads; the reconfiguration of the trail system, the reduction in active park or Condition No. 45 on the Annexation Master Plan; and the reconfiguration of land tracts as the result of the rezoning of the parcels. Please see Exhibit "3," for specifics of this presentation.

Fred Arfman, Isaacson & Arfman [previously sworn], presented information regarding the justification for the narrower streets being proposed via slide presentation. Please see Exhibit "3," for specifics of this presentation.

James Siebert, [previously sworn], continued with the wrap-up of the presentation information via slide presentation. Please see Exhibit "3," for specifics of this presentation.

Speaking to the Request

All those speaking to the request were sworn en masse
Chair Harris asked people to be mindful that other people want to speak and what has been said

Kim Wylie, 4263 River Song Lane in Nava Adé, President of the Nava Adé HOA Association [previously sworn]. Ms. Wylie thanked the Commission for the opportunity to share their position on the cases before the Commission. Ms. Wylie read a portion of the Nava Adé HOA Board of Directors Statement into the record. Please see Exhibit "6," for the text of this Statement. Ms. Wylie said Mr. Lang will now cover additional portions of their Statement

Richard Lange [previously sworn]. Mr. Lange said he headed up an *ad hoc* committee on Las Soleras. He is a resident of Nava Adé. He said Nava Adé knew that our road was to provide part of the network for the flow of traffic through all of Las Soleras with its two primary arterials. Mr. Lange reviewed the five (5) recommendations made by the Nava Adé HOA on pages 2 and 3 of their Statement, and read those into the record. Please see Exhibit "6," for the text of these recommendations.

Wendy Leighton, homeowner and resident of Nava Adé , as well as a teacher at Monte del Sol Charter School [previously sworn]. Ms Layton said, "I believe in my heart that you will decide what is best for our community. I have served Santa Fe for more than 22 years as a teacher, coach and mentor to our youth. The youth are the future, the next generation. We face great challenges in our society. We must work together to solve these conflicts, problems we face, such as climate changes, rebuilding our education system, fixing income equality and bridging the gap between our younger and older generations.

Years ago, the Council and Nava Adé homeowners relied in aligning a 20 acre active park bordering Monte del Sol Charter School."

Ms. Leighton continued, "Our children need a place to play, picnic, come together and participate in sports during and after school. They need support from adults and opportunities to be active. As I mentioned, I am a homeowner in Nava Adé and I have lived there for 15 years. I am also a founding faculty member and teacher at Monte del Sol Charter School. This park would transform our community and have a positive impact on our neighbors. A playground, soccer field and picnic area are all good things. Places for us all to come together. I know as an experienced educator if there was a park in place for our students and young people to go, they would be there playing, having fun and getting physical exercise. Neighbors could walk their dogs, have picnics, play games together, bird watch and host family gatherings. We could build relationships. Perhaps neighbors would inspired as they got to know the school better, to get involved in our community garden and our mentorship program. The park needs to better the school so that students are able to participate during school hours."

Ms. Leighton continued, "Teachers and students have limited time and resources to travel to and from places during the school day, even if it's a 10 minute walk. Approved Condition 45 places the Park in an ideal location as it would be between Monte del Sol, the proposed new school and a 10-acres plan site. Students would be less likely to wander through the neighborhoods and get into trouble if they have a place to play and a safe outlet for physical activity during the school day, especially since we are moving to a closed campus next year. Please consider honoring the original agreement and support our youth. They had their heart set on the idea of a beautifully landscaped City park. Our youth in our community are no less valuable than economic development. Than you."

Brett Frauenglass, President, Governing Board, Monte del Sol Charter School [previously sworn], said he sent letter on behalf of the Board of Monte del Sol, and staff acknowledged the letter was received and included in the packet [Exhibit "2"]. Mr. Frauenglass said he won't cover all 4 points in the letter. He said charter schools have governing boards composed of 9-10 members that are volunteers, noting he spends up to 20 hours as the President of the Governing Board. School, noting the Board has a lot of other responsibilities. He said the letter is representative of some measures they voted on as a Board, so they are fully represented by the letter. He said, "My own points that I would like to emphasize have to do with Condition No. 45. The Santa Fe Public Schools was to be consulted according to the way that condition was written. At the time, Monte del Sol was a part of Santa Fe Public Schools. We have since become a State Charter Schools and that was in the cards through all of our participation in this process."

Mr. Fruenglass continued, "What has happened is there has been a division of meetings where the Santa Fe Public Schools has met with developers and Monte has met with developers. The two visions haven't coincided and we haven't necessarily been appeased at the Charter School. Why should we be appeased. Why should our demands be listed to. When that originally happened, obviously we were adjacent to what was proposed, so very clearly it wasn't Santa Fe Public Schools alone. It was related to Monte del Sol Charter School. And I would like you to really consider that we do have a strong voice in this. We are a community of about 400 families, similar to the adjacent surrounding development that exists there now. We come and go, but we are very involved and engaged in that school."

Mr. Fruenglass continued, "My second point is about the road network. I've been involved on the Board for 6 years, President for 3 years, but always involved in the building committee. I'm an architect an I work for the City of Albuquerque, reviewing developments very much like the one before you tonight. I think the proposed network reflects a series of compromises that are primarily addressing the needs of the surrounding homeowners which is completely appropriate. It's just that Monte del Sol was not really addressed with that street network. What we need is direct connectivity so that the alternative access is more desirable than the current access, and I think that was always there in the original master plan, a direct connection to Beckner that was straight that was shown as a dashed line, that actually wasn't shown on the diagram shown earlier on your screen. The just left that off, and they've combined several roads into a circuitous pathway from Beckner, so the secondary access is still going to be attractive. It's actually, in my opinion, not going to help as much as more direct access would."

Mr. Fruenglass continued, "Okay, Pulte has to build somewhere. I think they have a wonderful product. I've toured the homes myself, but I don't feel this is an appropriate rendition of a Pulte development. I think there's too many compromises associated with the community that we have at Monte del Sol."

Dr. Robert Jesson, 4224 Cactus Flower Lane, Nava Adé [previously sworn], said he is the Head Learner at Monte del Sol Charter School, and formerly the Chair of Liberal Arts and Inter-Disciplinary Studies at the College of Santa Fe, with a major focus on environmental policy. He said, "I would like to address some more macro aspects. I would like to congratulate Pulte on becoming the largest provider of homes in the United States. The thing about getting big is you have a lot of momentum, and that reminds me of the Exxon Valdez oil tanker. We had Earth Day just a while ago at Monte del Sol and told all of our students that when they are my age it will be 2052. And we had just watched a move that explained how in 2048, we're scheduled for a total ocean collapse. So it isn't the time to keep doing business as usual. The style of homes Pulte builds are low density which also can be called sprawl. He said the Commissioners earlier had a wiser plan in terms of how to develop Santa Fe to be the City different. I liked how Jim Siebert said they have a scientific plan, but it's a scientific plan that only studies the market. And if we did only what the market told us to do, then every City in the United States would look like Houston. We need intelligent, wise planning to build the communities that we want here. If we follow the market, we see that Santa Fe is aging, so we should build homes for more elderly folks, so that even more elderly folks will move to Santa Fe and we'll get progressively older and older."

Dr. Jesson continued, "Wendy talked eloquently about our mentorship program. We try to connect our students. Each student has to take two mentorships to graduate. We connect them with professionals in the community throughout Santa Fe. We worked last year with the Santa Fe Institute to measure the impact of those size of connections in something called social capital. And that type of connection is critical to making a community. Having a specific neighborhood designed only for 55 and older, isn't the kind of community that will keep Santa Fe vibrant in future years. We need communities that will attract families, and those are communities which actually have active parks."

Dr. Jesson continued saying Jim Siebert spoke with him in the fall about their plans, and it was striking that he never mentioned even once Condition 45 or the park around Monte del Sol or the park. He said, "It's the market approach to produce homes people like, whether or not they live in Santa Fe, or like homes that will be good for the future I think is the question."

George Brown, parent of a student at Monte del Sol, as well as on the Governing Board [previously sworn], said he wants to be one of those families that represents the interests for the need for an adequately sized park adjacent to Monte del Sol for the kids to use. He said what's being suggested by Pulte in reducing the acreage by more than ½ and acreage at distance to the schools is not in the public interest and certainly not in the long term interest or what the master had in mind for service the needs of the School area. He asked the Commissioners to vote no on that amendment.

Becky Stamm, 4136 Soaring Eagle Lane [previously sworn], said she has lived in the neighborhood for 14 years. She said her father Allen Stamm, was a builder of quality homes. She showed him the place where she bought her first home and he loved Nava Adé, how it was designed and supported her in the purchase of her first home. She bought there because of the space behind her house. If she is going to lose that acreage as my playground, she might as well lose it to a reputable builder. She loves the picture of the old truck, commented it reminded her of her dad when he started his company in the 1950's. She is thrilled with their plan for developing the acreage behind her house. She is also a teacher, so she definitely supports the School needing an area where they can play sports and a place to gather. But it sounds like the builder is considering supplying that. She hopes the City sees the necessity for Monte del Sol to have access out and into the School toward Beckner, because of the horrendous traffic around 4:00 p.m.

Kaduin Wilson, attends Monte del Sol Charter School [previously sworn]. Miss Wilson said the park needs to happen not just for the kids, but for the entire community. She has participated in sports since the 7th grade, and her main issue is they don't have a place to practice any sports. She plays soccer and basketball, and since she started playing in the 8th grade they have to go all the way to the MRC which is 15 miles away. They have no buses so they all have to commute together. The park would make a lot of difference for the entire school. The Seniors this year, when they were in P.E., they had to walk all the way to the Chavez Center to have a place for P.E. and sports things, and that takes away from the community a lot. She thinks a park would be great, noting they will have a closed campus next year, and it will promote a positive place for the kids at the school to go in their free time and builds community. There is an amazing mentorship program, but it's hard to find a comfortable place to meet people and get integrated into the community and that would be a good way for that to happen.

Angela Adams, Attorney and social worker [previously sworn]. Ms. Adams said she also is, and most importantly, Katy's mom. She has spent 30 years working in child welfare at the State level, and now at the federal level. She asked the Commission to think of the future of Santa Fe in terms of the needs of our kids which really is the future of Santa Fe. Last year a report was issued by Kids Count, the

Children's Defense Fund, and New Mexico is the lowest in the nation in terms of outcomes for children. The report looks at health, educational outcomes, teen pregnancy rates and at safety, and our kids "are the worst in the nation." She said, "I would submit that Monte del Sol is a shining star in the community in terms of turning those demographics again, with a really success in terms of kids graduating. Most of their kids go on to higher education, noting 40% of its students are involved in sports, yet it has no facilities. They really have been counting on the park. Kids that participate in sports have lower rates of teen pregnancy, lower rates of substance abuse issues, and have higher success rates in terms of academics. She is part of the demographics in terms of the aging population. She thinks our job is to pay for our kids, and would ask the Commission to make that your priority when you make these decisions.

Steve Burns-Chavez [previously sworn], said he has been a resident of Nava Adé for 15 years, and is a Landscape Architect, working for the National Park Service. His entire career has been associated with Parks and his primary concern is Condition 45. He designed *pro bono* the park in Nava Adé when it was built as well as the larger park that is not yet built. He said, "Mr. Siebert characterized Condition 45 as an afterthought with the City Council and it was late at night, so two additional acres were added. In fact, it was also done *ad hoc* for Las Soleras for the Nava Adé community. And at that time, the *ad hoc* Committee that was providing advice to the Board, advocated strongly for the original requirements in the General Plan which had the largest acreage of parks as well as concern for the open space and trails as part of Las Soleras. So, the Annexation Agreement in 2004 that the Applicant was asking for had a considerably lower amount of park acreage than what was in the general plan.... The slide shows the *[inaudible]* park around the entire south side of Nava Adé, and also around Monte del Sol which consumed the 5 acre open space that was in that block also. That was all approved in 2009."

Mr. Burns-Chavez continued, "So the issue of Condition 45 was essentially settled for the purposes of proceeding with the Las Soleras development and it did. So along Cerrillos we have quite a lot of Las Soleras that has been built, including the Veterans Clinic. And now I can talk about Ross's Peak which was approved and moved forward as a condition of Condition 45 being met. In December we had the ENN meeting for the Pulte project, and in that ENN meeting, it was brought up before, Condition 45 vanished. It disappeared, there was no discussion, no 20 acre park, it was just gone, and then 10 days ago, because City Staff had informed the Las Soleras development that 'you have to address Condition 45 and the 20 acres of park.' And so, 10 days ago, another ENN was had to address Condition 45 and the disposition of the 20 acres. It's been 10 days from the feedback and the resolution, and here we are before the Planning Commission, and the resolution of where the 20 acres is, is still apparently being decided or being addressed. That was supposed to have been addressed and decided before any movement was proceeded forward with Las Soleras which has already happened. In effect the game is changing in the middle of the effort and the 20 acres is relative to the entire Las Soleras project, not just the Pulte project.

Mr. Burns-Chavez continued, "And I testified to the Planning Commission in 2009 on Condition 45. My house backs on Las Soleras, so I'm looking at it from my back yard. And I know the area directly behind me very well, and it is characterized that there's a really steep slope that's not really a good place for a school or park. Well, that's not really accurate. It slopes down toward Nava Adé, but on the south on this 20 acre block that was approved in 2009 by the Planning Commission for the location of the park is

ideally suited, because that's the flat area with the least amount of *pinon* and *juniper*. It's the best place for a park and school. I would assume that's why that area was identified as the ideal location for park."

Mr. Burns-Chavez continued, "The other thing really I think that is valuable consideration for the Planning Commission in terms of land use for the location of the 20 acre location, is that the location that was approved in 2009 is not only ideally suited in terms of terrain and grading, but also was dependant on or assumed, I guess, a connection between the proposed school site which is in Tract 14 which is identified as institutional, so that's where the school was to be located at that time. And so we have kind of anchored on two sides of that block, Monte del Sol School and a proposed school with the park connecting both of them. So that makes a tremendous amount of logic just in terms of land use and designing a park. There are clearly some rational arguments that the Applicant has made for connecting the park to the existing regional park, however this really important connection gets totally lost. And I think the really important point is what is in fact a reduction of the requirement for 20 acres by suggesting that the school site which was already in the yellow Tract 14, that acreage of the 10 acres is somehow absorbed for the park because they're including the 10 acres as part of that 20 acres. And I think the more honest characterization of the requirement is 20 acres of active park, not 10 acres of active park, or 5 acres of active park added on and maybe some open space and then a school site. The school site I think would be rationally considered a totally separate issue than the 20 acres of park."

Mr. Burns-Chavez said, "The last point I want to make, is because I am a resident of Nava Adé and I fully appreciate our Board and the work they do, all volunteer. It's work that gets no recognition and it's hard work. And for almost everything that the Board has proposed, I'm in total agreement with, but I have to completely part ways with their proposal to support Condition 45 as it's addressed by the Applicant and where the park is going to be. And there are a couple of reasons that should be of concern, concerning the idea that the Board is really representing the community of Nava Adé. The first is that there was really no forum for input by the community into the recommendations that came before the Board. Primarily, those recommendations represent the members of the Board and one person, one resident, who they asked to provide input. So the rest of the community really wasn't asked to review, to come to any meeting to provide any input, including those who have some expertise in this field, or have some history in this. So I think it's important to point out that not all of their positions really represent the community at Nava Adé."

Mr. Burns-Chavez continued, "And I think to really illustrate that point in a very graphic way.... because another thing that was expressed in writing by the Board was that the residents of the south side of Nava Adé, the ones that are most affected by Las Soleras and the issue of Condition 45 and the park where it's located don't want a park there. That is simply not true. And in fact, it was Nava Adé that was a proponent of having this park as part of the 2004 testimony for the Las Soleras development. And just to illustrate graphically how incorrect that is, I only had a couple of evenings, I walked my street and I had a petition on the location of the park and I asked people if they were interested to support the park as approved in 2009 by the Planning Commission, that 20 acres along the south side of Nava Adé. And, in overwhelming numbers, this is the list from just down my street on the south side of Nava Adé, the residents were completely in support of what I have in this petition and the park as it was approved in

2009. I think that speaks loudly... if that's even representative of the rest of the community it's pretty overwhelmingly in support of the park as the Planning Commission approved it on the south side of Nava Adé in 2009."

Mr. Burns-Chavez continued, "That's my recommendation or request from the Planning Commission then, that the original park location approved in 2009 which was never addressed in any alternative or any scheme whatsoever by the Pulte developers be held up as part of the planning requirement as it was identified in Condition 45 before any further forward progress on any plat or subdivisions were made as a part of Las Soleras, and they not be allowed to, kind of in the middle of the stream, completely change directions. Thank you."

Alfred Lujan, teacher/coach at Monte del Sol was sworn. Mr. Lujan said he resided in Nava Adé 2001-2005, saying when he moved there it was all llano just like it was in the old day. He said we are accustomed to wide open spaces. He said one of the reasons he moved from Nava Adé is because the area became closed off, the vistas disappeared. He represents Northern New Mexico, saying his family has been here for generations and generations, and appreciates the open spaces. He said, "As a Coach, and Athletic Director I have been fortunate to have worked in schools where our children walk out of school and are adjacent to a playing field or gymnasium or somewhere they can be active." He said our children are enclosed in an area just slightly bigger than this room for physical activities. If they go outside, they have to go through the Nava Adé for runs and such, and right there is no room for our kids to really exercise. He said as has been stated, our children are our future, and if they don't exercise they don't develop fully. It is important for the students to be able to exercise to participate in athletics and physical activity in a phase within minutes that is welcoming to them, without having to take them to the Chavez Center or Santa Fe Community College or the MRC or Ft. Marcy.

Mr. Lujan said he has a petition that says, "We want a park by the schools," and the emphasis is by our school, so proximity is really important. He supports what the previous gentleman says, which is our appeal to ask you to honor the original agreement in 2009 to place the park adjacent to the School and to keep it as 20 acres as originally proposed. Thank you."

Frank Nordstrum, 4204 Cactus Flower, resident of Nava Adé [previously sworn], said no one talked to him about signing the petition and wishes they had. He also is on the Board of Nava Adé, noting he was an educator for 27 years in Santa Fe, finishing as the Assistant Superintendent. Following that, he worked for a Pueblo School for 10 years, so he knows the value of parks, play and sports activities for children. His belief about the park situation, relates to his 27 years with the Public Schools in Santa Fe, doing a lot of work and planning, land development for the City Schools. He said, "In my history, at least, the City never built a park for one of our schools in Santa Fe. Developers would occasionally donate land where or the City would help us get land for a school site. But when it came time to develop our playgrounds and our sports facilities and those things, the public, the taxpayer through bond issues took care of that. The City never did that."

Mr. Nordstrum continued, "It seems to me, and I don't know of any private school in Santa Fe where the City built a park with the kinds of things these parents are expecting for their kids to have. It's not that they shouldn't have it, don't misunderstand me, it's just not the way things have been done. And it doesn't mean something like that couldn't be done now, it's just highly unusual. And for others in the community to create the expectation for the parents that, if they get this land, the City is going to come in an spend millions on developing the sports facilities that these kids deserve. Look at the recent history the City has had with its parks situation. It's not very likely. I wish them well, but I support Pulte's disbursion of the acreage. If you think of it a regional park, as originally proposed, a regional park to me is for people in the area. There's 500 acres of people in the area that could have access to that park and would use the park if it is locate and disbursed as Pulte has proposed, in my view. Thank you for your time."

Beverly Jimmerson, 4133 Siring Eagle Lane, member, Board of Nava Adé [previously sworn]. Ms. Jimmerson said, "Just because I'm curious right now, and we can all assume that anybody who stuck through this, this long, is really interested in the issue. How many people here live in Nava Adé."

Chair Harris asked Ms. Jimmerson to address her statement to the Commission saying "That does work well for use."

Ms. Jimmerson said, "I apologize. On behalf of the Board, I would like to speak in two voices, one on the Board and one as a resident. On behalf of the board, we contest some things in your Staff Report. In particular, the negative impacts liste on page 3. We contest that, 'The project would reduce the diversity of housing types in Las Soleras.' All housing types or tracts specifically zone for low, medium, high density and mixed use still exists, even if the Pulte request for rezoning of approximately 32 acres is approved. It is stated that 'the project would replace approximately 30 acres of high density and mixed zoned land, with development at a density of approximately 2.8 dwelling units per acre.' We contest that is a negative impact. We do not see that as a negative impact. Again, the change is only 6% of all of Las Soleras and the developers have offered the option for an additional mixed use tract within the currently zoned commercial use. What is more, with the current water and environmental concerns, we think low density is more conservative of our limited resources. While the statement that the project would eliminate approximately 13 acres of active park space is true, it omits that 13 acres of open space are being added in addition to the 11 acre school site. I did not know what 11 acres looked like. A friend did research. A football field is one acre. This is a lot of land. And we contest that 'the project would reduce the availability of the Las Soleras Master Plan to provide adequate high density zoned land in close proximity to commercially zoned land.' Even if the requested 13 acres are removed from high density to low density, there still remains more than 30 acres of high density zoned land. It's more than was contained in the 2003 general plan and it's sufficient to construct a 500 unit apartment complex which is half of the proposed housing units in the totality of Las Soleras. And we believe 50% should satisfy any definition of adequate."

Ms. Jimmerson said, "Now, that's the board. As a person, as a resident of Nava Nava Adé, I would encourage you, I endorse all the folks who talked about children and children needing active space and places to play and places for sports. However, as Steve Burns points out, the best location for that is

in proximity to schools so they can share it. The position of the park that Pulte is recommending would place it in close proximity to 5 schools. 5 minutes away from Monte del Sol, there are 3 school. If you look at the Public Schools website, there is a map of schools. There are 3 noted on it that are just across Cerrillos. There is a new one not noted which has just been built behind the WalMart, and then there's the Monte del Sol, and if it comes to fruition, the new one. I would encourage you think, as these folks have said, of the way that this park can best benefit the most children and the community as a whole. Thank you very much."

The Public Testimony Portion of the Public Hearing Was Closed

Break 10:00 to 10:25 p.m.

The Commission commented and asked questions as follows:

- Commissioner Kadlubek asked, regarding the minutes from the City Council meeting where Condition 45 was discussed and approved, if those minutes are available.

  Mr. Smith said they are available and Mr. Shandler has a copy if that would be helpful.

- Commissioner Kadlubek asked if staff could summarize how Condition 45 came about and what is the actual nature of the condition.

  Mr. Shandler read from the minutes of the City Council meeting of February 11, 2009: "*Councilor Matt Ortiz said he wanted to site and locate an actual active park that doesn't have as its significant feature the Arroyo Chamiso. The park that's listed on here. Councilor Ortiz went on to say, he isn't talking about that park site, he's talking about an additional park site of at least 15 acres for soccer, baseball fields. He asked where the developer would like to have that placed. Mr. Siebert said this has been in the works for 8 years. We've been working on this with staff for 10 years. I would hate to say something off the top of my head that I would regret.*

  Mr. Shandler continued, "*Later in the discussion, a staff member from the City, Mr. Chavez said he's been talking with Mr. Steiner from the Santa Fe Public Schools over the past 2 months regarding this issue. He said, 'If we can build the school contiguous to the park and capture as much level space as possible, one of the things we can do is enter into another MOU, similar to something we have had with Wood Gormley.' Later on in the discussion, then Councilor Ortiz said, for the record, he made this motion. I do have an amendment and it is on the general plan amendment. I would add as a condition of approval that the developer come back to the Planning Commission and to increase the designation of park space of at least 20 acres, and in addition to the green space that's already been allocated. The developer can decide whether to place that additional 20 acres of green space either in Tract 10 which is just north of the identified park site, or on Tract 15 adjacent to the school tract. And it would be at the developer's choice where that additional acres of park space would come. It is an active park. It is not just a passive park, it is an active park designation at the developer's choice. 20 acres. Then Councilor Chavez said he had no objection but he would like to add that if he left it to the applicant and the School Board to*

determine this. And Councilor Ortiz said how about the condition says at the request of the developer in consultation with the School Board, and there are no objections of other Councilors. Councilor Dominguez then said, it isn't just a matter of having a park next to a school and making it a community park, the trade has to be appropriate for the kinds of activities that happen at a school. He said in the past, arroyos have been given as park space and he wants to make sure we are avoiding that so our school children have an appropriate space. He looks forward to seeing what comes of the friendly amendments."

Mr. Shandler continued, "*Later on in the meeting, Councilor Ortiz says the reasons Tracts 10 and 15 were chosen for you to make the decision, was because of the proximity to school. He said if you don't want to have those particular tracts designated, then instead have a condition with which you are going to provide an additional 20 acres of open, active park space in close proximity to the existing school site and the proposed school site that you're giving is the same condition.*"

- Commissioner Kadlubek asked the date of those minutes.

  Mr. Shandler said these are the City Council minutes from February 11, 2009, on the City web page.

- Commissioner Kadlubek asked the status of Beckner to Richards connection, and if there is a timeframe, if the City has plans for it.

  Mr. Romero said, "The City isn't planning to construct Beckner. It would be constructed as part of a phase of Las Soleras. Right now, one of the phases that would more than likely trigger it would be a commercial project between Beckner and Cerrillos. There would be other ones as well. As I mentioned during Ross's Peak, we've been working on the roadway phasing plan and it would be something like that, that would trigger the need for it. We would also be looking on subsequent Las Soleras developments if it's needed from a traffic standpoint. If for example, we started overloading an intersection and we needed to punch out another access."

- Commissioner Kadlubek said then it would be a reactionary thing to traffic already being bad.

  Mr. Romero said no. It would be a planning effort to mitigate future traffic. "So if you were going to be approving a major commercial development, there again, next to the Interstate, we'd probably say as a condition to this, they have to build Beckner to Richards, something like that."

- Commissioner Kadlubek asked, at the current density of these two tracts, without the proposed reduction in density, if there is a redevelopment here, would that be enough possible traffic to justify maybe speeding up Beckner to Richards.

  Mr. Romero said, "A traffic study would have to be determined. Although, without a traffic study, my qualitative assumption would be that a connection to Dancing Ground with a reconstruction of the intersection at Dancing Ground and Governor Miles to a roundabout, that should be able to handle the added traffic."

- Commissioner Kadlubek said it seems there is a consistent issue with the intersection of Dancing Ground and Governor Miles and would like some color on what is being considered to mitigate the traffic issues there.

  Mr. Romero said the major issue currently is the school traffic. He said, "Everyone drops off their kids, leaves at the same time, everyone picks up their kids and leaves at the same time. And this is at virtually every school in the entire City. Whether it's Gonzales exiting onto Alameda, you name it, it's everywhere. There have been several suggestions. One is put in an all-way stop. We haven't recommended it for two reasons, one it doesn't meet warrants and, secondly it would cause undue delay on Governor Miles the major street. Another suggestion would be a traffic signal, but that doesn't meet warrants either. There's not enough consistent side street traffic to justify a signal at this time. Again, I think a roundabout is an appropriate fix we can implement now and that would have longevity for future growth in the area. My opinion is the roundabout would be the immediate fix."

- Commissioner Kadlubek said it was mentioned that the 2017 Traffic Study does not include looking at Beckner to Richards, or traffic with the Beckner to Richards connection as compared to the traffic without that connection, and asked if that is accurate.

  Mr. Romero said the analysis showed a Dancing Ground connection to work with a right turn bay, and then we asked the Applicant to amend it with a roundabout, and it shows it to work with a roundabout. There's no reason for us to look at it because a Dancing Ground connection with a roundabout at Governor Miles will operate at acceptable levels of service.

- Commissioner Kadlubek asked if we have the notes from the ENN, commenting one of the speakers said 10 days ago there was something and asked if we have a record of that.

  Mr. Thomas said two ENN's were held on this project, the first on December 16, 2014, in which all major components of the project were presented, with the exception of the park reduction. He said the park reduction kicked-in an additional amendment to the master plan, referred to this evening as Condition 45. He said this was a new component which was introduced after the application had been made, so there was an amendment to an already submitted application. So an additional ENN was held on May 11, 2015, approximately 10 days ago. The notes for that are included in the additional packet this evening [Exhibit "4"] which weren't available in time to be included in the packet.

- Commissioner Gutierrez said he wants more information on the document from the HOA [Exhibit "7"], which referenced problems with the TIA.

  John Romero said there are 3 bullets listed as follows:

  a) *The TIA fails to fully address Nava Adé concerns regarding the basis for and amount of regional through-traffic created by the Pulte subdivision street extensions.* Mr. Romero said there is an approved alignment for Dancing Ground that connects to Railrunner.

Right now, they're proposing to amend that to bring it into Beckner and they've altered it to where it kind of connects to Walking Rain and so on and so forth. He said, "We performed a VISSUM analysis and the purpose of this wasn't to quantify the number of developed cars. It was to determine in changing the alignment how it changes regional traffic flow. What that study showed and I have this summarized in our Memo, it shows that regional through traffic that would otherwise have gone through Dancing Ground the old alignment, to the new alignment would increase 5-15%. And that would equate from 20 to 50 directional vehicles per hour. So is that too much, or not, that's one vehicle every minute and so many seconds. So that was analyzed."

b) *The two page VISSUM addendum to the TIA uses a different model done at a different time by different analysts for different forecast years (2035 vs. 2017).* Mr. Romero said the VISSUM model is housed by the Santa Fe MPO and it existed with the current alignment, not the proposed alignment. And what we had the consultant to do that houses that model for us to change the alignment to see how it changed traffic flow, that's all the intent of that was for.

c) *The two page VISSUM addendum uses inconsistent development assumptions and street networks, lacking turn movements and Level of Service analysis, providing discrepant traffic forecasts (PM peak hour volumes 54 percent higher on Dancing Ground Road versus the April 2015 TIA volumes.* Mr. Romero said, "That's not the purpose of the VISSUM model. The TIA itself was conducted in a typical manner where they looked at existing volumes on Dancing Ground. They looked at what we are assuming Pulte would generate and they added that to those volumes and generated a level of service. So the VISSUM model was not used to assess what added traffic Pulte would add to the network and how it would be accommodated. It was used to determine whether realignment of the road was going to cause a substantial increase in cut through traffic."

- Commissioner Gutierrez said he thought it was important that the public hear that from Mr. Romero because it was an issue here.

- Chair Harris said at a certain point we need to talk about the bigger issues, the policy issues. He would like to "keep going on some of the details," and take advantage of staff expertise, noting discussion of the roundabouts and such are in the nature of details.

- Chair Harris noted the Memorandum dated May 21, 2015, which was received this evening from Richard Thompson [Exhibit "4"] and asked Mr. Thompson to talk about what he represents in this Memorandum.

  Richard Thompson, Director, Parks, Trails and Open Spaces Division, said he is here representing the Department Director, Rob Carter, who couldn't attend this evening. He said, "We are both late to the dance on the development of Las Soleras and it has been going on for some time. We sat through several discussions with the Design Review Team at Land Use Planning, and had two

separate meetings with the developer and his agent. The end result is we referred directly to the document cited which is Condition 45, which specifically states that the developer will work with the Santa Fe Public Schools and City staff to review the applicability of the 20 plus acres based on the density of the original subdivision. We consider the fact that this was abandoned due to economic reasons. There was another development plan presented to Land Use Planning. We worked with the developer to bring the recommended separate parts of the park land dedication into one contiguous area which now exceeds 30 acres. And then we added the condition that they work with the Santa Fe Public Schools to satisfy another 10 acres of land to be dedicated to the Public Schools for an active park."

Mr. Thompson continued, "In light of the development since 1999, and 2009, that being the Southwest Activity Node Park [SWAN Park] at the end of Jaguar which is about 3 miles from the site, and then the proposed expansion of the Municipal Recreation Complex which is 8 miles more or less from the site, we proposed to make a less competitive sports regional park and more widely address activities for a larger demographic, which is represented in the Pulte Plan as well. Does that answer any of your questions."

- Chair Harris said it starts to. He asked, in discussions, what consideration was given to the position of Monte del Sol and the need for an area for playing fields.

  Mr. Thompson said it was discussed, and it was presented to us at the time of the original master plan presentation to Council, that Monte del Sol was a part of the Santa Fe Public School System, but now it is not. He said the wording in Condition 45 is that the developer would work with the Santa Fe Public Schools, so it was a consideration, but we had no direction from that wording to insist the land be contiguous with the Monte del Sol campus.

  Chair Harris said it is a Charter School which chartered through the Santa Fe Public Schools, and it is now a State Charter School. Somebody said earlier it is a private school, but it is a State Charter Public School, and he believes there should be some consideration to the earlier commitment to a public school. And although it is no longer formally a part of the Santa Fe Public Schools, it serves children and youth from the City as a public school.

- Commissioner Kadlubek asked how the 20 acre park compares to others in the City, and if there are other parks of that size.

  Mr. Thompson said Ragle and Franklin Miles Parks are both larger than 20 acres, noting the proposed park site at Las Soleras is more than 20 acres.

- Chair Harris said he assumes they have looked at the topography and have an idea of what is usable, and the reason they are looking at that as less competitive.

  Mr. Thompson said yes, and also they're faced with large challenges over the next 20 years, considering the restriction on water use, limited staffing for maintenance, and how they develop parks. They are looking to develop the trail system, the connectivity of the park to the adjacent

users of the development – the industrial park, State buildings, hospital and the school plus the neighborhoods. So less competitive would mean softball complexes or soccer complexes, but singular fields that could be used for practice or pickup games for adjacent educational institutions.

- Commissioner Gutierrez asked what we have in Santa Fe in terms of competitive parks.

  Mr. Thompson said he is referring to the larger complexes where they have League play continuously throughout the season, where they entertain tournaments which draw competitors from outside of the City, perhaps, or extended season competition for the School Districts and private schools. He said some of these would be the MRC, the multi-use fields being developed at the SWAN, the fields at Ragle, Fort Marcy – fields of that caliber.

- Commissioner Gutierrez asked if the MRC expansion is going to happen or is it still "pie in the sky."

  Mr. Thompson said the Legislature allocated funds for initial design in 3 phases which presently is underway, noting there is discussion about the funding of the construction of the design phases, but there is no funding at this time.

- Commissioner Gutierrez said then when you were considering the MRC expansion, we don't know if it will be expanded or not, and Mr. Thompson said this is correct.

- Commissioner Gutierrez said SWAN is a competitive park and asked about the layout and what will be offered there for the kids in terms of baseball, soccer, the number of fields.

  Mr. Thompson said there is one multi-use field with a backstop and bleachers, irrigation, lighting, and there is an open air basketball court, a large playground, picnic areas and expansion parking in phase I. Two additional phases are planned and shovel-read which are awaiting funding.

- Commissioner Gutierrez asked if there will be soccer fields.

  Mr. Thompson said that will be in Phase III.

- Commissioner Kadlubek said as he understands it, there is a connection between Monte del Sol and the proposed park location in terms of open space or a track of some sort.

  Keith Wilson, Santa Fe MPO, said an existing trail alignment is part of the trails master plan which goes through open space and connects from Monte del Sol across to Railrunner Road. He noted the soccer field was on the western edge of the parking area, but there was no mention of continuing the trail connection within that open space. He wasn't aware of this information until this evening, so he really hasn't looked at it. The short thing is that the trail we talked about from Monte del Sol is on the actual master plan already.

- Commissioner Kadlubek said then the trail stops at Railrunner Road.

Mr. Wilson said in the master plan it goes to Railrunner Road and there is supposed to be a crossing and then the trail goes down Railrunner for a short distance and then cuts across the lower portion of what was the park boundary before whatever they's proposing now to the Arroyo Chamiso Trail.

- Chair Harris asked Mr. Wilson if he has any particular issues.

Mr. Wilson said, "I just want to be clear. Most of my effort to this point has looked at what they were proposing for changes to the overall master plan/trail network. Changing the alignment of the power lines, and my recommendation in the packet and when it was reproduced it probably didn't come through very clearly. But looking at it in its totality, and just like they were looking, they are proposing change based on changes in circumstances. I added a couple of additional trail alignments as specifically relating to Pulte and looking to take an opportunity to look at things that have changed. And over by Beckner and Cerrillos, you are aware that the interchange at Cerrillos and I-25 is about to be reconstructed as part of that plan. There will be a trail connection from Beckner to Rancho Viejo Boulevard. A couple of my suggestions are to allow connectivity from that trail where it will terminate at Beckner into Las Soleras. Overall, the major change is that power line at the trail route. When we are looking to do these multi-use trails, we first look at dedicating the alignments that are along roadways and are not interfered with having curb cuts and things like that. So some of the changes are some additional what we call side paths, so if we widen sidewalks along the roads which are less desirable. But if we can minimize the number of intersections they have to cross, then they're not so bad. So the overall concept, I think if they can incorporate my recommendations it's not necessarily a bad thing."

- Commissioner Gutierrez asked with regard to the proposed park at Las Soleras approved by the Governing Body, it that will be constructed by the developer and turned over to the City for maintenance.

Mr. Smith said Chapter 14-9 and 14-8 have provisions requiring a minimum amount of land to be dedicated for local and regional parks. The language also states that the land is not just to be dedicated, but also improved. He doesn't believe they are at the point with the park planning process where there is a plan for development of the individual parks. He said, "In general, the answer to your question is the developer is responsible for dedicating and improving and then the City takes it over and maintains it thereafter. Staff is not aware of any agreement to the contrary about City responsibility."

- Commissioner Gutierrez asked if the park is switched to a less competitive park, what is the School's intention for the 10 acres.

Mr. Smith said staff has been in preliminary discussions and meetings with the planner who works with the School District. He said the discussion has been pretty wide-ranging in terms that the 10 acre site might be used for a different level of school or it may be used for a school administrative facility of some type. He said the Applicant's representative stated in discussions with the School District what might be a preferred or acceptable location for the School District. They were

involved in meetings two weeks ago and at that point it seemed the District Staff and the Applicant's representatives were close to settling on a particular site. He said School District staff was invited to attend this meeting, but they apparently chose not to attend.

- Chair Harris said Ms. McDougall was here earlier.

- Commissioner Gutierrez asked the acreage of any of the new schools.

  Mr. Smith said he doesn't have that information.

  Mr. Siebert said, "The easy answer to that is no, I don't. But I can tell you that Shirley McDougall [Property Asset Manager for the Schools] told me that for K-6, they need a minimum of 10 acres to make it work."

- Commissioner Gutierrez asked if this does become a less active park, and those 10 acres are donated as opposed to the original language from the Governing Body for an active park of 20 acres, can the public schools just sell the land or do something else with it.

  Mr. Smith said, "I think that's an excellent question. The City isn't directly involved in the administration of the School District or in the disposition of their property. It's possible to imagine an agreement between the developer and the School District that would allow the School District to sell the property. It's possible to imagine an arrangement between the developer and School District that would restrict the use of the property by the School District. But thus far, the City has not been involved in or aware of specific negotiations on those points."

- Commissioner Gutierrez asked if it is fair to say that Mr. Siebert has been with Las Soleras since its inception.

  Mr. Siebert said he has been involved for approximately 16 years.

- Commissioner Gutierrez said you said it was late at night when you did this park deal, and it was something you wanted to get done. He asked, "When this came back to the Commission for the location of the Park did you guys show up. You had to have some kind of influence on where you were planning this park."

  Mr. Siebert said there were two locations. One would be in the area of Monte del Sol, and the other was an area around where we're showing the regional park on the master plan now, and included areas both north, south and west of the regional park. So two locations were approved by the Planning Commission.

- Commissioner Gutierrez asked Mr. Siebert what he would say if the Pulte team went back to the drawing board to include this park.

Mr. Siebert said, "I guess I've always been confused. It appears to me that staff is saying that we need 20 acres of active park and we need 10 acres for schools. I never understood it that way. And Mr. Shandler read some of the minutes, and it was pretty clear to me through those minutes that the deal was it was a joint venture with the schools. And maybe we got that wrong, I don't know. But I think in reading the minutes it wasn't entirely clear what was really meant by that condition."

Mr. Smith said, "For the record, let me clarify, staff is giving me indications that we only anticipated 20 acres plus the School site. Our discussion has been intended to reflect discussion of the question of 20 acres of additional active park versus 10 and 10. We have not intended to suggest there should be a requirement of 20 plus 2."

- Commissioner Gutierrez said, "My thoughts on the active park are, and I know water is a concern, there's not enough active park in the City in my opinion. I have two children that are very involved, and one that's getting involved, and we have to go to Rio Grande to try to hold practices and do things. We go to the MRC for League play and nowhere else. I think since it was part of the Governing Body's direction and you guys agreed, this should be taken into consideration. And this active park should be followed even if it is not in the location where it's's upsetting some of the neighbors, but close, where Monte del Sol can still use it and the citizens of Santa Fe can still use it."

- Commissioner Kadlubek asked the number of students at Monte del Sol school.

  Mr. Thomas said he heard testimony that it is 400 families, so he is assuming there would be1 student per family, but we don't have that information.

- Commissioner Kadlubek asked if there is an estimate of students at Santa Fe High or Capital High School.

  Mr. Thomas said City staff does not have that information and would rely on Shirley McDougall, the School's planner, to provide that information. As Mr. Smith mentioned, the City is not involved in the direct administration of the school.

- Commissioner Kadlubek said he has questions regarding the process of master plans and such.

- Chair Harris said we are close to that discussion, noting that Alexandra Ladd is here. He said one thing we've seen proposed by the Applicant is to provide an alternate formula for affordable housing. He asked Ms. Ladd to respond to what she has read.

  Alexandra Ladd said as a proposed project, the project would be subject to the Santa Fe Homes Program, which would require that 20% of the units be provided at affordable prices to income qualified and trained homebuyers, which would be approximately 60 units. The homes are priced according to 3 different income tiers, so 3 different ranges of affordabilly. She said, "The Applicant has proposed, or is going to propose it's not official yet, but would like to get permission to do a

form of alternate compliance, which would be a combination of donating some of the finished building lots to Habitat for Humanity and donating a 4-acre parcel to the City that could be deeded to a non-profit housing developer to do, most likely, a low income housing tax credit project of at least 60 units. Right now, under the Ordinance as written, the Applicant has to demonstrate an extreme financial hardship that would be associated with providing the affordable units within the development and then the City Council approves that as well as the proposed alternate form of compliance."

- Commissioner Kapin asked if the land to be donated is in this project or is that elsewhere.

  Ms. Ladd deferred to Mr. Siebert saying she doesn't believe it is within the project area.

  Mr. Siebert demonstrated the site on an enlarged map, noting it is adjacent to the Pulte Project which is adjacent to the original park, noting the approximate location on the enlarged map. He said, "In fact, it's on this plan here. The 4 acre site sits right 'here,' 'this' is Railrunner, 'this' is the Pulte Project, 'this' is the area that we're proposing to add to the regional park. The idea is it would be on the same open space corridor with the trail. So it's bounded by the open space corridor on one side, Railrunner on another and the regional park on the other."

  Commissioner Kapin asked if that currently is in the residential high density area.

  Mr. Siebert said it would be in there, noting it is zoned R-21.

- Commissioner Kapin asked, "That part of that area is not what you're requesting to be changed to a lower density at this time."

  Mr. Siebert said it is not. R-21 remains the same on the west side of Railrunner.

- Commissioner Gutierrez said if Commissioner Villarreal was here she definitely would point out that segregation is not something she would agree with or want to see, and "I just want you to take some notes, Mr. Siebert, about working on that. Thank you."

- Chair Harris said that is an important element without question, noting there are a lot of things to be discussed and hopefully resolved. He did want everyone to be aware of what the alternate solution may be.

- Chair Harris asked Ms. Zaxus her thoughts on what is being proposed in terms of technical review. He said we heard a lot about the landscaping and the ponds and how that can slow the flows, commenting it is more attractive as well as helping to solve the problem that has been described at Nava Adé.

  Ms. Zaxus said she has no specific remarks, but she thinks they've done a really good job of making the proposed ponds look really attractive, compared to a lot of the deep, sort of ugly, regional ponds we come across and have to work with the developer. She said they will be very

attractive. She said, "They're doing a good job of solving two existing flooding problems, so I think the storm drainage is well done."

- Chair Harris asked about the alternate street profile.

  Ms. Zaxus said, "I'm okay with that. I'm no traffic engineer, but I basically think a lot of our streets are too wide and encourage speeding. It's a lot of impervious pavement, so I like the idea." She said she has nothing further to add.

  John Romero said he agrees that narrowing roads is an effective way of traffic calming. He said the maximum road has 12 foot lanes, which is what people 'used to do way back in the day." He said that's how we do the Interstates. The City doesn't do that any more and is responsible in narrowing its streets. He said Cerrillos Road was designed with 11 foot lanes. Our residential streets with parking are 10 feet, and without parking 9 feet. He said the reason we have to go to 10 foot width parking is because of the Fire Code which requires 20 feet, plain and simple. He said when there is no parking, the gutter pan can be considered part of the 20 feet, so that's how we get away with 9 foot lanes. With parking, the 6 foot asphalt, the gutter pan brings it up to about 7 ½, and that's the parking space, so clear space within the parked cars is reduced to 20 feet, a typical section. With the proposal it will be 18 feet with any Fire Code.

- Chair Harris said then from his perspective as Traffic Engineer for the City, it's really an issue for the Fire Department to respond to, the Fire Marshal to respond to.

  Mr. Romero said, "Yes, but also just functionality. 9 foot lanes are tight with parked cars on the side, I think. When you have parked cars on both sides, I think that, in itself, has a very significant traffic calming effect, maybe even more so that there is no parking with 18 foot lanes. I would think you would get better traffic calming with 10 foot lanes and parking than you would with no parking and 9 foot lanes."

- Chair Harris said we will not go past the midnight hour. He said he has questions on some of the bigger issues. He said he would encourage Commissioners to put their questions in writing that can't be asked this evening, and those will be presented to Mr. Thomas, as the appropriate avenue and asked Mr. Smith if he agrees.

  Mr. Smith said, "Yes, any of the staff members, either by email or in written form. If Mr. Thomas or I are not available, Geraldine Gurule would also be able to process any questions that they have."

  Mr. Smith said in terms of continuing the hearing to another date, "Let me note that the June 4, 2015 meeting is only two weeks away, and we would have only a few days to generate the agenda packet for that meeting. It's possible that we would be pressed to get written responses to written questions into a packet that's distributed next week. We would try to do that, but we would not be able to make promises.

- Chair Harris said we've told you we're going to take more time on this.

Mr. Smith said he didn't mean to give the impression that he was trying to discourage the Commission from doing that. He said, "In terms of a point of reference though, unless the Commission wants to decide tonight on a second meeting date in the month of June, June 4th would seem to be the likely date for a continuation of the hearing."

- Chair Harris said there is a meeting date scheduled twice every month, so the second meeting would be June 18, 2015.

- Commissioner Kadlubek said he has questions about what a postponement would mean, commenting we are in that conversation now. His concern is if we have any clarity on the makeup of the Commission and asked if we know what the Commission will look like in June.

  Ms. Martinez said the Mayor is actively looking at the membership, making decisions and some of those announcements will become public tomorrow afternoon. She said she is not at liberty to say what the transition would look like, if there is a transition. She said there are two factors still in the plan that need to be resolved tomorrow morning, and that's all she can say at this point.

  Mr. Smith said, "For the record, barring any unusual decision by the Mayor and Council, normally, we would anticipate that the current terms will expire July 1, 2015."

- Chair Harris said he thinks everybody acknowledges that it is a transition in many ways, so "we'll keep it moving forward as best we can." He would like to talk about some of the broader issues and then come back to see if we want to set a date.

- Chair Harris said, "If we postpone, must we have a date certain to postpone to... Mr. Shandler or Mr. Smith."

  Mr. Shandler said, "That's my understanding."

- Chair Harris said then we must have a date certain.

  Mr. Shandler said, "Unless you are asking the Applicant to come back with additional information that is contingent on the Applicant providing more information."

- Commissioner Kadlubek said as a new person on the Commission, "I am already seeing a trend of master plans or master plans that might be outdated, restricting or handcuffing or just kind of putting up a smokescreen of sorts for the Commission to really make sound judgment. I just want to ask if there is a process... I understand with like the general plan and the future use that there is now a subcommittee to be able to come up with a new general plan. But for a master plan like a development like this, is there a process the City engages in when it might become obvious that the plan is outdated or that trends have shifted and there's interest in changing things, rather than having the Master Plan be something with which developers are coming to the Commission. Is there a process that includes the citizens, the City in some way that's not the developers coming to the Commission to alter a master plan."

Mr. Smith said, "It's an interesting question. The past history of the creation and adoption of a master plan has an implication by the landowner by the master developer, so they always start with developer driven applications. To my knowledge there has not been a circumstance where the City has initiated an amendment to the master plan. It's relatively unusual in my experience that there is more than just a minor amendment to a master plan phase by phase, and I don't want to say unprecedented completely, but I think in terms of *[inaudible]* this is the first case I'm aware of where we've been involved in a request. The typical situation is where the Future Land Use Plan, tracts of land for the master plan area *[inaudible]*.

Chair Harris said the baseline information was confusing. He is looking at the Rezoning Survey Plat which is found in front of the Lot Line Adjustment Plat, for example the Rezoning Survey Plat identifies 9A, 11A and different parcels. He asked if there was a plat. subsequent to the master plan and annexation and the plat associated with that. There was a lot split for Lots12A and 12B. He asked how we got to the point of 9A, 11A and those that seemed to be smaller parcels for the subdivision of various tracts.

Mr. Siebert said, "The directive given to the surveyor was to make the plat consistent with what was requested from a zoning standpoint. The tracts of land always coincide with the zoning district. If you recall, 'this' location, the other Railrunner Road kind of cut off and did that, and there's even a little teeny piece here and I think it's like 46 square feet that you have to make it consistent. So it all falls within the same zoning district. So, for example, you have one 'here,' well that ultimately needs to go away in order to make all this area here consistent, which is R-6 all the way to the point we showed you was the first phase of the Pulte development. So you wind up with these very odd shaped pieces as a result of that on the survey plat."

- Chair Harris said 9B is well outside of anything proposed for Pulte. This rezoning survey plat, for example says on 9B which is basically south of the park says RM-1 to R-21. He said many of the tracts go well beyond the proposed Pulte project, and seemingly changing the zoning. He doesn't know the underlying zoning for 12B. It says here it's RM-LD to R-12 zoning for the park.

Mr. Siebert said, "Let me explain that. The R-21, was when the old City Zoning Code for 21 units per acre was RM-1, and that's what was shown on the master plan, RM-1, on the zoning master plan for Las Soleras. The Code was modified and became R-21. R-12 was originally RMLD, same exact zoning districts, 12 units per acre, but instead of putting in the RMLD, everything belonged to a numeric classification. And I think, it's getting late, I understand the issue that you have. At the next meeting we can have an exhibit that clarifies exactly how that plat works. I guarantee you it took us, including working with staff, it took us a good month and a half to figure out how to do it."

- Chair Harris said he's looked at a lot of these and he started off confused and spent a lot of time trying to sort it out. He asked Mr. Siebert what is the current zoning classification for Tract 12B.

- Mr Siebert said 12B as he recalls is the split in the park and believes that design classification is R-6 or R-1 or something.

- Chair Harris said there is a commitment to build a park there. It's been designated on the master plan and he doesn't understand the reason we have R-12 or R-6 or any kind of development zoning.

  Mr. Siebert said the question is, how would you zone this. There is no zoning classification in the City zoning for park. There is nothing that says "P" on it. It's got to be some zoning designation and we threw it in as he recalls as an R-6, but it could be R-1, or RM-1. He said parks are permitted in all those districts, reiterating that there is no zoning classification that says park.

- Chair Harris asked if there was an economic impact of some sort for the original Las Soleras master plan.

  Mr. Siebert said he does not recall if there was.

  Chair Harris said he will put the question in writing and it can be answered subsequently.

- Commissioner Kapin asked staff if there was any analysis of the impact on the property values with the downzoning, and the loss or gain to the City.

  Mr. Smith said, "That is an excellent tactical question and we would be able to do that analysis in very general terms, but to my knowledge we've not done that on a previous case. We have asked the Applicant to prepare on large scale annexation cases fiscal impact statements. For the record, at this point, I would have to do research on whether such a fiscal impact statement was done for any of the previous versions of this project. I believe the answer is no, but I can't say that without more research."

- Commissioner Kapin said she definitely is interested is seeing some of those numbers when we're making these decisions.

- Chair Harris said he has questions, although he doesn't expect answers immediately, but he would like to know what the future may hold for the Rail Runner station. Also, we have two hospital zones in the City and this is one of them. In a recent case, Morning Star which is adjacent to the hospital zone for Christus St. Vincent, there is a lot of discussion about what the health care profession may do in terms of economic development. He said Presbyterian has been before the Commission previously when it proposed its clinic, and he would like to know what may be coming from Presbyterian. He has seen an assisted living facility noted, noting these can be sensitive commercial discussions. He said, "I want to see what is going to drive Las Soleras. There was a lot of discussion about a transit oriented development in those days which applied to this property, the Zia property and others and other locales as well. Those visions aren't necessarily becoming reality in my observation. So again, what is going to drive Las Soleras. Is it going to be a transit oriented development or is it going to be associated more with health care and the professions

associated with health care, and anything you can provide on that. Those are the types of things. I will also ask about a new acronym, VMT, is that yours Mr. Siebert or is that an industry acronym."

Mr. Smith said, "I believe VMT stands for Vehicle Miles Traveled."

- Chair Harris said he hasn't seen that before and thinks it's a legitimate consideration as the MPO plans are being developed, commenting that he will ask something to that effect, so "be prepared."

- Chair Harris said he heard about a job housing balance in Las Soleras. He said where we are headed is a significant reduction in the number of housing units. If there's a true ratio... I don't know if a ratio of any sort was used originally in considering Las Soleras. He said with this lower density, we're really going to have quite a bit of commercial land here, it is an increasingly commercial area.

- Mr. Smith said, "I could respond briefly on that. There was some discussion by some of the Nava Adé residents who said they had been involved since the beginning, since way back when. In the older version of Las Soleras that were approved, there was discussion about the intention of the mixes and uses and the approximate ratio of jobs provided, the units provided, was intended to match very closely to the overall profile of the City at the time. This would have been in the time frame of about 2001 when it was first addressed. They talked about the General Plan from 1999 to 2001 and how it was changed to 2009, etc. So the 2001 version started with a lot schematic indication of about the same proportion of commercial districts and residential districts as was present in the City overall at the time, with the intent that the approximate ratio of housing units provided to jobs created would be about the same in the Las Soleras area.

- Chair Harris said there was consideration given at the time on a broad scale. He said, "I will phrase the question and you can respond. Again, we're getting close here. I will have questions for Monte del Sol. I'm going to ask if they have done any programming exercise to see what level they need – do they need a track, a soccer field, a ball diamond, is there any space for a gym. If I understood correctly, they have approximately 3 ½ acres they've got modular units on. I did hear that Pulte is going to help capture some of that acreage that isn't *I[inaudible]* developed. I am also wondering about the Beatty approval. I realize we're not talking about the Beatty property. There is this triangular corner of a large piece of property. Can that be made available to Monte del Sol. What might be done to support that particular State Chartered Public School."

  Mr. Smith said, "Briefly. Staff's recollection is that at the time the Beatty and Beatty South projects were in front of the Planning Commission and the City Council for zoning, annexation and subdivision, there was some discussion in the 2001-2004 timeframe. It is anticipated that very southernmost corner of Nava Adé in the southwesterly corner of the Beatty South property would all potentially collaborate to create at least one 10-acre school site between the three projects. To my knowledge, the only one that has gotten as far as an actual dedication is the existing school site itself, which is kind of appended to the Nava Adé property but encroaching into the boundary of...."

Chair Harris said, "I'm going to ask staff to research this and look at the conditions attached to the Beatty approval and see if there is something that might trigger access to that land. And it may or may not work, we may have to look at a little bit of Tract 15, but I do think it's important for some consideration to be given to Monte del Sol, despite the fact they're not formally attached to the Santa Fe Public Schools. I believe that was the intention and I believe it's appropriate."

- Chair Harris continued, "I've got a lot of specific question like for yourself, Mr. Romero. At Governor Miles and Dancing Ground is there room to do a turnabout... a roundabout."

Mr. Romero said, "There is open space dedicated to the City. The way my staff report is fabricated [?], it is basically an Option A and Option B, Option A being the preferred one. And that would be that the roundabout be constructed, but what that is contingent on is Nava Adé allowing using open space that was dedicated to the City to be utilized *[inaudible]*. If that's unattainable, then Option B is we would hold money in escrow until a signal was warranted, and they have to deal with the situation until that time. Only because the developer cannot exercise eminent domain. But there is plenty of physical space. All it needs is for the Nava Adé HOA to agree to the *[inaudible]* on 3 of the 4 corners. I think one of the corners, the City owns outright. The other 3 are dedicated to the City but only as open space."

Chair Harris asked Mr. Romero if he knows if there has been any discussion between staff or any portion of the City and the Nava Adé HOA.

Mr. Smith said, "For the record, Land Use Staff hasn't been involved in those discussions."

- Chair Harris said he will put that on the list.

- Chair Harris said, "Since I have you here, the road phasing plan that I thought was, I was wrong, was internal to Ross's Peak. You're really talking about Las Soleras. Where would the connection fall, and I realize you haven't finalized your thoughts on this, but where would the connection fall in terms of a road phasing plan that would be a full connection from Governor Miles to Beckner.

Mr. Romero said, "Without a complete analysis, I would think any of the commercial phases between Beckner and the Interstate from, at a minimum, Las Soleras Drive east. Anything that was developed in that area would necessitate an extension of Beckner Road to Richards Avenue."

- Chair Harris said that's not what he's talking about. He is focused on the stretch of Railrunner. We know we are bringing it further south, associated with Ross's Peak. He said, "I don't know, and you've shown the Commission and others where it ends now, or maybe Mr. Siebert did, where Beckner ends, but again, I'm wondering what it would take to get a connection of Railrunner down to Beckner."

Mr. Romero said it is included as part of the Pulte project, as part of Phase IB, so it would be connected from where Ross's Peak ends it to Beckner during Phase IB.

- Chair Harris believes that is the third phase, and asked Mr. Siebert if that is correct.

  Garrett Price said, "Actually it would be in IB, since we have such a small portion of lots being delivered in the age targeted location. If you recall in that blue area, that's where the model lots would be that we don't have to change the underlying zoning. That IB is just the next phase right after that, so that would be almost right on the heels, since there's not a lot of lots available for the market, because some of those are models. It would happen almost immediately after."

- Chair Harris said he is thinking that the investment that Pulte would be making in moving the transmission lines is significant, although he doesn't know what the dollar amount would be, but that's no small matter. He appreciates that Pulte, as a national organization, has the weight to do that, and it seems like it has the weight to make that connection on Railrunner, noting we will talk about that later.

  Mr. Shandler said, "To add to the list, I guess I'm still confused about the residents wanting this gate to be put in on whatever that street is, and that would be just like a one-way access. And I didn't know if staff had a position on that, or if that will be part of the questions that will come out."

  Mr. Romero said, "My position is to connect all of the roadways right now, and not gate them off to some future point."

- Chair Harris said he agrees.

- Commissioner Gutierrez said, "Commissioners and staff, Monte del Sol was brought up and Commissioner Kadlubek talked about how many kids and if they can fill that 20 acre park. I just want everybody to remember this isn't a park for Monte del Sol. It's a park for the citizens of Santa Fe. The next thing I want to say is Mr. Siebert and Keith Wilson, I applaud you for working with the neighbors. There were a lot of positive things said about this. There are obviously a few things that need to be worked out. But my in-laws own a home in Loma, Colorado and there's a very small park across the street from them and it's nice."

- Commissioner Gutierrez said, "One more thing. We were talking about moving this to a date specific, and June 4, 2015, does not seem to fit, but if it does fall on June 18th, can we have more information earlier."

- Commissioner Kadlubek said some additional questions he has and he will write these down and submit them, but he would like to voice them here as well. Regarding the park, it seems one of the biggest issues here we're dealing with obviously is where the park is located, and Monte del Sol is very specific to the park. He said, "Shouldn't we be knowing about other City parks that are next to schools. I'm just confused as to what that relationship is. I don't know other parks. I know Wood Gormley probably has one. A couple of questions would be, what is the precedent for that in our City and where it does exist, what is the activity, if you have numbers of how many people visit the parks, what do the numbers look like when it's associated with a school as compared to where it is in a more general public area. I would be interested in knowing the difference in usage."

Mr. Thompson said, "If you would propose those questions to the Land Use Department, we will have answers prepared and get them to you in advance of the meeting for your use."

MOTION: Commissioner Gutierrez moved, seconded by Commissioner Kadlubek, to postpone Case #2014-124, Case #2014-123, Case #2014-125, Case #2015-09, Case #2014-126 and Case #2015-08, to the Planning Commission meeting on June 18, 2015.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Gutierrez, Kadlubek, Kapin and Ortiz voting in favor of the motion and no one voting against [4-0]

3. **CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF TRAILS AND REDUCTION OF ACTIVE PARK LAND AND THE RECONFIGURATION OF LAND TRACTS. (ZACH THOMAS, CASE MANAGER)**

This case is postponed to June 18, 2015.

4. **CASE #2014-125. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.92 ACRES FROM R-021 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 14.95 ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE; AND 3.93 ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN (ZACH THOMAS, CASE MANAGER)**

This case is postponed to June 18, 2015.

5. **CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD REALIGNMENT. (ZACH THOMAS, CASE MANAGER)**

This case is postponed to June 18, 2015.

6. **CASE #2014-126. PULTE LAS SOLERAS LOT LINE ADJUSTMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF LOT LINE ADJUSTMENTS WITHIN THE LAS SOLERAS MASTER PLAN TO RECONFIGURE LAND TRACTS CONSISTENT WITH THE PROPOSED GENERAL PLAN AMENDMENT AND REZONING. THE PROPOSED LOT LINES COINCIDE WITH ANTICIPATED PHASING OF FUTURE SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS. (ZACH THOMAS, CASE MANAGER)**

This case is postponed to June 18, 2015.

7. **CASE #2015-08. PULTE LAS SOLERAS PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF PRELIMINARY SUBDIVISION PLAT (77 LOTS) FOR PHASE 1 (UNITS 1 AND 2) OF DEVELOPMENT ASSOCIATED WITH THE PULTE MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT AND REZONING. UNIT 1 OF THE SUBDIVISION IS IDENTIFIED AS "TRADITIONAL" DEVELOPMENT WHILE UNIT 2 IS IDENTIFIED AS "AGE TARGETED" GATED DEVELOPMENT. THE PROPOSED SUBDIVISION IS 30.9 ACRES WITH AN AVERAGE DENSITY OF 2.49 UNITS PER ACRE. THE PRELIMINARY SUBDIVISION PLAT ALSO INCLUDES A VARIANCE REQUEST FOR DISTURBANCE OF 30 PERCENT AND GREATER SLOPES AND AN INNOVATIVE STREET DESIGN. (ZACH THOMAS, CASE MANAGER)**

This case is postponed to June 18, 2015.

G. STAFF COMMUNICATIONS

Mr. Smith said an application has been filed for a significant addition to St. Vincent Hospital campus which is scheduled for the meeting of July 2, 2015.

Mr. Smith said two significant Commission cases will be going to the City Council: The Blue Buffalo Rezoning Case is tentatively scheduled for June 24, 2015. Commissioners who are interested in following the progress of that case, please let staff know and we can get the specifics to you. An appeal has been filed in the Morning Star Project, and will be a late June or early July 2015 hearing, noting it is still in process in Mr. Shandler's office.

Mr. Smith said the Commission did an excellent job in evaluating and responding to the issues tonight, and thanked them for their preparation and attention.

H. MATTERS FROM THE COMMISSION

Commissioner Gutierrez said he will be in Dallas on June 4th for a soccer tournament, and will miss both the Summary Committee and Planning Commission meetings on that date, and would like to be shown as excused.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 11.55 p.m.

Michael Harris, Chair

Melessia Helberg, Stenographer

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PLANNING COMMISSION MEETING
Thursday, June 18, 2015

ITEM	ACTION	PAGE
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	2
APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS		
MINUTES:	None	2
FINDINGS/CONCLUSIONS:	None	2
OLD BUSINESS	None	2
NEW BUSINESS		
CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.92 ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 14.95 ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.93 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN	Approved	2-49
CASE #2014-125. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.92 ACRES FROM R-021 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 14.95 ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE; AND 3.93 ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN	Approved	49-50

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CASE #2014-126. PULTE LAS SOLERAS LOT LINE ADJUSTMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF LOT LINE ADJUSTMENTS WITHIN THE LAS SOLERAS MASTER PLAN TO RECONFIGURE LAND TRACTS CONSISTENT WITH THE PROPOSED GENERAL PLAN AMENDMENT AND REZONING. THE PROPOSED LOT LINES COINCIDE WITH ANTICIPATED PHASING OF FUTURE SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS	Approved	5-0
CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF TRAILS AND REDUCTION OF ACTIVE PARK LAND AND THE RECONFIGURATION OF LAND TRACTS	Approved [amended]	51-64
CASE #2015-08. PULTE LAS SOLERAS PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF PRELIMINARY SUBDIVISION PLAT (77 LOTS) FOR PHASE 1 (UNITS 1 AND 2) OF DEVELOPMENT ASSOCIATED WITH THE PULTE MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT AND REZONING. UNIT 1 OF THE SUBDIVISION IS IDENTIFIED AS "TRADITIONAL" DEVELOPMENT WHILE UNIT 2 IS IDENTIFIED AS "AGE TARGETED" GATED DEVELOPMENT. THE PROPOSED SUBDIVISION IS 30.9 ACRES WITH AN AVERAGE DENSITY OF 2.49 UNITS PER ACRE. THE PRELIMINARY SUBDIVISION PLAT ALSO INCLUDES A VARIANCE REQUEST FOR DISTURBANCE OF 30 PERCENT AND GREATER SLOPES AND AN INNOVATIVE STREET DESIGN	Approved	64-73

ITEM	ACTION	PAGE
CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD REALIGNMENT	Approved	73
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MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
June 18, 2015

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Michael Harris, at approximately 6:00 p.m., on Thursday, June 18, 2015, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Michael Harris, Chair
Commissioner Katharine Anne Chavez
Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Vince Kadlubek
Commissioner Lawrence Ortiz
Commissioner John Padilla
[Vacancy]

MEMBERS EXCUSED:
Commissioner Renee Villarreal, Vice-Chair
Commissioner Piper Kapin

OTHERS PRESENT:
Lisa Martinez, Director, Land Use Department
Greg Smith, Director, Current Planning Division – Staff liaison
Zachary Shandler, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Padilla moved, seconded by Commissioner Kadlubek, to approve the Agenda as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Ortiz and Padilla voting in favor of the motion and no one voting against [5-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: NONE

FINDINGS/CONCLUSIONS: NONE

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. **CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.92 ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 14.95 ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.93 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN (ZACH THOMAS, CASE MANAGER)** (Continued from May 21, 2015)

Items F(1), F(2), F(3), F(4), F(5) and F(6), were combined for the purpose of presentation and discussion, but were voted upon separately.

A Memorandum dated June 10, 2015 for the June 18, 2015 Meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, with attachments, including Exhibit A Response from James W. Siebert and Associates, and Exhibit B Memorandum from Santa Fe Public Schools with attachments, is incorporated herewith to these minutes as Exhibit "1."

A Memorandum dated June 18, 2015, to the Planning Commission from the Current Planning Division, regarding Additional Information, submitted for the record by staff, is incorporated herewith to these minutes as Exhibit "2."

A copy of Las Soleras *Beckner Road Extension Phases*, entered for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "3."

A copy of *NEIGHBORHOOD STREET DESIGN GUIDELINES, An Oregon Guide for Reducing Street Widths, entered for the record by* Fred Arfman and Jim Siebert, is incorporated herewith to these minutes as Exhibit "4."

Mr. Smith said, "As a reminder, when we left at the conclusion of May 27, 2015, the first part of the hearing was processed. The Public Comment portion of the public hearing had been closed. We start off tonight with staff presentation tonight as responses to questions from Commissioners to staff after the Public Testimony Portion was closed. A reminder to the Commissioners procedurally, you may or may not choose to reopen the Public Testimony Portion at your discretion tonight. The response to the questions from the Commission, there has been discussion about the role of the Master Plan, briefly. The point of the Master Planning and Zoning which is used to provide detailed planning for land use patterns and infrastructure typically apply to the case where there are wide tracts of land with multiple property owners. And where the development will extend over a period of 5 or more years, that allows the private sector owners in the City to coordinate development of infrastructure, provide some reliance for both the City and the private developers in terms of land use patterns."

Mr. Smith continued, "The Las Soleras Master Plan was extensively amended in 2009, in conjunction with the Rezoning and Annexation Agreements which were reviewed by the Planning Commission and approved by the City Council in 2009. The original history on Las Soleras, there is a generic of variance residential in 9 residential zoned districts shown on the 1999 General Plan Future Land Use Map. The applications filed by the property owners with the City in 2003, those applications were withdrawn by the owners before the City could act on those applicants. The applicants subsequently filed applications with the City/County Extraterritorial Zoning Authority. Those applications were in the approval process when the City and the County sued each other and the property owners were also involved in the lawsuit that ultimately resulted in an agreement between the City, County and various landowners to settle that lawsuit in 2008 with the City initiated annexation that was coordinated between the City and the County, resulted in the adoption of a new ordinance, new regulation and strategy where the City would have land use control in the annexation areas."

Mr. Smith continued, "The current vision of the plan and the conditions of approval in the matrix that has been discussed at the previous hearing, were the result of amendments that were approved by the City in 2009 as part of an Annexation Agreement and rezoning action that was taken. If you have any questions about the fiscal impact to the City of Santa Fe, in general, the studies show that non-residential commercial general more direct fiscal benefit to the City than do residential cases. Although in some respects, that over-simplifies the dynamics, because in large part the people who spend and generate the GRT income are the people who live in the houses. To some extent, you can't have one without the other. If the Commission wants, we can go a couple more layers deep into that fiscal analysis. I'll leave it at that for now."

Mr. Smith continued, "I guess the point is that it is not clear if there is a distinct fiscal advantage to the City, based on the existing land use patterns versus the proposed land use patterns, especially since much of the comparison would lead to multi-family rental housing and single family detached ownership housing it's difficult to come up with specific local numbers for that kind of analysis."

Mr. Smith continued, "I would draw the Commission's attention to 14-3.5(B) in the City's own Development Code with regard to approval of rezoning cases. That states that the Planning Commission's review and recommendations shall be based on the approval criteria and balancing tests set forth in Subsection C. The Planning Commission shall not consider or rule on the economic feasibility of any development proposed, any rezoning master plan or development plan unless the application is for a public project. The central criteria that the Commission is looking at tonight in deciding whether to approve or deny is essentially, is the proposed change more advantageous to the public than the current pattern that has been approved. And the adequacy of the infrastructure and the fiscal impacts to City are within the Commission's purview. The profit/loss financial feasibility to the applicant, etc., is not within the Commission's jurisdiction in making your decision tonight."

Mr. Smith continued, "There was considerable discussion about jobs-housing balance. In the 1999 General Plan, the intent was apparently to come to a balance of land use acreages that a ratio of commercial to residential that more or less duplicated that that existed within the City in 1999. It is not clear that that specific balance has been carried forward in the subsequent amendments to the Master Plan. However, generally speaking, as we said, commercial land use generates more revenue and lower demand for services per acre, but again, that's kind of an over-simplified review of the impacts on that."

Mr. Smith continued, "There has been discussion about the availability of multi-family rental housing. It seems clear in discussion with our Housing staff that there is a relative shortage of large scale, multi-family rental units within the City. It is not clear whether this shortage is a result of inadequate land zoned for that use. However, there may be other market forces that are doing it. There are a number of acres of land that is zoned for multi-family within the City that have not been developed, even though they could be."

Mr. Smith continued, "Other developments that have come to staff's attention that are different than they likely were when the Plan was reviewed in 2009 shows that there is likely to be a higher proportion of senior households that need to that have housing demand than was recognized in 2009. Again, it's not clear that this is a problem that should be addressed by changing the zoning of any particular tract of land. With that, I'll move to Zach Thomas to present other aspects of the responses to questions."

Chair Harris said, "Before you do, I just want to make sure that I understood your reference that you provided, 14-3.5(B), having to do with consideration for criteria for rezoning. You say that the fiscal impact can be considered in light of the overall City and what it may provide to the public coffers, but we should not consider the overhead, profit, the financial considerations for the developer. Is that what I understood you to say."

Mr. Smith said that is correct.

Chair Harris continued, "So as to the public comment. We have a lot of public comment. We have written statements, we have considerable public testimony, other venues where the public's voices have been heard. And if there is something that arises during the staff presentation, that really is appropriate and specific rebuttal point, I would encourage members of the public to step forward and speak to that. Beyond that, I think we have a good sense of how people feel. We know that Nava Adé, in a sense is a house divided. in portion of meeting asking questions, there are competing voices there. So we've heard many of those voice, and what we really want to work on are the technical issues and the specifics. I would like for the public comments to focus on that after we're gone through the Commission questions and answers. I believe that's all I need to say. With that, turning to the questions, I think what I'll do is, as we go through, I'll simply read the question, ask the person to step forward and then we'll expand upon that."

QUESTIONS UNDER THE LAND USE COMPONENT

1. *Provide staff (Reed and Greg) 2009-2010 point of view regarding Las Soleras. What were the underlying assumptions and goals at the time? Are they same today?*

Chair Harris asked Mr. Liming to respond.

Mr. Liming said in 2008-2009 as we were considering a new land use plan for Las Soleras, it was a big enough area that they tried to undertake a jobs-housing balance, and in Santa Fe we've got about 1.2 jobs per housing unit balance. He said they used the national standard, and at the time their general feeling was what they ended up with was a little top-heavy in terms of commercial land from what was originally discussed. So when they see the proposal coming forward, the proposal before the Commission, yet dropping residential densities lower, it is a concern from the point of view of the General Plan, dealing with future growth areas which Las Soleras is. The General Plan says we should be seeing a minimum of 5 units per acre, gross density in the future growth area.

Mr. Liming noted that Ross's Peak, part of the original Las Soleras area, was approved at about 6.5 units per acres, and so the General Plan is recommending that the residential areas hit a minimum of 5 units per acre. He said almost half the land in Las Soleras is designated for commercial, and based on our calculations, we included the Beatty tracts and Nava Adé with about 2,000 units for the rest of Las Soleras, we still found an imbalance with commercial versus residential development.

Mr. Liming said the proposal before the Commission, there is a potential in this land, according to the current master plan for 1,100 units and they are proposing 298 units. The other two issues addressed by the General Plan that references this proposal. One is we need street connectivity, a City street system and not a suburban style street system. The General Plan speaks about not encouraging cul-de-sacs, and no more gated communities in the City . These are two areas which are contrary to policies in the General Plan – gated communities, City street connectivity and limiting cul-de-sacs and a minimum density for future growth areas.

Chair Harris said his notion is that the question that you are prepared for will initiate the discussion, but as we go along, there could be questions specific to Mr. Liming, now or later. He said, "I had not intended to go through A,B,C,D on each of the questions. I hope the Commissioners will ask the questions they think are appropriate."

Chair Harris asked Mr. Liming if he said in 2009, even factoring-in Beatty, Nava Adé and the approximately 2,100 dwelling units anticipated in Las Soleras that the commercial was still over-rated.

Mr. Liming said yes, if you use the 1.2 jobs per housing unit balance. They looked at 2,700, and when you look at Beatty, at about 750 total, with 500 in Nava Adé, there is about 2,250, and if you get in the area of 1,500 to 2,000 units for Las Soleras you get 2,700 units. However, using the factors of 30 employees per acre of development for office, 20 employees per acre of development for retail and around 10 for manufacturing for warehousing you could get well over 4,000 jobs on the 260 acres of land in the master plan designated for non-residential. He said if it's all commercial, what you are requiring is for people to come from other places. They saw the jobs/housing balance and land uses as critical to create a good mix so there are enough housing with the jobs that could be provided so there is a nice balance, and we're not bringing everyone in, or telling those in a residential areas they will be going elsewhere for jobs, groceries and things like that.

Chair Harris asked if the City saw this as a transit oriented development associated with the Rail Runner station.

Mr. Liming said that was part of the understanding of the original master plan that there potentially would be a Rail Runner station in the median of I-25.

Chair Harris asked if that would be part of the rationale in over-weighting commercial space.

Mr. Liming said, perhaps, but people who live in areas also use transit. So it's not just a workforce issue, it's also if you are attracting nearby residents to use the train. It could be used as a rationale for a potential Rail Runner station. But what they were trying to do was to use the jobs/housing balance in the urban area and apply it to this large master plan area and try to come up with what they thought was a good balance. The residential densities are higher, but the application before the Commission is to drop residential density on 100 acres in the master planned area to less than 3 units per acre, based on his calculations.

Chair Harris asked Mr. Liming what is his thinking now regarding the same criteria 5-6 years later.

Mr. Liming said his concern is the policy in the general plan to maintain a minimum density level for a master plan for a future growth area and not slip underneath that and under use the services that will have to be provided. With all the commercial land in the current master plan we would not want to see residential densities drop.

Mr. Padilla asked Mr. Liming to expand on his comments on street connectivity and gated communities.

Mr. Liming said we have sometimes seen a lack of connectivity, noting there has been a reduction in the number of ways you can get in and out of a neighborhood or subdivision. He said 15-16 years ago the master plan was promoting street connectivity trying to build a street system versus another suburban limited access housing development. The general plan was in favor of more rather than fewer connections in any new development.

Mr. Liming continued, saying the gated community is a street connectivity issue as well as a bit of a social issue. He said the sense is do you start increasing isolation withing the community if you start encouraging or creating too many gated communities.

Mr. Smith said on page 8 of the Staff Report from May 21, 2015, we have quoted the general plan policy which includes a statement that gated neighborhoods isolate part of the community from others and will not be allowed. It also says greater attention to the relationship between residents and streets, and says gated communities will not be allow. He said, "I think, as we discussed on some detail in the Memo of May 21st, there is not a zoning or subdivision related specifically enforcing said standard. I think there have been 4 possibly 5 gated communities approved by the Planning Commission, and there were others where the developer was dissuaded or prohibited from gating a community."

Commissioner Kadlubek said it seems you possibly are alluding to the idea that the proposal will alter the potential connectivity of the area. And it seems to him that the two major connectivity issues of Las Soleras is Beckner to Richards and asked how the new proposal affect those.

Mr. Liming said those are good connections, and "generally more are better," from a planning standpoint. So when you start to see cul de sacs in new subdivisions, we see that as one less possibility for creating a really interconnected network. He believes there are two connections with Railrunner, and perhaps 2 at Beckner. He said we're trying to suggest a grid or modified grid, noting there can be curved roads, it doesn't have to be a straight grid. They are interested in seeing as much connectivity as possible with new residential developments.

Commission Kadlubek said then the two major arterials are not affected by the new proposal – the Beckner/Richards and the Governor Miles/Beckner connections.

Mr. Liming said he would defer to Land Use Staff.

Mr. Thomas said the Master Plan Amendment would realign Railrunner Road, the primary connection from Governor Miles and Beckner. The Beckner alignment to Richards is unchanged.

Commissioner Kadlubek said Mr. Liming said that 100 acres is being reduced to R-3 and asked where he is getting those numbers.

Mr. Liming said he is looking a gross density, and overall they are proposing 298 units or lots on the total of 100 acres, so that is just below 3 units per acre. He said based on the current master plan and zoning, you could have upwards of 1,100 units, for which they are suggesting 298. He said, "I think the feeling is that's just too great a dip in the density and doesn't meet the 5 units per acre in future growth areas which the General Plan calls for.

Commissioner Gutierrez said the 5 units per acre was from 2009, and asked how long he has been using the 5 units per acre.

Mr. Liming's said it is from the 1999 General Plan.

Commissioner Gutierrez asked if he is happy with that number today.

Mr. Liming said, "We think that's a minimum. There may be some areas in the City that are a bit more rural, but they aren't future growth areas. We talk about not going below 3 units per acre in any area where there are City utilities, water and sewer. The General Plan goes on to day that in future growth areas we need to use the land as efficiently as possible, and therefore should not be below 5 units per acre."

Commissioner Gutierrez said then it should be 500 at a minimum, and Mr. Liming said that is correct.

2. *Was an economic impact analysis provided and assessed at the time of the initial reviews and approvals? What financial objectives have been realized both for the City and the Developer?*

Responding to the Chair, Mr. Thomas said an economic analysis was not done at the time of the adoption of the Master Plan to further outline the financial objectives to be realized. He said to date approximately 5 businesses have opened up along the Cerrillos Road boundary of Las Soleras. He said there has been no further economic study.

3. *What does the current proposal represent in terms of economic impact, both long term and short term? Is there a metric such as jobs/housing ratio?*

Chair Harris said the applicant has responded on this and asked Mr. Tomas to summarize his response.

Mr. Thomas said the economic impact with this proposal is similar to that of the new construction. There's an incremental impact associated with development of the property in building permits and impact fees, as well as construction jobs and such associated with the development of the property in the future. He said development may or may not occur in the future, and doesn't know if that is more economically beneficial, noting this simply is not known at this time. He said from our standpoint, the economic impact is related to the incremental impact of the development.

Chair Harris asked Mr. Siebert if he would like to elaborate on his response.

Jim Siebert, Agent for the Applicant, 915 Mercer, was sworn. Mr. Siebert said, "What we did is to do an evaluation of two things. What would the City gain and we're talking about big perspective, not how much profit is made on this, in terms of what comes to the City, what money is derived by the City in property tax and what money is derived from gross receipts tax. And we broke it out into two components, since there are two different kinds of housing here. One is age-targeted which would be a larger percentage of retired people, with lesser incomes than those in the traditional section where they would be working, most likely professionals. So the bottom line.... and we did a calculation of the average income and what monies out of gross receipts tax are allocated to the City. But the bottom line on all this is, for the gross receipts, the annual revenues would be about $292,000 and property tax would be approximately $430,000, for a total of around $723,000 annually that would go to the City. If you take that on a 10 year basis, it would be a little less than $8 million the City would collect over that period of time."

Mr. Siebert continued, "Now I know Commissioner Kapin had a question about how this compares if it were higher density. We didn't do that because we had no knowledge what that higher density would be. It could be 5 units per acre, it could be 12 units per acre. But I think the consideration there is, if it was a higher density, at what point would it actually development. You have something now that has intent to develop immediately, and those revenues and property taxes would be collected immediately. In terms of the higher density, the question would be at what point in time might it actually develop. It could be 5 years, it could be 15 or 20 years."

Josh Skarsgard, Las Soleras Development, was sworn. Mr. Skarsgard said he wanted to tell the Commission about some good news. He said to the west of the Pulte Master Plan, 100 acres, they are under contract to do a 10 acre, high density senior housing project with a group out of Denver. They also have a letter with another 10 acre apartment project, which contemplates 200 units and the senior housing group is contemplating 150 units, which is an additional 350 units on 20 acres. And if you add that to Pulte's 298 units on 100 acres and you average them, you are at 5.2 units per acre.

Mr. Skarsgard continued, saying Mr. Liming gave a great presentation about how the General Plan has a policy that the City wants an average of 5 dwelling units per acre in the growth areas. We have that, but when you stop the analysis just at Pulte that's looking at only one piece, and he wanted to give a larger scope. He said it is 545 acres. He said, "The zoning we're asking the Commission to bless tonight is 29 acres which is 5% of the 545 acres. If I could show this real quick."

Mr. Skarsgard demonstrate the subject site on enlarged drawings. He said, "If you look at the 100 acres 'here,' we have a 10 acre group, it's called Spectrum and it's age-targeted. And we have a Dallas developer that wants to do a development. So you see this Lot 10 in yellow, that's the Spectrum group out of Denver, and then the apartment project is going to be over 'here.' I also want to let the Commission we had this property on the market. The General Plan was adopted in 2008. Everyone is aware that the market collapsed terribly in September 2008. It was a difficult time to be a master plan developer after the market collapsed. I think the City is blessed that Pulte has agreed to develop a considerable 100 acres in Santa Fe, and we're also coming back with the senior high density and the apartment high density. So we believe we have met the City's General Plan policy of 5 dwelling units per acre. And it's going to be a

great mix. Pulte has its age-targeted group, and Spectrum is doing senior housing and also Alzheimer's and assisted living. And it's got workforce housing."

Mr. Skarsgard said, "This is the chance for the City to take young families that live in Rio Rancho and Espanola that have housing inventory and move them back to Santa Fe. So we talk about connectivity, trail connectivity. Let's get our families back to Santa Fe. The General Services Department did a study that 40% of the folks that live in the State, that work in the State Office Complex, are commuting from Rio Rancho, Bernalillo and Albuquerque. Those same folks could actually buy a home. And Mr. Price is here, and it is true that $250,000 is the range. So that's a great working range for a young working family to buy a home in Santa Fe. I just wanted to give you guys a larger context."

Mr. Skarsgard continued, "Also, the assertion that's too much commercial in this master plan is, I think, unfounded. We've been blessed to have Chick Fil-a, Starbuck's, Taco Bell, Century Bank, we have a lot of banks and a lot of retail that want to come. This property is on the entrance to Santa Fe. Cerrillos is the first exit as you come into Santa Fe as everyone knows, that's why it's a really strong employment node and a strong retail node. I get calls every day from junior box retailers, large box retailers. We had a deal with Costco that didn't work out, we were very excited about. Las Soleras is unique in that's the entrance to Santa Fe, so that's why it's more commercial zoned if you would concur with that. I think it's perfectly zoned. I think you're going to see a lot of employment, office, maybe even light manufacturing. We've had discussions with some out-of-state employers who want to come into Santa Fe. Las Soleras is the perfect home for that."

Mr. Skarsgard continued, "So we have the density of apartments, high density senior, we have age-targeted with Pulte, we have workforce housing in Pulte and the retail has been very strong, so I think it's a good balance. If you're going to try and balance a master plan out of a recession, we're doing the best we can."

Commissioner Padilla asked Mr. Skarsgard to repeat the proposed senior and workforce housing numbers.

Mr. Skarsgard said it is contemplating 150 units, the rental contemplates 200 units, it's 20 dwelling units per acre on 10 acres.

Commissioner Chavez asked Mr. Skarsgard if in his research, he looked at the average housing prices in Rio Rancho, and what are those.

Mr. Skarsgard said yes. He said there are different subdivision, and they saw $286,000 in westerly Rio Ranch and $236,000 for some of the entry level housing, and asked if that about what you see in Santa Fe. He said Pulte is offering $250,000 to $350,000.

Unidentified said yes.

Mr. Skarsgard asked if anyone on the Commission can tell him of any subdivision in Santa Fe that have available inventory of this quality for young families. He said the employers that call him that want to come to Las Soleras ask where their employees can live. He can't answer that now, but if we're blessed to get Pulte here, we'll have an answer.

Commissioner Gutierrez said until backhoes are there and permits are issued, he doesn't "see it as that."

Mr. Skarsgard said another study was done on construction dollars spent and what it does for the economy. The Obama American Recovery Act contemplated an 7X to 7 times factor on construction jobs, for every $1,000 of construction dollars, it might have $7,000 ripple effect on.... you buy pizza and you go shop, that's a common number used by economists for construction dollars. So, if Pulte is approve, then Pulte hires local site contractors, local builders, that money is in Santa Fe, and we think it's between 5X and 7X ripple effect on the local City economy.

Chair Harris said assumptions and decisions made in 2008, 2009 and 2010, in part turned on things like the Rail Runner Station, the State Office Complex, a possible Presbyterian Hospital. He said you just made representations about senior and workforce housing. He asked, "How can you convince us that's going to happen. What level are you at, if I may ask."

Mr. Skarsgard said, "A lot of this is confidential, so I should be a little careful. We have an executed purchase agreement with the senior group, and a letter of intent with the apartment group. Presbyterian bought 40 acres, and would have already built in Santa Fe except for the massive need in the City of Rio Rancho. If anyone's seen Rust Medical Center. World Class. They just added under 80 beds, so they're taking all the resources and going to Rio Rancho. They hired a local architect and they plan a wonderful 40 acre health care master plan for their 40 acres, which is Lot 8 at Las Soleras. That's a regional trauma center hospital, medical offices and urgent care. Santa Fe is next after they get done with Rio Rancho. It's just been so popular. They built that and there was a crush at the door. My guess would be 2-5 years before they start doing a medical office urgent care hospital in Santa Fe. That's my guess, I would have to confirm that."

Chair Harris said we'll follow up on that later, noting Mr. Skarsgard has gone as far as he would expect in terms of the senior and workforce housing.

Commissioner Kadlubek said, then you're saying that when Mr. Liming is talking about it being more like 3 dwelling units per acres for the 100 acres, that's he is calculating acreage which density has yet to be determined, therefore that's a slightly misleading assumption.

Mr. Skarsgard said he respects Mr. Liming and his work. However, the 3 dwelling units per acre is a gross calculation. Pulte has 100 acres, they're doing 298 units, which is around 3 dwelling units per acre. He said, macro, in this master plan, it is above 5 and we're proud of that. He said he has worked for the City of Santa Fe and considers himself an armchair planner. The best master plans need to meet the market, and market has to respond. He said the market has responded and the City doesn't have workforce housing or age targeted housing. Pulte responded to that need in our master plan. He said the

U.S. Constitution is the best master plan in the United States and it's been amended 33 times, 10 in the original bill of rights. This is 5% of Las Soleras we're amending, 5% of the 145 acres. He said we are lucky to have Pulte to respond to the City's deficiencies in housing. He said if they could have done 20 dwelling units per acre they would have done it.

4. *What are the prospects and possible timelines for the proposed State Office Complex (Renewal of Condition of Approval #48) Presbyterian Hospital? Rail Runner Station?*

Chair Harris asked the timeline for State Office Complex, Presbyterian and Rail Runner Station.

Mr. Skarsgard said he can't speak for the General Services Department. He said he will say that the GSD conducted a study in 2008 surveying 16 potential sites for a State office project and Las Soleras finished as number one because of Cerrillos and I-25, and they were contemplating a rail stop which hasn't happened. He said Las Soleras is 100% committed to the State if there is a need for this project.

Chair Harris said there is a lot of uncertainty, but no commitment. He asked if a site master plan has been developed by Presbyterian.

Mr. Skarsgard said yes, it's beautiful, reiterating they hired an Albuquerque architect to do the project which is 3 parts, medical officer, regional hospital with a helicopter pad and urgent care, noting he expects them to start construction on one of those phases in 3-5 years.

Chair Harris asked if this has been added to this master plan.

Mr. Skarsgard said he can ask the President of Presbyterian if he is comfortable sending that, commenting he doesn't know if he is comfortable in sending it and if it is proprietary.

Chair Harris said if it is appropriate to do so, to forward it to Zach Thomas.

Chair Harris said Mr. Wilson wrote a memo on the Rail Runner Station and asked him to summarize what he put in writing to us.

Keith Wilson, Senior Planner, MPO, said the Las Soleras station location on the median of I-25 between Cerrillos and Richard was approved by the MPO Policy Board in December 2008, so it is still a valid Rail Runner Station location. In January 2010, Beckner Road Equities entered into an MOA with NM DOT and the MPO, and at the time the Mid-Region Council of Governments was operating the Rail. Runner to start the process of developing the station within the median. The steps to do that: an environmental NEPA process and a 810 Study to prove the location in the median of the Interstate was safe and won't interfere with future development of the Interstate. He said those two studies were completed and submitted to the Federal Highway Administration who ultimately has to approve that as an appropriate station location.

Mr. Wilson continued, saying based on newspaper reports in April 2012, the State Board of Finance removed the condition as part of the development of the State Office Complex in Las Soleras, and in March 2013, the MPO received notification from the NM DOT that they were no longer pursuing the Rail Runner Station at Las Soleras asking us to remove it from our Transportation Improvement Program. It is still recognized as a future station location, but there is no current proposal to move forward.

5. *Provided full size (24 x 36) sheets of all proposed plats for review in the office of the Land Use Department.*

Chair Harris said the documents requested were received and he has reviewed them.

6. *Provide topographic information for Tract 12B and that portion of Tract 9 proposed as additional park land for review in the offices of the Land Use Department.*

Chair Harris said he is going to skip this item, noting that discussion relates more to the master plan, and that information was provided in a small scale to him. He will drop back to this when we talk about Parks.

7. *The survey information provided is confusing. The document labeled Rezoning Survey Plat seems to be a lot line adjustment plat as well, e.g. creating 9-A and Tract 9-B out of Tract 9 as shown on the Dawson survey, dated 8/26/09. Should there be an intermediate step which designates the new sub-tracts? On the subsequent Lot Line Adjustment Plat in the packet, some of the new sub-tract designation is dropped, e.g. Tract 9-A and Tract 11-A become Tract 14-A with further lot line adjustment. As proposed, the record of rezoning and lot line adjustment is unclear and may serve to create further confusion in the future.*

Chair Harris said Items #7 and #8 have to do with clarity of the plats, the rezoning. He said #7 is his question, noting there were different designations for some of the sub-tracts in the June 15th drawings, behind him, as opposed to what was submitted in he packet. He asked Mr. Siebert to speak to this.

Jim Siebert, using enlarged drawings, said, "Let me walk you through this. Maybe I can see where you are confused. It's complex. What you have here, 'this' is the original Tract 9 and it comes across 'here.' What happens is, Railrunner Road comes through pretty much bisect, leaving a piece 'here' and a piece 'here,' so then it becomes 9A and 9B. The same for the new tract, that this was all Tract 11, the road comes through, bisects its, and 'this' becomes 11A and 11B. There is a piece 'here' in the middle, it's R-12 to R-6. The reason we did that is we can develop this density or R-12 zoning, but it didn't come solid with the property lines, so we had to adjust that out so that in the future plat it would coincide with the lot lines. So 'this' was all part of 15, so then it becomes 15A and 15B, and I think there is a change in your plat, the one we submitted to you. I think the surveyor put 14B on that, so really it should be 15B."

Mr. Siebert continued, "So this is the rezoning. It's called a rezoning plat. The reason for that is that your property lines have to be consistent with your zoning laws, so that's what this plat does. It creates that, and sequentially, what would happen is that you would record this plat first, and then subsequent to that you would record a Lot Line Adjustment Plat. And the reason for the Lot Line Adjustment Plat is that it creates the various phases of the project. So it's really simpler than it seems. You create the tracts for the zoning, once established, we record the plat, and when you're status, you create the tracts for the future phases of the project itself. Does that make sense."

Chair Harris said it does for the most part. He said part of the way the original report was written suggested that all of #9 was being rezoned, but we are only rezoning approximately 30 acres, and asked if that is correct.

Mr. Siebert said, "Well in reality....."

Chair Harris said, "My next question has to do with adoption of new designations from when we adopted the current Land Use Code from RM-1 to R-12, or whatever it may be."

Mr. Siebert said, "Let me answer the first one. These two tracts represent 28 acres. This one represents two point some acres, downzoning is required, because it didn't fit the lot lines, we had to go through zoning. In this case, we went ahead and zoned it to R-6 which is the same as 'this' tract here. The other issue is why is it RM-1 in one place and R-21 in another. And you may recall how long that change took place, but it's probably been 4-5 years. But when they did code modification updates, they changed the designations, so RM-1 was original 21 units per acres and then it went to R-21, and it was the same. There was RMLD which was 12 units per acre and it was changed to R-12. I assumed anybody could look at designing and immediately know what the maximum density was for that particular zoning district."

Chair Harris asked Mr. Siebert to provide a brief response. He said, "We have new designations now for various tracts and this is a June document as opposed to March. Is that just a matter of nomenclature, or is there something else we need to know.

Mr. Siebert said, "Yes. I assume it's a matter... I think the only one I see that might be questioned. 'This was Tract 9 and then it was Tract 11. Why did they decide on Tract 11A-1. To be honest with you, I think it's just a surveyor's prerogative, more than anything else. Because you can't designate a Tract 9A-1 and Tract 11A-1, it's got to be one or the other.

Chair Harris said that was his confusion and as far as he could tell it was just nomenclature, and Mr. Siebert said that is correct.

8. *A related problem with the Rezoning Survey Plat is that it seems to go further than only rezoning of approximately 32 acres. The Annexation Master Plan, dated JAN 2010, indicates that Tract 9 is RM-1, while the rezoning plat shows 9-A changing from R-21 to R-6 and 9-B changing from RM-1 to R-21. Confirm the current zoning for Tract 9 and confirm the proposed zoning for Tract 9-A and Tract 9-B.*

Mr. Harris said Mr. Siebert has explained this, noting it had to do with adoption of a new ordinance.

9. *The stated Purpose of Plat on sheet 1 of 6 is"... to change the current zoning of Tracts 9, 11, 12B, 14 and 15 to the new zoning as shown hereon." Verify the underlying zoning for the current Tract 12B. A remnant of 12B would be given up for the realignment of Rail Runner Road, what is the total acreage of the remaining Tract 12-B-1? What would the underlying zoning be? At what point will it be officially designated a Park?*

Mr. Harris said this is a land use question. He asked who would like to speak to this question.

Mr. Siebert said it is his understanding that it doesn't officially become a City Park until the City accepts the designation. He said in this situation, the 21 acres regional park shown in the Las Soleras Master Plan has not been dedicated to the City and it's indeterminate at which point that will happen – the completion of phase 1 improvements, or after all the improvements. He asked if there is someone here tonight from Parks and Recreation who could describe the exact timeline involved in that.

Chair Harris said we have some big questions associated with Parks and Recreation, and if we have clarity, it seems to him that it would be appropriate to dedicate, but he wants to talk more about that with the City at the appropriate time.

Commissioner Chavez noted Mr. Skarsgard statement about the need for the workforce statement, and asked the reason for such a low density in the development. She said, "If you are going to have fewer units meeting the need. Why."

Garrett Price, Pulte Homes, was sworn. Mr. Price said they have been building here for almost 15 years under the Cen-Tex brand supplying, affordable and workforce housing. He said after doing surveys, 50% of their buyers in Colores de Sol were not empty-nesters. That drove their strategy of what the consumers are telling them they want. They said they prefer a single family, detached home, ranging from these square footages, so we are responding to the consumers, both retirees or on the verge of being an empty nester, and the reason one portion of the project is serving that population. It also matches the demographics in Santa Fe. He said the other portion is workforce housing, the couple that either wants to move back to Santa Fe from Rio Rancho where we are serving them in the edge of Enchanted Hills.

Mr. Price reiterated they are listening to the consumer in the absorption through the focus groups they do with them every year. He has this data, and if you would like he can provide it after the meeting – they have exhaustive amounts of data they've used to drive their strategy which is what the consumers say they want and the demographic needs in Santa Fe. He asked if that answered the question. He

commented the apartments talked about by Mr. Skarsgard are a nice complement to what they are proposing. He said they are providing a single family detached for the family that wants a yard and access to trails, and the apartments are considering the aspect of what Presbyterian and/or what the City would want, so it's a balance of housing and they are one aspect of that.

Commissioner Chavez asked the average lot size for the houses.

Mr. Price said in the traditional serving families it is a 55 foot wide lot by 120 feet deep. And on the age targeted it is a 65 foot wide lot, and a 50 foot wide house on the lot that is 120 feet deep. Driven by consumer driven information. There are some homes maximizing the setbacks, others that aren't and the square footages range from 1,900 to almost 3,1000.

Mr. Smith said, "Our Staff Report addresses this in some detail under the Subdivision portion. It has been considered in discussions about connectivity and gated communities. We've noted in the Subdivision portion of the Staff Report that..... we discussed the General Plan Policy. There is a Chapter 14 standard that calls for a through street for every 1,000 in every direction. The request by Pulte to have a gated community means that the future phases on the west side of the project would fail to meet the standard of a through street every 1,000. *[inaudible]* Secondly the fiscal recommended perhaps the issue of timing is to some extent market driven..... much of the fiscal and economic impact in the community were going driven in part by availability in this project as well as by the availability and processing of availability in pricing on competing projects such as Tierra Contenta. He said staff understands the 5 dwelling unit per acre as being a minimum density rather than an average density, so staff interprets that as meaning that project by project it should be 5 acres and not with a higher average than 5, built with a minimum density of 4 or 5. Also, this is a General Plan Policy Guideline that is not a subdivision regulation that sets 4 per se in that sense.

Chair Harris said Ross's Peak averaged out 6 units per acre, but it was R-12, so far less density than what was proposed under this Master Plan, and we know what's being proposed here and we have a pretty good understanding of the numbers. It seems to him to even come close to the 5 dwelling units per acres over all the residential, that any school site would have to come out of the commercial component.

Mr. Siebert said, "The school site has always been an issue. Originally it started out on Lot 15, and that was zoned R-6. One of the issues the schools had with that is that there was a 30 foot elevation difference across the site for the area where they would have to put the play fields, which ended up making it very expensive and it didn't work for them at that site. We offered another site in the commercial area between Beckner Road and I-25. And that was 11.8 acres and the reason was we had to take out the open space along I-25. The School Board felt it was too close to I-25 and there may have been problems in term of mixing with commercial development."

Mr. Siebert said, "So what we've offered to the Schools is that we would use the 11.8 acre tract as collateral to guarantee that we would find a site acceptable to the Board, that would work for them. So we're actually still in the process of doing that. We will achieve that goal, but it's going to take a while to do that."

Chair Harris said then it's not resolved, commenting the 11.8 acre site is one he mentioned and he saw on a document between Beckner and I-25, and Mr. Siebert said yes.

Chair Harris said the School District said that doesn't suit them for different reasons, and Mr. Siebert said that is correct."

Chair Harris said he would hope, if the focus turned to existing residential, in order to maintain the balance that is in jeopardy, we would look at reducing some of the current commercially zoned property – an important part of the future discussion.

Mr. Shandler said, "Mr. Chairman, if Mr. Siebert could explain a little better for the record what collateralized means in this context. If it means, if it doesn't go through, you're selling the land and giving them money. Tell me what you understand collateralized means."

Mr. Siebert asked Mr. Skip Skarsgard to speak this.

Gordon "Skip" Skarsgard, 808 El Alhambra Circle, Los Ranchos de Albuquerque, was sworn. He said the question you're wanting to discuss here, is what kind of a collateral position are we providing to the Schools. So if the schools can wait for us to complete our acquisition of other lands that would be acceptable to them for a school site. He said, "We are looking for a 10 acre site and we are in some discussions with other property owners in the neighborhood. And while the Schools wait for us to complete those discussions, we have offered them a mortgage position on a lot that is subdivided that we could put a mortgage on and not violate the Subdivision laws. And we have not chosen the site for the schools yet, with the Schools' consent, but we continue to work on that. Between now and the end of July, we'll have that figured out I'm pretty sure. Right now, it is.... we just represent to them that we will get the value of the residential lots covered by a mortgage that is secured by a commercial lot."

Mr. Shandler said, "Mr. Chair, just so I'm clear on the record, that now you're looking to acquire property outside of Las Soleras for the school. Did I hear that correctly."

Mr. Skip Skarsgard said, "That's one of our approaches, yes."

Chair Harris said, "In your opinion that would preferable than reducing the amount of commercial if there's a site within the residential zoned portion of Las Soleras, you would rather look outside of Las Soleras for a school site, rather than reduce the potential commercially zoned land. Is that correct."

Mr. Skip Skarsgard said most of their commercial land is along the Interstate, and the School Board decided they didn't want to expose the children to the fumes, noise and dust an such from the Interstate. And so they are trying to accommodate the schools.

Chair Harris said there may be various commercial ground behind the existing businesses that have developed along Cerrillos Road, but "the School District I think may have the same concerns there, particularly for an elementary School." He said we will ask Ms. McDougal to speak in a little bit. He said, "I think that answers my questions, Mr. Skarsgard. I want to make sure again, we're talking about a land use

component and what I'm trying to get at is how is the commitment to transmit a school site to the District, how is that being honored, and I think you provided a reasonable explanation."

QUESTIONS UNDER THE MASTER PLAN COMPONENT

1. *What Road Phasing Plans for Las Soleras are being considered by the Traffic Engineering Division?*

John Romero, Director, Traffic Division, said under Exhibit A, Mr. Siebert has provided the Road Phasing Plan we've been going over. He has gone over this iteration and "I am in agreement with what they have proposed." He said what they tried to accomplish in the Phasing Plan, was somewhat of a fluid phasing plan to accommodate development of different properties at different times. The initial Phasing Plan said we are going to develop these groups of properties first, these second and these third. He said since the housing crisis it has been a lot more difficult to predict what properties will develop, when the roads are to be built and where. He said the three colors indicate the extension of Las Soleras Drive, the crossing of the arroyos, so it is major construction.

Mr. Romero continued, referring to the "table on the right," there are 3 groups of properties relative to when that would be constructed. For Lots 9 and 10, if fully built-out we would require that they construct it. If 150 sq. ft. of the hospital 8, were to be constructed, we would construct that portion of Las Soleras Drive. He said there is one small typo – the red one would be 19 to 26. So, in the red area, if 20 acres and 30,000 sq. ft. of building were to be constructed, we would require them to build that portion of Las Soleras Drive. So there would be 3 separate triggers for building it. He said, "It goes on that way through all of these."

Chair Harris said it seems to him that either of the color coded statements would act as a trigger for that road connection. He said Las Soleras is probably of less concern to us this evening than Beckner, Walking Rain and Railrunner, particularly Beckner which eventually will the main arterial through Las Soleras.

Chair Harris said Beckner from Las Soleras to Railrunner, any development on 14 would trigger a two-lane section initially.

Mr. Romero said it would be a development over 200 dwelling units on Lot 14.

Chair Harris said this is not what it says. He said Beckner ends at Las Soleras and Mr. Romero said yes.

Chair Harris said, so Beckner Road from Las Soleras to Railrunner.

Mr. Romero apologized saying he was in the wrong location, and "any development, correct would get it to Railrunner Drive – a house. Any development that would generate traffic and the need to move traffic."

Chair Harris noted there are 4 sequences associated with Beckner, and Mr. Romero said that is correct.

Chair Harris said from Railrunner from Walking Rain, any development on either 14 or 15 would drive a two-lane rural section initially. He said it seems as it starts development, it would drive the development of Beckner at least to Walking Rain.

Mr. Romero said, "That, in my opinion was a typo. I wouldn't agree to that. I would consider that to be a two-lane section initially, not a two-lane rural section. The rural section would be from point 1 to Richards."

Chair Harris said that's not what it says, but said let's move on. He said, "Beckner from Walking Rain to point 1, basically 14 and 15, development of 20 acres and greater than 100 dwellings. I would assume achieving 100 dwellings would drive a two-lane rural section initially is what it says."

Mr. Romero said, "Okay, and the reason for that. So the way that would work is say with Pulte. Phase 1 straddles.... there are two sub-phases of Phase 1 that straddle Walking Rain. So it would be a portion of 14 and 15. What that would necessitate is a two-lane urbanized section all the way to Walking Rain. At that point in time, they would be constructing a temporary rural section from that point to point 1 and onward toward Richards. If that makes sense."

Chair Harris said that is what he thought he said. He asked if Mr. Romero is saying that the development of 14 and 15, in part, would drive the urban section of Beckner from Las Soleras to Walking Rain, and it would also drive a two-lane rural section to Richards at the same time.

Mr. Romero said, "Yes. And the purpose of that I think is going to be presented later on in this meeting, but it was Las Soleras's effort to address the neighborhood's concern with the lack of connectivity to Beckner. Before that, what we were planning to do is a two-lane urban section as part of Phase 1 to Walking Rain. Once the Phase 2 portion of Lot 15 occurred, they would continue that two-lane portion through the frontage of that property and that's where it was going to end. Right now, what they're trying to do is make a temporary connection to Richards. So what will happen again, Phase 1 of Pulte, they'll have a two-lane urban section up to Walking Rain, a temporary rural connection to Richards. Then once Phase 2 of Lot 15 occurs, that portion to point 1 would then convert to an urbanized two-lane section. Is that correct. Correct."

Chair Harris asked if a rural section is basically an all-weather road.

Mr. Romero said, "It is a paved road, two lanes with shoulders, meaning no curb, gutter and sidewalks. It will just be a paved road with a center stripe and shoulders, with the exception as it approaches Richards, it will expand out to provide for a left and right turn bay."

Chair Harris asked if the applicants want to speak to this.

Fred Arfman, Isaacsons & Arfman, 128 Monroe Street, Albuquerque, was sworn. Mr. Arfman said, "We have met with the Traffic Engineer, John Romero, and we have offered to expand our Phase 1 improvements in response to the neighborhood, the traffic patterns and the Monte del Sol School. We have, in our Phase 1 development, adjacent to the homes to be built by Pulte, that will be a two-lane divided roadway, sidewalks, curb and gutter and median. From the east end of their Phase 1 development, as discussed, a two lane road all the way to Richards, plus left turn lane, improvements to Richards for turning movements. This has all been added in an effort to accommodate their concerns."

Chair Harris thanked Mr. Arfman saying he validated what he understood Mr. Romero as saying, noting it was difficult to "pick that up from the Road Phasing Plan." He said it represents good news in many ways.

Chair Harris asked, "At what point in the development sequence would you anticipate this being built."

Mr. Arfman said, "All of Beckner would be built concurrently with the Pulte development. Actually there are several sub-sequences. We have to move transmission lines. A water line has to be relocated. Those things are critical, then some grading comes in, and then the road bed construction."

Chair Harris asked Mr. Siebert what he just handed out, and Mr. Siebert said is the exact same thing as you saw on the Board. [Exhibit "3."]

Chair Harris said some of this seems to go onto the Beatty property, and this is just the two-lane section [Exhibit "3]. He asked if he is seeing that correctly – are we going onto some of the Beatty property.

Mr. Romero said yes.

Chair Harris said at the time of full development, we would have sufficient room on the Las Soleras side as well as the Beatty side.

Mr. Romero said, "This isn't necessarily a sign that it is responsibility of Las Soleras *per se*, other than that needs to be in place before. So that would be Beckner from point 1 to Richards for the urban section. That would need to be in place where Beatty had already developed there, or they negotiated with Beatty to allow them to go on their property before they can develop the 20 acres and 150,000 sq. ft. on the red part, and 20 acres and 150,000 sq. ft. on the purple part. We're basically saying that connection needs to happen in its formal manner before we can do substantial development on the red or purple tracts."

Mr. Shandler asked, "Mr. Romero, do you think that needs to be a formal condition, if the Commission approves it, or do you think it's going to be rolled into the, either Mr. Thomas or Mr. Romero, do we need to start scripting out a condition, or no."

Mr. Romero said, "As far as the Road Phasing Plan is concerned."

Mr. Shandler said right.

Mr. Romero said, "What I would suggest is that the Road Phasing Plan submitted be included as part of the Master Plan, with a revision to the language under Beckner Road, from Railrunner Road to Walking Rain, so that it reads, 'Two-lane divided road' as opposed to what it currently reads, 'two-lane rural section initially'."

2. *Given the current discussion, which would have the greatest benefit to all parties; connection of Rail Runner from Governor Miles to Beckner or connection or Beckner to Richards?*

Chair Harris said he believes the second question has been answered, and asked Mr. Romero if this is an optimum solution.

Mr. Romero said, "I agree with the way Jim Siebert presented it, but I think the point is moot now, because as part of Phase 1 both connections will exist. Excuse me, Railrunner will not happen until Phase 2. So, it will be delayed. Which one is more important, a lot of it is in the eye of the beholder I guess. You can argue a reason for putting importance on either one. The reason I had initially put importance on Railrunner is that it connected one residential community with Las Soleras to another. The argument for Beckner Road is... I know Nava Adé has expressed that they thought it was crucial on cutting down on cut-through traffic through their neighborhood, as well as providing a better alternative way out of Monte del Sol School."

Chair Harris said his is opinion is having a continuous Beckner Road really makes the subdivision a reality, instead of a place just to walk your dog.

Chair Harris said this isn't on the list of questions, but something we talked about, and believes it gets addressed elsewhere. He asked if he read a statement by Mr. Romero that, with this connection of Beckner we've talked about, does that mean that either Option A or Option B for the roundabout at Dancing Ground and Governor Miles does not have the same urgency.

Mr. Romero said correct, this would be constructed in lieu of making improvements at this point in time to Governor Miles and Dancing Ground.

3. *Is there a metric such as Vehicle Miles Traveled (VMT)? If so, is it a consideration in evaluating options for a Road Phasing Plan?*

Chair Harris asked Mr. Romero to provide a little background, and asked if the Vehicle Miles Traveled was a consideration when he looked at a road phasing plan, or how often that comes up.

Mr. Romero said it was not part of the weighted factors of the Roadway Plan. He said they tried, for the most part, to come up with a somewhat macro but logical means of building roadway infrastructure

based on quantity of property developed. He said this is somewhat of a minimum phasing of roads. He said if the hospital was to come into place first and they were to do full build-out, and maybe all that would require is a crossings connection, a Las Soleras connection and of course if Beckner were built to that point. If at that point in time those connections cannot sustain the amount of traffic needed and Beckner needed to be connected to Richards, a hypothetical situation, the traffic study is part of that development and can necessitate more roadway being constructed than what is contemplated on this plan. So, to sum it up we did not use any form of traffic study to determine this plan. It was a way of trying to determine, on a macro level when we need to build roads. One of fears initially that as this development continued, we only build roadway to their driveways, and things such as the arroyo crossings which are substantially costing roadway connections would be ignored until it was fully built out, and we would be stuck without those connections. So I wanted something that would assure me that, in a responsible manner, we were going to proceed with building all these roads."

4. *Provide a clear definition and requirements for an active park vs. a less competitive park as noted by Mr. Thompson.*

5. *What agreements have been implemented in the past for shared use of City and SFPS recreational facilities?*

6. *What is the anticipated timeline for development of the Regional Park?*

Richard Thompson, Director, Parks Division, said he may have misled the Commission at the previous meeting. He said, "I am not involved in the final plans for the park. I was mentioning that in this one arena, with this topography and adjacent arroyos and trails, it may be to the advantage of the park system to have less land devoted to parking and concrete structures that are involved in large, competitive park areas. I didn't mean to insinuate we would have less land devoted to active play, but maybe less formal backstops. But we are nowhere near the process of planning the park. We are engaged in the approach to a master plan for parks in Santa Fe, and this park land would certainly be a part of that process to include demographics, some coordination with Traffic Engineering, traffic studies, water use and our ability to maintain new park land. So that all went into the statement that we might seek less competitive arena, as it were, and more open play space, including irrigated turf land for sports activities."

Chair Harris said then he is saying that consideration of a regional park at Las Soleras is going to be folded into the development of an overall master plan for all parks in the City.

Mr. Thompson said yes, this is new park land and so we would have a master plan for the park itself, separate from the master plan that Las Soleras is bringing to you today. It would be part of a park system-wide master plan that we're engaged in now.

Chair Harris asked the timeline.

Mr. Thompson said it has been through the Ordinance process, funds have been allocated in this budget, so it will be in 5/16 for the City-wide park plan, but not necessarily the Las Soleras Park. Mr. Thompson said it probably will start. They were asked by a developer what our intention for the land was. We explained it would be a process where they take it to the stakeholders, the sports enthusiasts. The Parks and Open Space Advisory Commission is undergoing changes to a Park and Recreation Advisory Commission, and we are encouraging the sports community to put forth 1-2 applicants that could bring us valuable input on the development of such lands.

Chair Harris asked if they have looked at what currently has been identified, the 21 acres, and asked if there has been any kind of slope analysis, even cursorily, to determine how much is usable.

Mr. Thompson said we do see sensitive areas adjacent to the original 21 acres and the additional 7 acres which is at a high elevation and flatter region. He said there would be some land development – cut and fill – to make level places for sports fields. He said what they do like about the presently proposed areas is that it is bordered on 2 sides with proposed thoroughfares which will ingress and egress, rather than a single entry and exit point. He said there is one entry and exit point onto a collector street from Ragle Park. All of this will be taken into consideration. He said they have a copy of the topographic survey and he sees room for development.

Mr. Shandler said, "I read the minutes from the last time the Council debated this, and the motion they made was an additional 20 acres. And so one of the proposals is an alternative to that which we've talked about, and that would be adding to this regional park, and then having the 10 acres for the school. Let's say the Planning Commission or the City Council wants their 20 acres and they don't agree with you all. What is Plan B. Where is the additional acreage going to be sited."

Mr. Thompson said the Governing Body would determine the end result, the total acreage required, and "I have not had any conversations with the developer about other lands available adjacent to the present proposed, or no site within the development."

Mr. Shandler asked, "Is there room to add to this super park, or is everything all scooped and there's no room for further expansion."

Mr. Thompson said he's not clear on the question.

Mr. Shandler said, "So let's say the Planning Commission or the City Council are going to stick with Condition 45. And let's say that Parks says what would be easiest for us is just make this bigger, instead of having it spread throughout, especially since the applicant has presented tonight that there are additional letters of comment, and there seems to be less and less large swaths of land available. So, my question to you, for the record, where is there area to grow to that existing park if they just wanted to make it a 40 acre park."

Mr. Thompson said the short answer would be yes. There are parcels of land next to the park that could be dedicated by the developer to the development of a regional park. Part of our confusion is in the original wording of Condition 45. It mentions an additional 20 acres to the Santa Fe Public Schools and

the City Parks and Recreation Department. He said they read it as begin a split, 10 acres to the School District and 10 acres to the Parks. At present, "we think we're approaching the 32 acres we dedicated to the Park Department."

Mr. Shandler said, "Right, but we heard tonight that they may not even have the school in Las Soleras, so the City Council may feel like that condition...."

Mr. Thompson said there are parcels of land adjacent to the proposed park land that could be developed in the same manner would the proposed parcel.

Chair Harris asked Mr. Siebert to talk about the proposed alternate solution.

Mr. Siebert said, "If you take a look at the history and I think what was provided by the Schools, the discussions that have taken place, there are negotiations that have always been with the Public School Administration regarding 10 acres. And if you look at the condition, it always talks about Santa Fe Public Schools. And it was our understanding there would be 10 acres for the public schools and 10 acres for active park. We have provided an additional 7 acres of active park and it was at the suggestion of Parks that they don't want it spread out, they want to consolidate it because it's easier to maintain and keep it more secure. In addition, we offered another 6 ½ acres of additional open space land which includes the City's trail system, and that land could be distributed. We addressed the concern of the Parks and Recreation Department by making those particular areas the responsibility of the lot owner or a master lot owners association in order to maintain."

Mr. Siebert continued, "If you look at the 7 acres that are added, and the 6½ acres included in the open space area with trails you have 13 acres. So you have 13 acres plus the 10 acres of the schools, we think we have 23 acres. I understand the City's taking the position that active park can only mean that which is accepted by and maintained by the City. We say that under the Planning Commission recommendation in 2010, that you could distribute them along was worth 13.5 to 15 acres."

Chair Harris said he received the topography map for the 6.74 acres, and for the 21.12 acres. He said the problem with the aggregate of the park lands that is being proposed is the alternate solution. It doesn't seem that any of those parcels are suitable for activity with the exception of Trails. He said the topography map for the 6.74 acres, he thinks is close to unbuildable, and seems it's not land that can be developed for either *[inaudible]* or active play fields without a lot of money to flatten it, which he doesn't think we are interested in doing. He said much of the 21.12 acres, 75% seems like it is relatively easy to develop, it's straightforward.

Chair Harris continued saying, "I'll just point. The parcel that is being proposed here, the 2.21, 'this' portion right 'here,' overlays the sanitary sewer main, so that wasn't a buildable parcel. And then 'this' area up 'here,' behind Ross's Peak, to me is what... sacrifice zone is what keeps coming to mind. It already has trails, slope easement, detention pond that drives over, a detention pond that is specific to Ross's Peak. But, half of that detention pond is in this property. It's undevelopable. And again, the problem I would have and perhaps the only exception is this corridor that is being proposed is really open space. It's really not park land is how I see it. Am I being too judgmental on this. What is your response."

Mr. Siebert, using an enlarged drawing, demonstrated the subject site. Mr. Siebert said, " 'This' area has topography no doubt about it. But as Mr. Thompson says, you can shape that into anything you want. And in the development of this tract and with Mr. Thompson on this, we can reshape that land into what it needs to make it a usable park. And will it have terrain, it probably will. And there's parks where you take advantage of the terrain in order to develop a better park. You talked about the area 'here' is on the sewer line, that's correct. It is on a sewer line. What happens is the Wastewater Division likes to put its *[inaudible]* on top of the sewer line and they can kill two birds with one stone. That is one of the reasons that we added it 'here.' The other reason was, it created a bigger buffer for Nava Adé."

Mr. Siebert continued, "Yet when you're talking about this area here that says, 'unusable,' in fact, what happened is the major Arroyo de los Chamisos Trail comes off Governor Miles down to here, then into a neighborhood park that is part of Ross's Peak continues on down 'here.' So is there a lighter parcel. Absolutely, it is a remainder parcel. There is a steep bank 'here,' that isn't usable, but you do have about 1.86 acres of land that is high, it has great views. It's along the road to Las Chamisos. I guess I would say that it actually is a very usable tract for park space. So my answer is that all of these token open spaces they're offering have specific functions and do work together."

Commissioner Kadlubek asked Mr. Siebert if "there is a way we can get what I have in front of me on the screen so people can follow along."

Mr. Siebert said he doesn't have that particular one, but he can turn this one around – and he did so.

Mr. Siebert said, "The question was, is there is topography associated with this particular land here and, once again, it provided two points of connections, one from Railrunner Road into the Park and two from Las Soleras Drive. And it is consolidating 'this' tract into 'tract' which is the preferred solution for the Parks and Recreation Department. The question was how to deal with this particular terrain, and what we're saying is, in conjunction with the development of 'this' tract, you can shape that land into anything in terrain that the Parks and Recreation Department wants, including... and there will be some undulations, and I think in parks that's a preferable thing to do. This particular parcel 'here' which joins Nava Adé is where there are two reasons for adding to it. One was to create a greater buffer between the Pulte Project and Nava Adé. The other was as the Chair pointed out, there is a sewer line and therefore shouldn't be included in there. But the one thing that has happened between the time that we originally designated this as open space and today is that, working with the Wastewater Department, we find out that they would prefer to have their trail on top of the wastewater, because where it is out of bounds and away from roads, it gives them the opportunity to actually maintain the manholes. And they prefer that solution. So we were trying to address two particular needs there."

Mr. Siebert continued, "And 'this' area 'here,' this is Ross's Peak that sits 'here.' 'This' is Governor Miles. The main Arroyo Chamiso Trail comes along Governor Miles down to this tract here that we're proposing, including in the open space. Into the park area 'here' is part of Ross's Peak and continues on down to the trails system 'here,' that then goes Monte del Sol, and then comes down and actually goes

into Tierra Contenta. So this is a pretty important trail right through here, and there is a steep cut and it's kind of where the hash mark *[inaudible]*. But there is some land that sits high and is really a good incorporation into the park for Ross's Peak."

Commissioner Kadlubek asked Mr. Siebert his opinion regarding the 6.74 acre active park and if it is suitable for the definition of active park, which is for play fields, soccer, baseball, football and playground equipment.

Mr. Siebert said it would not be wide enough for regular competitive playfields. It would be suitable for other active activities, including frisbee grass and various other active activities. Playground equipment for children in my opinion is perfect for those kinds of activities. And it's adjoining the Trail, the Arroyo de los Chamisos Trail.

Chair Harris said he doesn't disagree that money can solve almost anything, but the terrain on that 6.74 acres would be relatively expensive to develop, and it then becomes a question of "whose nickel it gets developed on."

Chair Harris referenced 14-8.15(C)(7), which provides, "*The developer shall be responsible for the development of all neighborhood and regional park land dedicated to the City. The park land shall be developed in accordance with the City's minimum landscape and equipment standards, including playground, ball courts, sports fields, paved trails, benches and picnic tables for each type of park created.*"

Chair Harris asked if the Las Soleras developers will fully develop this regional park.

Mr. Siebert said, "The initial commitment is to provide for a soccer field as part of Phase one of the Park. And the answer is yes, they are committed to developing the park. The question is, when I talked about a soccer field in the context of talking to Parks and Recreation, it became evident to me that they were developing an overall maser plan and were going to do a much more comprehensive study of what is really needed in this particular park. So I that over-committed Las Soleras in that sense, but we are dependent on comes from the master plan. But the idea is that yes, the developer will be developing the park with the understanding that the cost of developing that park becomes a credit to offset against the Recreational Impact Fees."

Commissioner Kadlubek asked Mr. Thompson the timeline of the City master plan, and if he has any sort of "color on this situation as to what you think this active park might need, or you might know what it might need."

Mr. Thompson said, "It was a conversation with my Director, Rob Carter, that indicated that the soccer field may not be adequate to fill the needs for the surrounding neighborhood. And it is a regional park, so it would require input throughout the City and a public hearing. If I may, at the last Commission meeting, you asked for some parks that were of like acreage. For example, Franklin Miles has two developed play field with a pump track, a skate park and then broad picnic areas with walkways. And these are considered by some to be an activity which was derived from the word active. So the definition of an active park as being all play fields is not really common to my line of work. By the same token, we do

have the connecting trail, and a request from Monte del Sol to utilize parks, and I don't see any hindrance to a Memo of Understanding with the adjacent State Charter School, but I really can't define right now, what land will look like or what the community will elect to put on the land. It is a community process.

Commissioner Kadlubek asked Mr. Thompson if he feels confident that this 6.4 acres can be an active park.

Mr. Thompson said, "Yes, I do believe it's developable."

Mr. Padilla asked, "For clarity, you are calling the 21.12 and 6.74 as the full acreage for the active park."

Mr. Thompson said there are connecting trails which we consider to be a park activity, "but yes, the playfields, whatever shape they may take, would be devoted in that area. So would the ingress and egress for vehicular traffic, all the things that go with the park."

Mr. Padilla asked the acreage of Franklin Miles Park.

Mr. Thompson said it is approximately 28.3 acres.

Commissioner Kadlubek said on Condition #45 which was provided by Mr. Siebert, it says, "A City trail through open space, be it left in the natural state or landscaped, is not considered as compliant with the definition of active park."

Mr. Thompson said, "That's all it is. I would consider it an activity associated with Park usage, but not by the definition."

Chair Harris asked Keith Wilson if he has anything to add to the whole notion of Parks and Trails. He said the Arroyo Chamiso Trail is to run from Siringo to #599, and asked if we ended up with a trail section under Cerrillos Road for Arroyo Chamiso Trail.

Mr. Wilson said, "As part of another phase of Las Soleras at the crossing at Chamiso, there were some parcels over there that kicked in at the design and development of the trail there that would connect to the underpass, I think it is a 12 foot pipe under Cerrillos Road that was put in when Cerrillos Road was reconstructed several years ago, with the intention that the Arroyo Chamiso Trail would go through there. So as part of the development of those lots, the trail is supposed to be constructed from the crossing at Chamiso down at least to this side of the tunnel. And there were some issues about who and what would be developed from the other side, commenting he thinks that is still somewhat unresolved.

Chair Harris said we are developing our trails systems in pieces as opportunity arises, but this was a link that he thought was critical, and thinks you said that has been anticipated, and so when the trail comes through whenever that may be, it's ready to move on to the other side of Cerrillos.

Mr. Wilson said some of the pieces are in place now. The Commission approved Ross's Peak which was a critical piece that gets you from the Governor Miles Roundabout across, which wasn't part of the original master plan for Las Soleras, so that was kind of the major piece of Governing Miles that was missing and is now in place as that development moves forward. He said as part of the development related to the Pavilion on the west side of 599 that this Commission saw a number of years ago, and then all the development is occurring around the new Jaguar Interchange on 599. There is a section of the Arroyo Chamiso Trail that will basically go from the SWAN Park under 599, utilizing the box culvert there, and through the Pavilion development to the outskirts of La Cienegita and on to the BLM.

Mr. Wilson noted the suggested conditions of approval for the Trails Master Plan Amendment. He said the I-25/Cerrillos interchange will be reconstructed over the 18 months, and as part of that project they are developing a multi-use trail that will run from Beckner Road to Rancho Viejo Blvd., so adding the trail connections he suggested as part of the to the Trails Master Plan will give connectivity from Las Soleras to that trail."

Chair Harris said it is an addition to the Trails Master Plan, but it doesn't run with what we're talking about here, in terms of development. He asked if that linkage will be provided as part of the Cerrillos and I-25 reconstruction.

Mr. Wilson said the trail is from Beckner south, where the northbound slip lane comes now, they're removing those bridges and that's primarily the trail alignment under the Interstate and the Rail Runner, noting that will be in place in 18 months.

Mr. Shandler asked, "For the record, there was a lot of discussion about Monte del Sol the last meeting, and I just want to get this in the minutes, so if it comes up at the Council we can point to your comments here on it. If I'm a teenager, I'm leaving Monte del Sol, I had soccer practice at this new park, can I safely walk from Monte del Sol to this new park."

Mr. Wilson said he hasn't seen anything apart from what they showed at the last meeting. He said, "However, it is my understanding they were going to build the trail along the northern portion of their development, shown on the Trails Master Plan over to Railrunner Road. And then I don't believe I saw any kind of developed trail or proposal to develop a trail to the soccer fields. So if they're just building it to Railrunner Road and then not connecting a trail to the actual soccer field, providing some other means to get there, then I'm not sure how they proposing that people get from either the neighborhood or the Monte del School to that facility. I think what I wrote in the report was that was kind of conceptual, the location. So if it was on the east side right next to Railrunner, as part of the trail development, we would be looking at what kind of facility would be just marked or made signalization or whatever else."

Commissioner Padilla asked Mr. Wilson or Mr. Siebert the timeframe for the development of the park.

Mr. Siebert said they previously committed to bring construction on the soccer field in 2017, but if they have to be a part of the process of the overall master plan, then they can't guarantee that timeframe. They have to fit within the timeframe of the overall master plan and the public hearings that have to be held on what kinds of facilities need to go along there.

Commissioner Padilla asked if the play field was planned on the 6.74 acres.

Mr. Siebert said no, it was planned on the very west side of the 21 acres.

Commissioner Kadlubek asked Mr. Siebert to talk a little bit more about the connection from Monte del Sol to the park area, and asked the distance.

Mr. Siebert said it is approximately ½ mile from Monte del Sol to the east side of the park.

Commissioner Kadlubek said there is open space and park space in the proposal that he presumes will have a trail connecting from Monte del Sol to Railrunner. He said once you get to Railrunner it is just a matter of crossing the street to get to the rest of the park. He asked if there is a thought on how to cross the street there.

Mr. Siebert said there was a concern by John Romero about sight distance, and he understands that Mr. Arfman, who is a civil engineer, is working with Ross's Peak to determine the optimum grade as it crosses there and to have adequate sight distance.

Commissioner Kadlubek said as a follow-up to Mr. Shandler's question regarding the safety issue of a student walking from Monte del Sol to the soccer field. He said the only thing in question regarding safety would be how we cross Railrunner Road, commenting he believes if approved that they would figure out a safe way to cross that road.

Mr. Siebert said they would love the opportunity to design the crossing.

Chair Harris said Santa Feans are becoming pretty respectful of the pedestrian trail crossings, commenting he believes there are safe ways to handle it.

Commissioner Padilla noted the Las Soleras Trail Plan in the packet at the last meeting, shows a trail planned on the north property line on the north boundary. He asked when will that trail be constructed – from Monte del Sol to Railrunner.

Mr. Siebert said that is Phase 1 of the Pulte Project.

Commissioner Kadlubek asked Mr. Thompson about the relationship between City Parks and the Public Schools, and asked if there is any other precedent in our City where the City has built a park for a public school, or any school, or where there is a City park near a public school.

Mr. Thompson said he addressed this in the previous meeting and he did some research on pre-existing memorandums of understanding, and found no evidence that a park was built for the purpose of a public school's use. He noted there are 3 elementary schools adjacent to public lands – Sweeney, Cesar Chavez and Wood Gormley. In January 2014, they rescinded the previous memorandums of understanding and replaced them with a unified Memorandum of Understanding, which addressed gym, meeting, play areas and parkland adjacent to those schools. There was also a component for the use of other developed play areas and other park lands not adjacent to school property. There are other play spaces within driving distance, which he understands is a challenge for school children, but organized sports almost always entail a bus and parents driving. Currently, Monte del Sol plays competition baseball at Ft. Marcy and they do use the soccer fields at the MRC. Mr. Thompson said the 3 parks he mentioned do not have sports fields dedicated for public schools use, but they are open to reservation and free to the Public Schools.

Commissioner Kadlubek said the larger interest and his personal opinion is how this park can best serve the entire community and asked if there is any data, commenting it probably has less general public use because it's associated with the school and would have use by the School. He asked, "Do you see a decline in the use, or do you have the data to show a decline or consistency with regard to the use of a park next to a school as compared to those that are not.

Mr. Thompson said he has no data, but he does have observations and anecdotes that this is sometimes the case.

Commissioner Padilla noted Nava is near Franklin Miles, and Chaparral Schools near Ragle, and asked if there is an understanding with the Santa Fe Public School to use those facilities.

Mr. Thompson said neither of those Schools are mentioned specifically in the unified MOU published in January 2014. His observation is that neither of the parks are used heavily by either of the elementary schools.

Chair Harris said we were given a copy of the Cooperative Agreement between the City and Santa Fe Public Schools dated January 1, 2014 through June 30, 2016, and asked if this is the document he is referring to.

Mr. Thompson said yes, and in the first section it talks about the previous MOUs and asked if it replaces all previous ones, and Chair Harris said yes.

Chair Harris said there are clear guidelines about how those facilities will be shared or used at appropriate times, noting he hasn't had a chance to read it.

Chair Harris said, "For everybody's information it deals with a value statement, indoor facility use, summer youth program, outdoor field use is the fourth section, Police Officers in the Schools program is 5th, new program and facilities opportunities is 6th, existing relationships 7, 8 is Santa Fe Public Transit System, and so it seems it is probably a pretty comprehensive document.

[STENOGRAPHER'S NOTE: The document discussed was not provided to the Stenographer to enter into the record.]

7. *As a State chartered public school, has Monte del Sol engaged with the Public Schools Facility Authority in evaluating their athletic facilities?*

Chair Harris said this leads us into Monte del Sol and the document he just referred to is part of what was handed to us at the podium, which is problematic but thinks we can "talk it through." He said we answered the questions on parks having to do with shared facilities, and thinks we have a good statement on that. We also have an anticipated timeline and we know there is a master plan being developed that affects the commitment referred to by Mr. Siebert.

8. *What athletic facilities are being considered by the school? How much usable acreage might be needed to develop the athletic facilities under consideration?*

Chair Harris said it is important for Dr. Jesson to explain the status of Monte del Sol as a charter school. He asked if it is a District Charter School or a State Charter School.

Dr. Robert Jesson, Head Learner, Monte del Sol Charter School, was sworn. Dr. Jesson said Monte del Sol was founded as a District Charter School, and authorized by the Santa Fe School District. He noted an authorizer is needed to found a Charter School – the State, the School District and in some places even the Mayor of a City. He said it currently is a District Charter School, and the authorizer has a responsibility to oversee our performance as a Charter School. He said 2% of their title funds go to the District, and $140,000 was authorized for us, noting there is a close relationship with the School District.

Dr. Jesson continued, this year 4 Charter Schools in Santa Fe came up for charter renewal, and 3 of the 4 decided to go with the State instead of the District, and as of July 1, 2015, Monte del Sol will be a State Charter School. When Condition 45 was written the school was the responsibility of Santa Fe Public Schools. He said they still serve students from Santa Fe. He said as a Charter School they are tasked with being innovative and if we stay with the District we have to follow many of the District polities and rules, so they decided to go to the State because it gives more degrees of freedom to innovate.

Chair Harris said a Charter school is a public school, and has done work for the schools, but not in some time. He asked Dr. Jesson to provide a summary of "what you put together in this Memo 'here' regarding PSCOC and the availability of funds.

Dr. Jesson said the Chair's knowledge might be dated but it's deeper than his since he just finished his first year as Head Learner, noting he was a teacher there before. His information comes from doing research with previous Head Learners of Monte del Sol.

Dr. Jesson said they are very grateful to Las Soleras, because if it wasn't for Las Soleras they wouldn't have the spot they have which is a great place for Monte del Sol, although it has issues regarding traffic in and out. He said, "The 3 acres that in some documents suggests were given to us to develop playfields, actually the dynamic there is a little backwards. Because Tony Gurlicz who founded the school and whose energy and requests for the land is what gave us the campus there. The school grew. It started as a 7th and 8th grade, and then we add a grade every year. So we had the campus there, but it started to push the boundaries, so he found a great deal on some portables from the District. The portables came first and the land came second. So he went to Las Soleras and said we need some land on which to put the portables. So land wasn't given to Monte del Sol for playing fields, it was to put the portables on the land.

Dr. Jesson continued, saying they submitted the Master Plan to the Commission so you can see where the portables are, noting they are planning to phase those out because they are ancient and very inefficient and not the best teaching facilities. They have a spectacular master plan done prior to 2008, but it shows a bird's eye view of what we can do with the land they have. They would like to extend the land to replace the portables and then be able to build a gym. In terms of plans for athletic facilities, the only thing they can do with current resources is a gym. This is the reason the students play in the parking lot.

Dr. Jesson continued, saying when we shift to a State Charter School, we have to go through the whole Charter School and the vote is happening tomorrow at the PEC, and described that process, noting the number one item on stakeholders list is athletic facilities.

Chair Harris asked what other athletic facilities were prioritized.

Dr. Jesson said the gym and then a soccer field which can be used also for P.E. He said students will drive to facilities ½ mile away, not walk. He said no one will walk to the park and it won't work for P.E. classes because it's a 1 mile round trip and "that's your P.E. class right there..."

Chair Harris asked what funds would be available once they become a State Charter School.

Dr. Jesson said SB9 funds have become available to the school and for the next year, HB 33 funds will be available. Combining these resources will allow them to build another wing of classrooms with modular structures and then use remaining funds to plan a gym. The Board voted to amend the master plan at the last meeting saying, let's try to do something more feasible within a reasonable timeframe.

Shirley McDougal, Property Manager, Santa Fe Public Schools, was sworn.

Chair Harris asked Ms. McDougal to describe briefly what we've already read in the Memorandum they provided to the Commission.

Ms. McDougal presented information from her Memorandum of June 10, 2015, which is in the Commission packet. Please see this Memo for specifics of this presentation.

Chair Harris said, "Then there's no real attachment on the part of the Santa Fe Public Schools to this Condition 45, the active park next to the school. Is it true that the Schools' focus is what we talked about earlier and that's a dedicated school site of approximately 10-11 acres."

Ms. McDougal said they are very much attached to the 20 acres, because they would allow them to have 10 acres donated for the School, and would like that it not all be active park, and 10 acres be donated to the Santa Fe Public Schools.

Chair Harris said what Ms. McDougal is saying is the School District's focus is really on the 10 acre school site, and Ms. McDougal said that is correct.

Commissioner Kadlubek said it seems it is significant for the Santa Fe Public Schools to have "that 20 acres, potentially to be re-distributed – that is a key component to the Agreement in your eyes."

[Ms. McDougal's remarks here are for the most part inaudible] Ms. McDougal said, "Our thoughts in talking with the Las Soleras group was about taking title to that property and then trading it immediately, [??] adjacent if that property were to come up. For example, property with a little less pollution, but it didn't occur to me that it would be a problem until tonight."

Commissioner Kadlubek asked how big a problem would that be, "if this school that was supposed to be slated in the master plan in the Las Soleras area was to move out of the Las Soleras area and what would be the process. Would it just come back to the Planning Commission and we would consider that move. He said it seems like a significant aspect to the master plan.

Mr. Shandler said, "I don't think it's a problem, a legal problem . I'm trying to clarify for the Planning Commission, and maybe eventually for the Council, what is really on the table, in terms of the condition and what is being asked to be amended, and whether you want to amend it even further. I just want to take a minute and turn it over to Mr. Thomas. Remind everyone for the record, what is this condition."

Mr. Thomas said, "Condition #45 was adopted in 2009 with the adoption of the Las Soleras Master Plan Annexation Agreement. It stipulated that an additional 20 acre of active park be provided somewhere in the Las Soleras Master Plan. Subsequently, in 2010, the Planning Commission approved the location, and it is noted in the initial staff report from May 21, 2015, as Exhibit B. That stipulated that 20 acres of active park land be provided. Now in the 2010 approval by the Planning Commission of that park location, there is a caveat that, however, in the future as this begins to develop, we acknowledge it may be necessary to move it, either in whole, or maybe in smaller pieces. Now what it said is as long as it adds up to 20 acres. It had an additional caveat to that, with the consent, I'm paraphrasing, but basically with the consent of Land Use staff *[inaudible]* Parks staff and the Public School District, the Commission may approve a relocation of that park. That's where the Santa Fe Public School District was.... that language was added in there in 2010 by the Planning Commission."

Mr. Thomas continued, "Now what is being proposed by the Applicant is not necessarily a redistribution per that approval in 2010 per Condition #45, but rather an amendment to that. In a sense, you could think of it as back to the drawing board, everything is on the table, because the whole condition is being proposed for amendment. As stated by the Applicant, they're proposing to give some 4 acres to the overall City park and they're working out deals with the School District. So because it is an overall amendment to the condition, I don't think, as Mr. Shandler said, it's not a problem from the legal standpoint where that land may or may not go. That actually wasn't a condition, a component of the original condition."

Mr. Thomas continued, "What Ms. McDougal is asking for is to maybe consider that as part of the conditions, considering the requested amendment to the original claim of active park. Maybe you say, well we would like to designate the 20 acres of active park land, 10 of which doesn't need to go parks. So that kind of walks you through the process, but ultimately what is before the Commission is a request for an amendment to Condition #45. So, in essence, that 2010 verbal by the Planning Commission that actually located that 20 acre park so that is up for discussion now, and it doesn't necessarily have to add up to 20 as being reviewed by the Applicant."

Commissioner Gutierrez said he asked at the start, how did Santa Fe Public Schools play any part in working with Las Soleras.

Ms. McDougal said she is unsure she is following the question, but in 2008, they started working with the Las Soleras group which was before she was with the District. She said the *[inaudible]* we recently built probably would have been built in Las Soleras, but it was stalled here for the last several years.

Commissioner Gutierrez said the School District has no interaction with Mr. Siebert or the Las Soleras people, noting she said they have been working on this for 16 years, and Ms. McDougal came into this as recently as 2008.

Ms. McDougal said Santa Fe Public Schools staff has been working with this group since 2008, but she's only been working with the Schools since 2011.

Commissioner Gutierrez asked if another development this big comes in, would Santa Fe Public Schools come to the table immediately to talk about these issues.

Mr. Smith said, "Certainly in a master plan of this magnitude, the City staff would ensure that the School District would continue to advise the Planning Commission or the City Council as to whether land that was planned was adequate to the needs of the School District for the population that is being accommodated and the residential portion. There is not a specific requirement in City Code that X number of acres must be dedicated for the school. That has been the practice in Tierra Contenta, Santa Fe Estates and other large master plans, to consult with the School District to ensure that a plan for School sites is accommodated in the major master plan."

Commissioner Gutierrez said in the Memo it sounds like it was a trade for something in the NW Quadrant, and asked if that came to fruition.

Ms. McDougal that is what that Memo is about and that was several years ago, so it was just an aside at the end of that Memo.

Commissioner Gutierrez said so the land sale was complete.

Ms. McDougal reiterated that was concluded several years ago.

Commissioner Gutierrez asked, besides having a say in where the Park goes, is the Santa Fe Public Schools entitled to anything else.

Mr. Shandler said, "The way I read the minutes from 2009 at the Council, then Councilor Ortiz was really pushing for a separate 20 acre park, and he had specific tracts he wanted to put it on. And Mr. Siebert said it's too soon to make those commitments about where it specifically is. But anyway, Commissioner Ortiz went ahead and made the motion for the 20 acres, I'm sorry, Councilor Matt Ortiz. And then Councilor Chavez said he would like to make a friendly amendment, if it's left to the Applicant and the School Board to determine the location. And that's why Councilor Ortiz accepted that, and the Condition says, "The 20 acres, at the request of the developer, in consultation with the School Board. So I think the minutes suggest that back in February 2009, some Councilors wanted to have this park next to the school. But, Councilor Chavez softened that by saying, why don't we just say that it was developed in consultation with the School Board. I think that's what the minutes reflect."

Commissioner Gutierrez asked when the 10 acres for the school came into play.

Mr. Shandler said, "The way I understand it, this is has now come up that the Applicant has needed proposed amendments and this is the first time the 10 number occurred. I have not found it in any of the minutes as a part of any motion. I think it's now part of this proposal."

Chair Harris said there is a statement in the Memo from Ms. McDougal to the Land Use Department, with copies the Superintendent of Schools, General Counsel, Director of Operations, and he believes the other individual is a Finance Director, and it seems Senior Management of the School District would agree with the statement that reads: *"We request that the Planning Commission honor the donation of land to Santa Fe Public schools within the Condition 45, and amend the language to include public land. We request that this Memo and attachments be included in the Planning Commission packet at the next meeting on this issue."*

Chair Harris continued, "This summarizes the position of the Santa Fe Schools very well. It seems it was amended as a part of the friendly amendment is....again in response to the proposal from the Applicant to really donate 10 acres under Condition 45 to the Santa Fe Public Schools. And we've heard discussion that donation, those 10 acres, may occur outside of Las Soleras, but certainly within the proximity, because as Ms. McDougal notes in her Memo, that's where the children are, in the south and southwest part of our town, that's where the families are living. And Mr. Shandler also said, as far as he

stated I believe, that's not a legal issue. That can be accommodated under this fairly broad language that was amended and called now Condition 45. Is that correct."

Ms. McDougal said yes.

Chair Harris said, "Again, the statement that I read, that's what it boils down to for the Santa Fe Public Schools, to receive the 10 acres for a future school and really, to amend the language taking it out of that active park designation and call it public land."

Ms. McDougal said, "Right."

Commissioner Gutierrez asked the acreage of the last 3 new schools that have gone up in Santa Fe.

Ms. McDougal said, our two new schools are K-8 and those both are on 15 and 16 acre sites. So under State standards for elementary schools it is a minimum of 10 acres.

Commissioner Gutierrez said the Public Schools know this area is growing and they need to put a school here at some point is the position I'm hearing. He asked if there is any objection from the Public Schools to put some kind of condition on there that they actually build a school there and not trade this land or sell it.

Ms. McDougal said it's a long term planning process to get the land and to schedule the General Obligation Bonds and so forth, commenting she is unsure she is answering his question – do you want to put a deed restriction on it or something. She said, "I just don't know when we can build it and we'll have to do.... how fast the Santa Fe economy will recover, are there new students moving in. We know there are going to be new students in this area, but then most of our schools are, but then our north side schools are blending, and where we overall in Santa Fe have more students or not. The demographers are scratching their head *[inaudible]* so we say that we can wait and see."

Commissioner Gutierrez said, "My thought is that you're taking away park space for school space, it's a tradeoff. And if it's in or near Las Soleras and some commercial developer comes to the Santa Fe Public Schools and says this is perfect for us, and the Board decides to sell it, a school is never build there, then you've just voided all the work, the memos and everything that has come forward."

Ms. McDougal said, "I see your point. So, yes, so the answer to the question is that we'll certainly want to work with you so that we did guarantee the disclaimer."

Commissioner Gutierrez asked Mr. Shandler if wording can be included, if they were to get this acreage, that would restrict the sale or ensure the school is built, or administrative offices where *[inaudible]* the Santa Fe Public Schools versus a private entity down the road.

Mr. Shandler said, "That's an excellent question. We've been debating is how specific does the master plan have to be. But I think as the debate continues, we probably could come up with some type of language. Let me just see how the debate percolates before I start working on something."

Commissioner Gutierrez said, "My only thought is that I do think we need active park space in here and one soccer field isn't enough for this area, and there should be baseball diamonds out there, and nobody has talked about any baseball/softball diamond, or things of that nature. So, if you're taking away from it and it needs to be for better good. My other thought I need to say is when the Governing Body was sitting here and they were talking about including you, I think a lot of them thought Monte del Sol was part of the Santa Fe Public Schools and they wanted to be cohesive and work together with Monte del Sol to have a park they can use. That's just my interpretation. I'll leave it at that. Thank you."

Commissioner Padilla said if he understands Mr. Thomas and Mr. Shandler correctly, what he's reading is the fact that Condition #45 has the additional 20 acres for an active park space, does not say a specific site adjacent to, nearby, it's just 20 acres of active park space in the Las Soleras development, and asked if that is correct.

Mr. Thomas said, "That is correct. However, the subsequent approval by the Planning Commission in 2010 did establish the location of that active park space adjacent to the Monte del Sol School. So, and Mr. Shandler read the minutes, when that was approved on February 11, 2009, by the City Council, it was approved as an additional condition to require 20 acres of active park space. The location was not chosen or contemplated at that time. In fact, the minutes reflect that Mr. Siebert acknowledged not wanting to necessarily commit to an exact location. That was done subsequently in 2010 by the Planning Commission. At which time, they established one, the location of that 20 acres, and that is included as Exhibit D to the May 21st Staff Report, the location, and that is adjacent to the Monte del School. They added the caveat that this could be moved into smaller pieces or in a different configuration as long as it added up to 20 acres and had the consent of the School District, the Land Use staff and Parks staff, the Planning Commission could move that in a different configuration as long as it added to 20 acres. Again, what the application, for lack of a better term is to strike that condition and say this is a new day and we want to look at this differently. So that, in essence is what happened. Today versus what was approved in 2009 and what was approved in 2010."

Commissioner Padilla said, in reviewing the notes, minutes from the meeting, information provided by public testimony and emails, he thinks the neighborhood, Nava Adé really would like it not to be adjacent to the school, but Monte del Sol actually wants it near the school.

Dr. Jesson said Monte del Sol would definitely like the park situated close to the school. And as the Chair suggested at the beginning of the meeting, Nava Adé could be considered to be a house divided in terms of whether the community wants it next to the School or in the regional park.

Commissioner Padilla said in response to Commissioner Gutierrez's request that it be site specific and that it be in the subdivision, "I would like to respond to the fact that I think if the commitment is there to be able to dedicate the land, I think the site right now is 11.61 acres, it's talked about in the commercial area. To allow the Public Schools the ability to have that property to be able to leverage if there is a site

that is better situated or accommodates their needs, I think that flexibility needs to be there. The commitment that the Public Schools will make, obviously, as residences are developed and the kids are there, they know they've got to build another school. And if that is in the neighboring Beatty subdivision, etc., I think we would need to make sure we provide the School District with the flexibility to be able to leverage that land for a better site will accommodate their needs. I would like for my fellow Commissioner to consider that as we move forward."

Commissioner Kadlubek said to follow up on Commissioner Padilla's comment, "I agree, I would hate to see active space get traded for what is supposed to be a school, but gets traded over the long run for something that is commercial, and I think that would be a pretty bad tradeoff. But we also don't want to handcuff the Schools into an area of land.... I think it should be flexible so they can build something that's right for the kids in that neighborhood and be the right site, I think is important. If that means having to trade the land, I think that's significant, so I do want to put that out there."

Commissioner Kadlubek asked when the Santa Fe Public Schools got into this conversation to begin with – why was it added in Amendment 45 that Santa Fe Public Schools have a seat at the table.

Mr. Thompson said, "I'm not sure I have a perfect answer. I think in the minutes it's reflected that there is discussion occurring between the different departments and then the Public Schools. I'm not sure I have a perfect answer as to why or what the intent was to work with all City departments that might be stakeholders."

Commissioner Kadlubek asked if it could be that Monte del Sol was part of the Santa Fe Public Schools.

Chair Harris said his company provided services to the Schools for 8½ years beginning approximately January 1, 2000, and he doesn't remember exactly when, but in 2003 he walked on the property of Las Soleras with Bill Belzner who was the Chief Operations Officer. He said there has always been an understanding and there has always been a dialogue between the Santa Fe Public Schools and Las Soleras that there will be a land donation for a school. At that point, it didn't get much beyond the dialogue, but the commitment has been made, is longstanding and he is sure it will be honored.

Mr. Smith said, "I'm not clear to exactly what was the City Council who first added language about the School District on that particular night, nor the intent of the other Councils who voted to adopt this. Going back to the 1999 General Plan, the Future Land Use Map shows two extensive school sites and the location of the Beatty property and the Las Soleras property. So the siting for individual school facilities have been under discussion at various stages since 1999 and previous iterations of the Las Soleras Master Plan."

Chair Harris said we didn't have a full plat before us, but one site we looked at was adjacent to I-25, and we thought it probably wasn't the best place for an elementary school, so it's been going on for a long while.

Commissioner Kadlubek said he wanted to be clear that it wasn't just a misunderstanding that Monte del Sol was part of the Santa Fe Public Schools, so it has been a longer conversation.

Commissioner Kadlubek said, "With regard to the comment that Nava Adé is a house divided, I want to give my perspective of that from our May 21st meeting. I saw a lot of people from Nava Ada speak in support of the new proposal and I heard one person speak against, so I personally don't see it as a house divided. That's been brought up twice and I just wanted to give my perspective on that. With regards to the park, I think it's important that we follow staff on this as to how to use that park, and as a Commission not try to determine how that parks gets used. It seems you have a process of what is needed with a whole master plan of parks across the City, and I would respectfully yield to the staff on how to determine how this park is best used."

Commissioner Kadlubek continued, "I have a question in regard to the Park Master Plan, Mr. Thompson if you could answer. With regard to the financial side of this, assuming the City is not in the greatest fiscal shape at this point, what is the fiscal impact of 6.74 active park as compared to a 20 acre active park. And assuming the 20 acre active park was to be develop, in your opinion, does the City have the current fiscal capability to handle a park of that size."

Mr. Thompson said, "The 6+ acre park would be approximately 1/3 the size of the 20 acres mentioned in Condition 45. It goes back to the ability of the developer, the capacity of the property, drainage, adjacent waters, soil texture and fertility and the use of the park, the number of feet that visit the park, all enters into the equation. The cost would be approximately 1/3 of the cost of the 20 acre park. As far as the City's ability, we've submitted expansion budgets in successive years. This is my first budget cycle. We did submit an expansion budget and were asked to make do with the resources at our command in previous years, so we were not funded any heavier than we were last year. And I can't predict when that would change, but the impact would be considerable."

Chair Harris said according to the language he read referenced in Chapter 14, he believes the need is the developer's responsibility.

Chair Harris said, "I want to talk about a possible solution that would help to support Monte del Sol in their ultimate goals. In the priorities that we heard, Mr. Siebert, you're probably the best person to answer this, and maybe I can talk to it without using the graphic. It became apparent to me when I looked at the full size drawings, because immediately east of the 3.12 acres that Monte del Sol already owns, is basically, I don't remember the Phase, but it's part of the family development in Phase 2, it's a detention pond. It's actually relatively flat. Half of the 3.12 acres is really not very usable, and yes, we heard an offer from Mr. Siebert on behalf of Pulte to move some dirt there to build it up. But without really proper subsurface soils investigation and compaction, and not knowing what is going on, there would still need to be a retaining wall."

Chair Harris continued, "So the usable ground really is to the east, which is currently, Mr. Arfman knows this, is currently designated to be a detention pond which is a very poor use of that, I don't know the size. I didn't get a scale out and try to calculate it. But we have very usable land immediately to the east. And as I look at the master plan that was developed on behalf of Monte del Sol, we saw that 3.12 acres

would handle additional internal traffic patterns which is an issue for all schools. And I think Ms. McDougal would testify to that. That's been my own experience. So that 3.12 acres will help to accommodate internal traffic pattern. It would allow for a classroom addition and ultimately a gymnasium. But that pretty much takes it to the eastern property line of the 3.12 acres."

Chair Harris continued, "I would like a consideration given to expand, to look at that land, and a further dedication, quite frankly, to Monte del Sol of sufficient size to develop their second priority which is a soccer field. And this doesn't even get into the Beatty property and what might happen there. The other thing too is a further argument for what I'm trying to lay out is the western portion of that 3.12 acres which is sloped pretty considerably. The grading and drainage plans call for an easement for construction access. A temporary easement for construction access. And a sidewalk is shown on the Monte del Sol property, the 3.12 acres."

Chair Harris continued, "The Pulte development has a need to access that property. I think it's appropriate to consider just shifting the property line. And we're talking about an acre, probably a little more. The soccer field may need to look at an acre or an acre and a half on the east side where the detention pond is. And then if some of that land, the 3.12 acres, it's really not usable and not easy to develop, which the Pulte group in their engineering has said we need to access that. And then they would recover that space as part of their landscape plan. It expands the open space on both side of Walking Rain and Dancing Ground, that whole confluence of streets. Any reaction to that proposal, Mr. Siebert or anybody else, Mr. Skarsgard."

Mr. Siebert said, "I recall, we're been through this before. And I guess I would request the same thing we did last time. Maybe it's appropriate to take a break for the Planning Commission anyway, to give us an opportunity to discuss that. And when you come back from your break, we can have answer for you.

Chair Harris said that's a good idea. He said, "But I do want to say, too, just to add to it. You heard me talk earlier and perhaps a bit judgmental about the usability of the 3 parcels, the 6.74 and the 2.21 acres and the 1.6 acres. And you made the case of how they could be usable. But in fact, they require money. We do have very usable ground to the east there, and I think it would help to solve some of the short and long term problems occurring around the whole notion of how to support Monte del Sol. And yes, the Santa Fe Public Schools, I think we understand the distinction between Santa Fe Public Schools and what they were as a District Charter School, but I think there's an appreciation between the Governing Body at the time that a school, is a school is a school. I'm trying to come up with a way to help Monte del Sol. They've been in place for 8-10 years. I think they have a future, 15 years, they have a future, and I think this body should try and support that future."

Break at 9:40 p.m. to 9:55 p.m.

Mr. Siebert, using an enlarged drawing, said, "Let me explain a couple of things here. There was a comment that it's just useless and why put a pond there. There is a reason, 'this' is the low point on the property 'here,' so it picks up all this drainage. The other thing that happens is this is the same drainage that comes in floods Monte del Sol from time to time. The way Fred had designed *[inaudible]* this came in as 3 cfs as and it means cubic feet per second. What I would like to suggest is, and if *[inaudible]* jumps

down my throat and says absolutely not, then I guess I have to back up. It was suggested that there could be dual use of this. If you notice, there is an offset from 'here' to 'here.' Las Soleras donated 'this' land 'here,' and it seems to me, this being flatter land, you could bring 'this' back in a little more 'here.' The other consideration is, and I think it's in the packet, the Beatty property sits 'here,' had a commitment to provide 3.41 acres of land to the schools, and I don't know if that commitment was made to the Public Schools or the Charter Schools, and we're back in that same situation."

Mr. Siebert continued,"But it seems to me, if you combined 'this' area 'here,' just slightly into Monte del Sol, and you picked up a portion of 'this,' you would have, and it's not going to be an official play field, I'm not saying that. It would be a good practice field. A good play field is 210 feet in width 400 feet in length. This would be probably almost 400 feet in length and 130 feet in depth, so it would be a play field. What we would propose would be to provide this as kind of a dual situation, where it would serve both as a ponding area, and it would be grassed to serve at a play field. Monte del Sol would have to add something 'here' and negotiate with the Beatty's for something 'here,' and they would gain the practice field that they actually need. Their advantage that actually collecting water is part of that *[inaudible]*."

Mr. Siebert continued, "We were talking with Fred Arfman, Civil Engineer, earlier, and he has designed other places in Albuquerque that actually serve these dual functions. It's not something new. If you want to talk to Fred about that, you're welcome to do that. With this, we could have kind of a global settlement, that the 7 acres that are added to the 21 acre park is sufficient to satisfy the requirement for additional active park land, and we would continue to work with the Schools to get an additional 10 acres for the Santa Fe Public Schools. Maybe you need to take a break now. Anyway, that's our offer."

Chair Harris said he thinks it's worth further discussion. He said part of taking the corner off you are proposing to accommodate that detention pond cuts considerable into a proposed site plan for the addition and the gymnasium, so there are a lot of things to sort out. He said, "I think it's problematic, to tell you the truth."

9. *Provided a plat showing how much property was committed to Monte del Sol as part of the Beatty Subdivision approval. How did the Condition of Approval read?*

Chair Harris asked Mr. Thomas to speak to this question.

Mr. Thomas said, "I've researched the Beatty South development, the original minutes from 2007. What was approved at the time was a General Plan Amendment, Rezone and Annexation, and it basically stopped there. There were conditions of approval which are listed on page 5 of 6 in the Staff Memo, that spell out that the 3.14 acres would be contiguous with open space. There was no subsequent subdivision that closed that loop. At the time there was anticipation that would come. I can't really explain why that loop was never closed. But that's basically what was approved as the Beatty South proposal."

Chair Harris asked if there was a specific condition for the Beatty South annexation that 3.1 acres be donated contiguous with open space. And we've seen a graphic with the triangle that is contiguous to Monte del Sol. Chair Harris said, "So if that was the specific condition, but it wasn't acted on for whatever reason, Mr. Shandler, can that be made to happen now."

Mr. Shandler said, "This is a general discussion of how the staff does enforcement after the fact. I don't know off the top of my head what the proper enforcement tool would be. I would have to research that further."

Chair Harris asked who represented the Subdivision at the time.

Mr. Siebert said it was Jenkins-Gavin.

Mr. Smith said, "It's correct. We do not have complete documentation from the minutes that there would be an Ordinance with an attachment that has this language that says that it is, that No. 3007-30 does include that language. Typically, the timeline is developed at the subdivision *[inaudible]*. It's possible that if we research the actual Annexation Agreement there may be a different timeframe in that, but I don't think we have gotten this far in the subdivision, as far as the Annexation Agreement."

Chair Harris said he asked them to research the specific language of the Ordinance that came as the result of the Annexation.

Mr. Smith said it is the Ordinance language, but it could have been in the agreement as well just to dot that "i."

Chair Harris asked him to contact Jenkins-Gavin and discuss the situation, hear what they have to say, see what their current thoughts are.

Mr. Smith said he thinks the applicants have had discussions with the owners of the property, but doesn't know that for certain.

Mr. Siebert said he has looked at the various documents on the Beatty property, and the triangle shows on the Master Plan, and doesn't know if that is part of "your documents," but it is part of the Master Plan. He said as he recalls the condition was, "At such time as they come in with a plat, then that land has to be dedicated, and that was the condition that was agreed to."

Chair Harris said he would still ask them to dig deeper on the actual agreement and talk with Jenkins-Gavin, and they may or may not still represent them, but perhaps they can provide more information.

Mr. Smith said he will do so.

Chair Harris said that question is answered.

QUESTIONS UNDER THE SUBDIVISION COMPONENT

1. *The Traffic Engineering Division supports what they describe as Plan A as a solution to the frequent congestion at the intersection of Governor Miles and Dancing Ground. Have discussions occurred with the Nava Adé Homeowners Association regarding the possible dedication of certain portions of Open Space to Public Right of Way?*

Chair Harris said the Subdivision dealt with Plan A on the on the intersection of Governor Miles and Dancing Ground, and Mr. Romero answered that in writing, as well as in previous testimony.

2. *In the opinion of the Traffic Engineering Division, when might the warrants be in place for signalization as described in Plan B?*

Chair Harris said Mr. Romero answered this question, noting his response was probably quite a ways away.

3. *What is the estimated cost to relocate the electrical transmission line?*

Chair Harris said the response is the cost is between $800,000 and $1 million.

Chair Harris said that completes the questions that were asked, and asked if there is additional discussion on any of the above, all the way back to the Land Use Component. He said Mr. Smith asked to provide some clarification.

Mr. Smith said early in the discussion he talked about the General Plan Land Use State Policies and he indicated the discussion about the 5 acres being a minimum rather than a maximum. He said, "I've done additional research, so let me, for the record, implementing Policy 4-4-I(3), states that, '*To ensure that all residential development within the future growth areas is built at a minimum gross density of 3 units per acre and an average of 5 units per acre where topography allows.*' That is the most official statement of density requirements in the General Plan. There are other places in the General Plan that encourage a density of 5 to 7 units per acre to encourage affordability. And the language Mr. Liming was talking about in a policy discussion, and talked in general terms of 5 acres. But in terms of the specific policy adopted in 1999, the specific one is minimum gross density 3, average gross density 5 units per acre where topography allows."

Commissioner Chavez asked, in terms of the topography of this area, do we have a calculation on what that density is theoretically as the plan is right now. She said, "When you said, as topography allows, that's kind of a new condition that makes me wonder if it's more dense than we first thought, or not."

Mr. Smith said, "I think the staff's analysis of the topography within the area to be developed by Pulte, most of it is suitable for development at a density of 5 units or more."

Commissioner Gutierrez said Condition 2 of the Beatty annexation says "The Beatty representatives will work with partners in the adjacent lots surrounding the development, to assist the District in obtaining an appropriate site of 15 acres." He said we haven't talked about that before.

Mr. Smith said the staff hasn't been involved in those discussions with the School Districts in terms of proceeding with the development.

Commissioner Gutierrez asked Mr. Siebert if he has spoken with them about working together to get the 15 acres from the Beatty annexation.

Mr. Skip Skarsgard said he has spoken with them on several occasions. He said Otis Beatty was the sole manager and he passed away recently, so the property ownership evolved down to Linda Zemky who has a 1/3 interest , and Fred Gardner the Gardner family has a 1/3 interest and 1/3 to the 4 Beatty children. They are having internal problems figuring out who is in charge. It has been difficult to get commitments and reasonable discussions. He said they continue to work with them, noting Fred Gardner is a significant owner in Las Soleras, so he is the connection between the Beatty property and the Las Soleras property. All of the people he just mentioned, are aware of the Annexation Agreement and the conditions, noting he has sent each of them a copy of that on two separate occasions, so they can be brought up to speed. He said until they can resolve their internal politics, it's hard to get them to commit to anything and expect it to flow through for realization.

Commissioner Gutierrez asked if it is fair to say that with you guys working on the 10 acres – the 11.61, they have to come forward with 15, and the Schools would realize more than 25 acres.

Mr. Skip Skarsgard said that's in conjunction with their efforts with us. He said the way he reads it is that is there is 5 acres maximum that would be some part from us and some from the Beatty property.

Commissioner Gutierrez said Ms. McDougal said they need 15 acres.

Mr. Skip Skarsgard said that's what she said.

Commissioner Gutierrez asked, then do you have any idea when they might decide to work with you. He asked how much of the Las Soleras joins Beatty and is there is a nice 15 acre spot, in a perfect world that is 7 ½ and 7 ½ coming from the two properties.

Mr. Skip Skarsgard said no. He said Beckner Road bisects the two properties, so if you had 7½ on one side and 7½ on the other, there is a four-lane road in the middle.

Commissioner Gutierrez said then the chance of getting the full 15 acres together is slim to none.

Mr. Skip Skarsgard said no, because they have been talking with them and making proposals on how we can work together to get the 15 acres, work together to get 10 acres and allow the Schools to buy 4 or 5 acres. We've been working on various proposals. The problem is right now we don't have a way of getting a commitment from the Beatty property.

Commissioner Gutierrez asked if it is fair to say to pacify the School District right now if you work with the 11 acres or what I think I heard is that you will have the school on the Beatty property at some point instead of Las Soleras.

Mr. Skip Skarsgard said yes.

Commissioner Gutierrez said, if he is reading everything right, this gentleman and the City wants Las Soleras to be a place for people to live/work/play, walk your dogs, go have a cup of coffee and things of that nature. He said he's trying not to handcuff the Schools, but he would like to see them follow through and have a School to service the kids of this community.

Chair Harris asked if any member has anything to add, otherwise we will continue to move forward.

No one from the audience came forward to speak to the Commission.

Chair Harris said, "There are a total of 6 cases – a Land Use Component, a Master Plan Component and a Subdivision Component. I think of it as "macro to micro." There has been a lot of discussion on all elements. We can consider cases at our own pace, is that correct. If, for example, if we were to consider motions on the 3 cases associated with the Land Use Component, but we still have questions that need to be answered regarding Parks as part of the Master Plan Component, perhaps resolution on the School issue. I'm thinking particularly, Commissioner Gutierrez, in how to ensure that donation eventually will serve the children of Santa Fe, serve the School District, rather than become a commercial asset."

Chair Harris continued, "Then the Subdivision has to do with a number of things, not to mention Monte del Sol. What's you take on that. Am I seeing that clearly. Is it possible to act on the Land Use Component, get some questions answered on the other."

Mr. Thomas said, "Yes, that does work. You can act, you can consider each request, separately on it's own. However, and again, what our goal has been all along is to remember that this is an overall development proposal. It is the total plan that has been designed, and it happens to require these six different requests to execute it. In the Commission's consideration of each case, just keep in mind that there is perhaps an implication to the overall design of the overall project and potentially impacts the subdivision so forth and so on. So while each one can be considered separately, they still impact overall the project design as proposed by the Applicant.

Chair Harris said he understands, but whether it is macro to micro or specific, he can't imagine a situation where this Commission would want to consider a vote on the Preliminary Subdivision Plat without having an understanding of where we're going to go on the Land Component and the Master Plan Component. There is a certain logic to it. He said, "I think the answer I heard is, if the Commission chooses, we can vote on 1, 2, 3 or all 6, if that is the Commission's choice, right."

Mr. Smith said, "Chairman, I think that's right. Typically we start in the order in which we have listed them on the agenda, and depending on what you do with the vote, that may or not pre-decide whether you do or do not take action on the 2nd, 3rd\, 4th, 5th and 6th. I understood *[inaudible]* to say you are all right with moving the Parks site from the 30 acres showing up concurrently, and you did not have a specific new location, that would pave the way for the approval of the Subdivision, and would call into question dealing with the Master Plan...."

Chair Harris said, "So for instance, the first on the Agenda, Case #2014-124, is the General Plan Amendment, but then you go from there to the Master Plan Amendment and from there to the Rezoning, and on to the Electrical Transmission Line, Lot Line Adjustment and Preliminary Subdivision Plat. So those really aren't organized even in the way the report was presented to us and certainly not organized in the way the questions were phrased. So we have this Master Plan. So in fact if we have to consider them one at a time, I would suppose we could.... suppose there's a particular action on the first case, the General Plan Amendment, but we could postpone consideration of the Master Plan Amendment. Correct."

Mr. Shandler said, "Right Mr. Chair. The way I'm trying to review it in my mind is, so the rezoning, if you're satisfied with the density argument, I can see you going ahead with that, and postponing to a date certain the Master Plan for the discussion about the park. The one thing I'm trying to figure out, is if there is some kind of creative solution near Monte del Sol, and the group, the Applicant decides afterwards, you know, maybe the Chairman has a pretty good point, I'm pausing to know if that part would need to be a different rezone that what is proposed right now. But the short answer is I think you can proceed like you are suggesting."

Commissioner Kadlubek said he has comments and observations about the cases. He said, "I see a situation where we've had a large master plan in place for quite some time, some adjustments that were made in different economic times, that were made without any sort of knowledge as to what recovery would look like. I see an effort by the developers to supply a type of housing that I think is needed in our community that is affordable and well built. I do see some compromises with regard to the park. I see some moves made to have access to the park from Monte del Sol. I hear the staff saying that the park could suffice as an active park. I see 28 acres of park which is pretty large. And the neighborhood that surrounds this development seems to be overall in favor. I personally feel pretty good about making a motion on all 6 cases here."

Chair Harris said, "Regarding connectivity....The issue of connectivity was discussed early on, by Mr. Liming in particular, talking about cul-de-sacs. We do have contradictory language in Chapter 14, in our Land Use Code that would allow cul-de-sacs. And to me, I don't know, I didn't really study the proposed Subdivision Plat in relation to the topography, but my sense of things is that the current layout, yes it has cul-de-sacs, but it perhaps took a little more advantage of the topography than a grid would

have. I liked what I saw. Ross's Peak is definitely a grid, and on paper in actuality, won't have the same feel of what is being proposed here. I think that will become apparent as they develop. The connectivity, yes is an issue. Gated developments, I'm not in favor of at all, but that's my opinion. There will be connectivity on through eventually to Railrunner. And so to me, that kind of meets that standard."

Commissioner Chavez said, "Before we vote, I want to state an additional concern, which is when we are going from a master plan that has such a wide variety of zoning and zoning uses to create uniform Rio Rancho model of housing development in the high desert in Santa Fe, what effect that has on resources, what effect that has on especially water. This kind of spreading uses of houses rather than more compact... I feel like it's happening on a pretty large scale in this plan, and I just wanted to state that. Although it is meeting a need in the community for workforce housing, although.... and I think the developer clearly makes a high quality product. I feel like that decision we're making is a pretty big one in terms of the use of that land and how it's going to be used for generations to come. And I just would be remiss to not at least say that that's a concern of mine right now. Thank you."

Commissioner Padilla said, "In the grand scheme of planning, one, the commitment that the developer has made to the large Las Soleras project and his ability to stick with it and ride through the economic downturn. None of us had a crystal ball. When this was going forward, we were going gangbusters. We were doing things. If we had had a crystal ball, we would have done things a little differently. I think we've come out of the recession, granted New Mexico is still in a depressed market, but there's an opportunity here. I think the developer has teamed with a builder that sees an opportunity, has made a commitment, not only to the communities they're currently in, but made a strong commitment to the Santa Fe market, which isn't an easy market to develop in. We're not called the City Different for nothing. It is tough to make a buck here and to be a developer here and to come in. I commend the developer, I commend Pulte coming in and making a commitment to workforce housing and what they see as a specific market or a more senior market, because it's the reality."

Commissioner Padilla said, "Long Range Planning gave us a presentation on how we are graying as a community and will continue to gray, but I think with the commercial track Las Soleras is looking at, you bring somebody in, a commercial project, a developer or company that wants to come in there, the first thing they are going to ask is how is the available housing market for my young people I'm bringing in, where can they live, and can they afford to live here. And to be able to have a product like Pulte is planning is commendable. I think it deserves to be supported. We still have some things to work through, but as I said, if we all had a crystal ball, we would all be millionaires, hand over fist."

Commissioner Padilla said, "One thing I would like to do is to thank the developer, thank Pulte and thank staff for the time and commitment and effort you made in responding to the questions that were asked from a long meeting previously to this meeting where we have been able to evaluate, deliberate and discuss. Chair Harris, thank you for your leadership for pushing this through, guiding us through and allowing us to drill deep into the questions we had. I'm ready to move forward and look at possible motions for the cases that are before us this evening."

Commissioner Gutierrez said he isn't ready to vote on everything. He said, "A sticking point for me, and something I want to see worked out is parks, and I'm very interested in more park space and giving Zach a little bit of time to figure out the public schools issue that I brought up could work out or play out. Earlier someone said about the 3.41 acres, enforcement is hard after, if you didn't dot your "i's" and cross your "t's." I do think these guys did a fantastic job. It sounds like they're working at playing ball with the neighbors, getting Beckner Road, as they start this project, is probably a big relief for a lot of them. A little disappointing is that we have Commissioners here that won't be with us in the future. I really wish this project had come forward a little sooner, or they had stayed a little longer, because it's a big project and an interesting project."

Chair Harris said, "I think the sentiment of the Commission is we should put some motions on the floor and see what people think.

STENOGRAPHER'S NOTE: The following cases were considered in the order as presented as follows, the first being Agenda Item F(1) Case #2014-124, Pulte Las Soleras General Plan Amendment

MOTION: Commissioner Padilla moved, seconded by Commissioner Kadlubek, to recommend to the Governing Body the approval of Case #2014-124, Pulte Las Soleras General Plan Amendment, as presented.

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla.

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Chair Harris asked if we have to the consider the cases in specific order.

Mr. Smith said, "It's appropriate for the Pulte Zoning Case to come next. It's a judgment call."

Chair Harris said he agrees.

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3. **<u>CASE #2014-125.</u> PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.92 ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 14.95 ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE; AND 3.93 ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN (ZACH THOMAS, CASE MANAGER) (Continued from May 21, 2015)**

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Padilla, to recommend to the Governing Body the approval of Case #2014-125, Pulte Las Soleras Rezoning, as presented, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla.

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Mr. Smith suggested the Commission next consider Case #2014-123, Pulte Las Soleras Master Plan Amendment.

Chair Harris said, "I don't see how. All the documentation talked about rezoning, and immediately after, the Lot Line Adjustment."

Mr. Smith said Chair Harris is correct.

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5. **CASE #2014-126. PULTE LAS SOLERAS LOT LINE ADJUSTMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF LOT LINE ADJUSTMENTS WITHIN THE LAS SOLERAS MASTER PLAN TO RECONFIGURE LAND TRACTS CONSISTENT WITH THE PROPOSED GENERAL PLAN AMENDMENT AND REZONING. THE PROPOSED LOT LINES COINCIDE WITH ANTICIPATED PHASING OF FUTURE SINGLE-FAMILY RESIDENTIAL SUBDIVISIONS. (ZACH THOMAS, CASE MANAGER) (Continued from May 21, 2015)**

MOTION: Commissioner Padilla moved, seconded by Commissioner Ortiz, to recommend to the Governing Body the approval of Case #2014-126, Pulte Las Soleras Lot Line Adjustment, as presented, with all conditions of approval as recommended by staff, and subject to revised conditions recommended by staff, including the amended conditions distributed as additional submittals.

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla.

2. **CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF TRAILS AND REDUCTION OF ACTIVE PARK LAND AND THE RECONFIGURATION OF LAND TRACTS. (ZACH THOMAS, CASE MANAGER) (Continued from May 21, 2015)**

Chair Harris said he would like a motion and a second, and then open it for discussion, commenting that the Commission can review the conditions of approval at that time, if that is appropriate.

Mr. Smith said yes it is appropriate.

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Padilla, to recommend to the Governing Body the approval of Case #2014-125, Pulte Las Soleras Master Plan Amendment, as presented, with all conditions of approval as recommended by staff, and revised staff conditions.

DISCUSSION: Chair Harris asked Mr. Thomas to review all conditions, as revised, if they are revised, on this particular case.

Mr. Thomas said the initial staff conditions were presented to the Commission in the May 21, 2015 Staff Report. Mr. Thomas said, "Additionally, there are clarifications of conditions that were submitted that related specifically to the Master Plan and to the Trails Realignment. Again, the Master Plan focuses on 3 events, one was relocation of the park, the realignment of the road and the realignment of the trails. There was discussion tonight regarding potential changes to the Road Phasing Plan. I would recommend that the Commission clarify any conditions related to the amended Road Phasing Plan. In addition, there are clarification of conditions that are proposed by the Trails Division. Keith Wilson is available to answer questions specifically related to clarification of those conditions"

Mr. Smith said, "There has been discussion, but there is nothing specific in the original staff report or the Staff Memos. There *[inaudible]* related to the Park Dedication. The Applicant has proposed specific stuff through conditions on that topic in the Staff Report."

Chair Harris said, "Let's search our memory banks here and see if we can come up with what's been said in terms of conditions. One certainly was the Road Phasing Plan that was presented to us. That Phasing Plan did have a correction that Mr. Romero cited for the record."

Mr. Shandler said, "The corrected language is, 'The two-lane divided road will be built concurrent with phase one."

Chair Harris said, "A two-lane divided road as opposed to rural."

Chair Harris said, "It is a correction of Beckner Road from Railrunner to Walking Rain, corrected to be a two lane divided road. It did say two-lane rural section."

Chair Harris said, "But we should say that the Road Phasing Plan for Beckner, all four phases, as they're described in the Road Phasing Plan will be initiated with the development of Phase 1 of the Subdivision. Correct. All four phases of the Road Phasing Plan with the correction as stated, will be implemented at the time of the development of Phase 1 of the Pulte Development."

Unidentified said, "It's stated in the Phasing Plan. Let's go over this so we are absolutely clear."

Chair Harris said, "Please do. And let me just say that the Phasing Plan does not say that all four phases will be implemented as part of Phase 1 for the Pulte Development."

Mr. Siebert said, "It doesn't say the opportunity to state it exactly the way that I think Fred has prepared it on a plan, so we're all absolutely clear about this."

Chair Harris said, "Please do."

Mr. Siebert said, "So, from the current terminus of Beckner, which is back down on Soleras, to Walking Rain, that would be a two lane divided road, right. Okay. From Walking Rain to where, would it be... what's the next segment of that. Walking Rain to point 1 is what, Fred."

Mr. Arfman said it the east property line of Point 1.

Several people talking here at the same time made it impossible to transcribe.

Mr. Siebert said, "And for Phase 1, it's a rural road."

Unidentified said, "Correct."

Mr. Siebert said, "Then it's a rural road all the way over to Richards Avenue."

Unidentified said, "Correct."

Chair Harris said, "This Phasing Plan says point 1 to Richards is a two-lane divided road. And Mr. Arfman's document seems to say Phase 1 would be a rural road with Richards Road Intersections Improvement, which is actually what I think I heard Mr. Romero say as well."

Mr. Siebert said, "Correct."

Chair Harris asked Mr. Arfman if his document states that it all will be developed consistent with Phase 1.

Mr. Arfman said, "I don't believe I have a document. But that does say we will have a rural road from Walking Rain to Richards under Phase 1."

Chair Harris said it really doesn't say that.

Mr. Arfman said, "The actual copy is an option to build that full section. Then we have a rural road along Phase 2 which will be built under Phase 1. It says that we build out to Phase 2, a full section under Phase 2.

Chair Harris said he understands that.

Mr. Arfman said, "And a third section here is that Phase 1 rural road with Richards Intersection improvements in 'here.' 'This' one."

Chair Harris said he understands that, but he sees nothing here that says that... how we are going to characterize those road improvements. They're going to get built as part of Phase 1.

Mr. Arfman said, "Well I think the intent was for Phase 1."

Mr. Smith said, "There seems to some confusion about what Mr. Romero has asked to, again make a motion with reference to as recommended by Traffic Engineering previously, or we can...."

Chair Harris said that works.

Chair Harris said, "Quite frankly, we have to deal with how to phrase the parks."

Mr. Smith said, "The Applicant has recommended removing the park designation and changing the language to refer to additional acreage on the existing park on the other side, and a tract of land to be identified later for the Schools. And there have been various iterations of that in the material submitted by the *[inaudible]* in the discussion by the Applicant at the meeting tonight."

Chair Harris said, "Again we have the 20 acres. Land has been identified for parklands, the different locations, we talked that through. We've heard from the School District what they are most concerned about is the donation of a suitable site, 10 usable acres at a minimum for a school. We know it's been collateralized in some fashion. We've heard talk about a mortgage instrument that would be attached to a particular parcel within Las Soleras. Again, do we need to address that now under a Master Plan Amendment. And they requested, as a condition, that it be designated public land. Given that negotiations are ongoing, I don't see any reason to address any parcel within Las Soleras as public land as long as we have acknowledged that there is not only a commitment, that there's a parcel that's collateralized to really ensure that that commitment is met. That doesn't even address Commissioner Gutierrez's concern about the School District's commitment."

Commissioner Gutierrez said, "On this, a yes vote means that Condition #45 that we're talking about is tossed out."

Mr. Thomas said, "In essence that is correct. Again, one of the components of the Master Plan Amendment is, I guess there's 3, there's trails, roadways and the park. And specifically that focus around that Condition #45. And so as previously stated, what's been discussed on this in the record, is replacing that the existing location with roughly 6.73 acres added to the existing regional park in the middle of the

plan site, and donating or somehow transmitting acreage to the Public School District in an amount and location yet to be determined. So that is what is being proposed by the Applicant."

Commissioner Gutierrez said at the same time, a yes vote also takes away the thought of Las Soleras having that small park next to the drainage pond, not Las Soleras, Monte del Sol, and the ability of having any size park next to them.

Chair Harris said he believes this is a separate issue, saying, "Perhaps. I don't know. It could be bundled as part of this."

Mr. Thomas said, "Again, what is being proposed in the packet in front of you is what I just mentioned. Any subsequent, I note after the break, there was subsequent discussion, the Applicants, Mr. Siebert, and that was presented by Mr. Siebert. So, it would be best to clarify if that additional discussion after the break is what you are referring to, or simply what is in the packet that you was submitted to you. Potentially, they are slightly different, but I think it would be minimal."

Commissioner Gutierrez said, "For clarification, it's not what was talked about before and after the break, it's the fact that a yes vote on this, Monte del Sol has no way of obtaining any kind of park space close to their facility without working with Mr. Siebert and the Las Soleras team."

Mr. Thomas said, "If the yes vote was for what is presented in the packet without any proposed change per the discussion tonight. Again, and that's what clarification would be needed on it. It suggests most clearly what is proposed in the packet without the proposed discussion that is happening tonight. So there's kind of two answers to your question."

Commissioner Ortiz said, "A question for Mr. Shandler. Is it completely out of the question if there is a motion to postpone this particular case to a date specific. Because, what I'm seeing is there is still a lot of confusion as to what the conditions are. I don't agree really.... I for one am not really convinced or happy with the park situation and I don't want to vote no. Can we do that. Can we postpone to a date specific.

Mr. Shandler said, "Mr. Chairman, you can do that. I've talked to staff and said that on July 2nd it could be back on the agenda as an action item, and that's what they represented to me. I'm not saying you have to do that. The elephant in the room is how many Commissioners are still going to be there. I think you would still have 4 holdovers, and Commissioner Kapin who attended the first hearing could familiarize herself with the record, so you still have a quorum of people that were familiar with the record and could vote. As a lawyer, I'm always going to be the most nervous one in the room. So really again, on this condition that some people said was done at the last minute when everyone was tired and confused."

Chair Harris said, "So here we are again."

Mr. Shandler said, "Maybe. And again, being the most nervous person in the room, maybe if you postpone it and allow the Applicant to put pen to paper finally what they want as a modified or substitute condition so everyone could read it. Maybe that would allow them a little time to address the Monte del Sol issue, but again, these are all maybes."

Chair Harris pointed out that we do have a motion and second, and we're in discussion now, so we really have to act on the motion we have, we can't postpone that, can we.

Mr. Shandler said, "The maker of the motion can always withdraw the motion."

Commissioner Kadlubek said, "I would like to clarify a condition if that is okay."

Chair Harris said, "Please."

Commissioner Kadlubek said, "Mr. Siebert, if you don't mind, I have a question, if you would step to the *microphone*."

Chair Harris said, "The third time's a charm, Mr. Siebert."

Mr. Siebert said, "It's getting late for me too, let me tell you. My bedtime's normally nine o'clock."

Chair Harris said, "With three strikes you're out."

Commissioner Kadlubek said, "I just want to try to attempt to clarify a condition that maybe was presented earlier. I just want to get assent from you if we can get it down, if we can put pen to paper on it. Would you be open to developing what is currently slated for a future detention pond, developing it in a way that *could be simultaneously used as a practice field for Monte del Sol*."

Mr. Siebert said, "The question there is clarification on development of the field. The way I understand it is right now it's a pond. And talking to Fred Arfman, he thinks the pond is about a foot deep, so it could easily accommodate a play field. So, the question is, what do you mean by if there were improvements on that particular play field."

Commissioner Kadlubek asked, "Would you be willing to work with Monte del Sol to maximum the future detention pond as a multi-use practice field for Monte del Sol."

Mr. Siebert asked Kevin Patton to speak to this, noting he will have to be sworn-in.

Kevin Patton, 7601 Jefferson Street, Albuquerque, NM 87109, was sworn. Mr. Patton said, "We would definitely shape and we're willing to shape it and get it all ready. We were thinking maybe Monte del Sol would then grass the field and irrigate it to their specifications, but we would definitely have it all shaped and graded such that it could be used as a soccer practice field. I guess we would look for them to maybe landscape that, or put the sod in for the field and then the goals. I don't know if your suggestion was for Pulte to do that or Las Soleras, and that was really the clarification."

Commissioner Gutierrez said, "Just a quick question. If you guys agree and this park came to fruition, who owns the park. Who maintains the park. And that might be a question for Mr. Thompson or City staff and, my thought is, you're going all the way with everything else, why drop the ball on Monte del Sol, because I don't think this is going to be Monte del Sol's park at the end of the day, but let's hear what the staff has to say.

Mr. Smith said, "I'm not aware, if that was the staff's question as to how it would be implemented in terms of the other open space on the boundary, some *[inaudible]* with the easement dedicated to the schools, something like that."

Chair Harris said, "We have an example at Ross's Peak. We have a detention pond that was to be maintained by the Association, and it had a playing surface. In that case, it was basically a beach volleyball court within that detention pond."

Mr. Smith said, "My understanding is it was for the use of the residents of the Subdivision though."

Chair Harris said, "Right, but it could be phrased in such a way for the maintenance and use of Monte del Sol, or other members of the public, something like that."

Commissioner Gutierrez asked for Mr. Thompson's take on that.

Mr. Thompson said, "We would certainly make recommendations to the Land Use Planning Department and accept any language you put into the recommendation to the City Council, and their decision will determine who maintains it. At present, I would assume it was dedicated as drainage."

Commissioner Gutierrez said, "They are talking about moving it from drainage to a multi-use field."

Mr. Thompson said, "The key word is park. It was dedicated as park land and the Council would expect us to maintain it."

Chair Harris asked Mr. Patton if he has remarks.

Kevin Patton, Pulte Group, said, "Our recommendation is that we would gift the land. I know Monte del Sol had mentioned an exclusive soccer field for this portion. So we would be willing to gift this land as long as it was provided in a perpetual drainage easement so we could drain water onto it, so it would be that dual use. But the land itself, we would be willing to gift to Monte del Sol so this park and the soccer park would be *[visitors only?]* for their use, so it would be something that would have to be maintained by the City or the City Parks. We would assume it would be maintained by Monte del Sol and used for a facility."

Commissioner Gutierrez said, "On that thought, I would just hate to see it die. It would be awesome on that acreage or whatever if they could get a big cistern and pump some of that drainage water to feed that park. That would be the ultimate reuse of free water. And I person would like to see a City maintain a park that's

open to people as opposed to a school field. From experience with the School Board, you vote to use the park and the paperwork is 'that' thick. It's about as thick as our packet. I think Mr. Thompson and his staff is a little easier to get along with."

Mr. Smith said, "In terms of the discussion, idea that the land was donated to the school as drainage easement, I think we could make that work. I defer to Mr. Thompson as related to... I'm not sure that the location of that tract would lend itself to accessibility to the public as a public park."

Mr. Smith said, "I would also note that the Monte del School does not have a representative present to indicate their willingness to accept or not accept the donation."

Commissioner Chavez said, "I'm a little bit uncomfortable with gifting the land to the School and then making it a City park and having the City take care of it. That seems like a.... if it's going to the School, then the School should have the financial responsibility to take care of it. I don't know, from what I've heard tonight, it might set a strange precedent for City parks being set aside for schools, especially Charter schools. I just feel a little bit uncomfortable with that precedent."

Commissioner Gutierrez said, "I don't know if you misunderstood. My intention is not to gift it to the School and have Parks take care of it, I would like to see it as a public park, a park that could be used for everybody, but it would be a benefit for Monte del Sol as it is adjoining it."

Commissioner Chavez said, "I just think practically, it's abutting the Charter School property and there isn't any other public access to the park, except through the school, I think practically it would end up being a City park for a school, that's my concern. Maybe I wasn't articulate enough before, but that is exactly my concern."

Chair Harris said in his experience, the public wouldn't necessarily distinguish... if there's available space, people will use it, commenting we see that at other schools around town. He said, as a practical matter, he thinks it could be gifted – an easement is dedicated for Monte del Sol. I think it has to be connected primarily to the School. Hew said, "I also think and I don't know the size of that detention pond, if it really would accommodate a soccer field. A practice field."

Kevin Patton said, "One of the reasons we're suggesting we gift it as well, is it would allow Monte del Sol to incorporate some of the land they have, they're currently not using that we talked about where that one property line came down. If it was gifted to them, they would have additional, instead a portion of it being the City, that way they could use some of the current land they have and make it a larger field. The current location now would not be sufficient for a recreational, competitive soccer field, but it would be sufficient for a practice field."

Commissioner Chavez said, "A follow up question. In looking at this other park to the west, this bigger park, and the earlier discussion of putting a soccer field in there as a condition, would this replace the soccer field, or would it be.... because if it was an addition then we would have a soccer field for the public in a publicly acceptable place that Monte del Field could use as a soccer field if they needed, while they would also have a recreational P.E. area next to the school."

Commissioner Padilla said, "In the testimony that was presented by the principal of Monte del Sol, he mentioned that the student playgrounds are out in the parking lot. We know that's not conducive one, to safe play, or real playground areas. I think what this will do, by gifting the property to the School, it allows them to use some of the area they currently have now adjoining this to expand the play areas that are in pretty much a secure area. I would speak in favor of that option. It may not be a true regulation size soccer area, but at least it is an area where they can indeed practice that's right next door, adjacent to their property, as opposed to ½ mile away. That, at some point, I think the condition is still there that at some point that 6 acres will be developed with a regulation soccer field."

Chair Harris said, "The regional park, some portion of the regional park. Commissioner Gutierrez, a further thought is, when they construct the classroom addition and the gymnasium, those are essentially collectors for rainwater that can be siphoned in addition to the drainage that's coming off the Pulte Development, they can direct their own water to that property as well. So I think it makes sense to gift and for them to put that as part of their master plan, how they're going to use it, how they're going to develop it, how are they going to take care of it. Okay. Commissioner Gutierrez."

Commissioner Gutierrez said, "Just two quick questions, because it's late and we're getting confused. You say practice fields, can I get a specific size."

Mr. Patton, said, "My understanding is that's 130 wide by 350 feet long."

Commissioner Gutierrez said, "So you guys are committing to 130 by 350."

Mr. Patton said that is correct.

Commissioner Gutierrez said, "My second question is, you're committed to having that park ready, not say here's the dirt and you do it."

Mr. Patton said, "No. I think we were looking for some commitment. We were going to gift the land. We were going to grade it such that it could be used. And we would expect Monte del Sol to come in and sod the area to their means. If they're using rainwater or a cistern to irrigate it, that would be up to them. They would have to own and maintain that. So we're looking for them to sod it and irrigate it."

Commissioner Gutierrez said, "When it's gifted, turned over, it's level, it's ready to be sodded, it has a crown on it so water drains off. Whatever the preplanning for the multi-use field is that they lay down their sod and irrigation."

Mr. Patton said, "That's correct, but please note that it also is a drainage pond, so it does have to deal with a 100 year event. We want to make sure that it does hold the necessary water in a large storm event. There could be time when there is a large storm event that there is water on that field."

Commissioner Gutierrez said, "Understood. Thank you."

Mr. Smith said, "If I could for the record. So the discussion has been is that you want to add a condition of approval, approving subject to donation of a specific number of acres to the School del School, but with a drainage easement for the Pulte Subdivision to use as needed. And I point out to the Commissioners that we can be very vague on the wording, because the specifics will come back to the Commission with the Final Subdivision Plat."

Commissioner Padilla said, "Mr. Smith, a question. The developer is gifting. Are the conditions that it be gifted to Monte del Sol, does there have to be a condition to be accepted."

Mr. Smith said, "That's the question, Chairman and Commissioners. The City does not have the authority to oblige the School District to accept the donation of that property."

Commissioner Padilla said, "As of July 1, it will be a State Charter School. In the condition, with acceptance by the Monte del Sol Charter School.'

Ms. Smith said that would be appropriate.

Mr. Smith said, "So the condition was it was always going to be the number of acres that have been discussed."

Chair Harris said, "A parcel approximately the size of 130 feet x 350 feet, approximately, adjacent, would be donated to the School with a drainage easement subject to acceptance by the Monte del Sol Charter School."

Mr. Smith said, "The next question is if we can proceed with conditions of approval I will give the language modifications with regard to, *[inaudible]* that the Commission has accepted the Applicant's proposal that there be no other park land dedicated other than the 7 acres that was previously discussed for increasing the *[inaudible]* park. I'm sorry in the Las Soleras School District."

Chair Harris said, "There are 4 separate, not parcels, but 4 separate pieces that were proposed by the Applicant: The 6.74 adjacent to the 21 acre regional park, the 2.21 acres that overlay the sanitary sewer, the approximate 1.86 acres adjacent to and west of the Ross Peak Subdivision, and then the corridor."

Commissioner Padilla said, "The 2.07 also adjacent to the 21.12 acres and then a 0.23 acre site adjacent to the regional park."

Chair Harris asked if the 0.23, is that the corridor that.....

Commissioner Padilla said, "Here's the 2.1 and then the 0.2."

Mr. Thomas said, "Mr. Chair, if I may clarify, it also is noted as Exhibit C in the Commission packet, so as noted in the Applicant's submittal, and again that includes the proposal of an 11.61 acre school site. However, subsequent testimony has indicated that that has not been established or accepted by the School District as a for sure site."

Commissioner Padilla said, "My understanding from Ms. McDougal from Santa Fe Public Schools is that they were accepting the 11.61 acres as collateral."

Mr. Thomas said, "We need to clarify. The Exhibit doesn't note it as collateral, it notices it as a site, to clarify whatever that collateral might...."

Commissioner Padilla said, "Could we, as far a condition of approval for additional open space be referred to as Exhibit C, and that the School site of 11.61 acres be a collateralized site for the Santa Fe Public Schools."

Mr. Smith said, "In terms of doing of doing the arithmetic, the *[inaudible]* is that are approving the open space on the plan as it was approved by this Commission previously. The other factor is the double counting that 20 acres. In other words, the *[inaudible]* has been shown as open space in the.... the staff is saying that the 20 acres that was discussed in the condition of approval, would not be in addition to the bulk of these other areas here except for the addition to the park. So this open space seen throughout the *[inaudible]* of the property is larger than the open space mentioned in the 2010 version. I'm not sure that this *[inaudible]* space relative to the 2010 approval, the 2009 approval. *[inaudible]* we are doing a little bit of double counting."

Chair Harris said he thinks we have the makings of a condition there, and "we'll let you gentlemen clean it up for us."

Mr. Skip Skarsgard said, "I want to make sure that the red mark, the 11.8 acres or whatever it is, is not a separately subdivided parcel at this time, and therefore it's not the part that's going to be secured. That is what was offered to the Schools and they were going to accept it, and then they rejected it because of it's location to the freeway. But the collateral piece is going to be either Lot 3 which is close to Cerrillos Road, or Lot 7, which is north of Lot 3, also close to Cerrillos Road. So if you want to show that on your minutes here. We can just choose Lot 3 and make that the, or Lot 7, maybe Lot 7 is a better choice."

[Commissioner Chavez's question here is inaudible because her microphone was turned off]

Mr. Skip Skarsgard said Lot 7 is like 4 acres, but it is in the commercial zoned area close to Cerrillos Road, and so the parcel next to it just sold for $25 per square foot. Lot 3 is probably 2 acres and it's right next to a property that sold for $24 per square foot. So it's a difference in value. What we were expecting to gift to the Schools would be residential valued land which would be near to the price to which they sold Pulte. He said, "So we've had this discussion with the public schools, so Shirley is aware of this, and we have to choose a spot that is already subdivided to gift the mortgage on."

Chair Harris said he's rounding numbers and using the $21 per sq. ft. on Lot 7, so the approximate value of that might be $4 million dollars. *[STENOGRAPHER'S NOTE: Whomever the Chair was speaking with in the audience that was providing information, was not before the microphone, nor been sworn, and was completely inaudible.]* He said, "That will cover it, I had a higher number because I rounded up to 45,000 sq. ft. for an acre, but yes, so that makes more sense. I was thinking around $4 million.

Ms. Helberg reminded the Chair if the individual is going to testify they need to come to the microphone.

Chair Harris said, "You're right about that, but I think what I've said is that I think we should focus on Lot 3, identify it appropriately as collateral in favor of Santa Fe Public Schools. I don't think we need to put estimated value on it. I don't think we need to put that on there. I just wanted to clarify in my own mind."

Mr. Smith said, "For the record, one of the Commissioners just indicated that the Applicant has not intended to dedicate that land in terms of the *[inaudible].*

Mr. Shandler said, "I think there's still dedicated 11.6 acres at some sites, and they are securing the confidence of the City by saying one of these lots will be used as their security. I don't think they're saying that's the school sites."

[Unidentified continued to speak from the audience and not at the microphone and is still inaudible, and Ms. Helberg asked him once again to come to the podium.]

Mr. Skip Skarsgard said, "The offer is to pledge that as collateral security for a loan of about $700,000, which would be the value of residential land times 10 acres."

Chair Harris said, "Again, I like the way Mr. Shandler expressed it, to tell the truth. Will you repeat that, Mr. Shandler."

Mr. Shandler said, "I believe the Applicant is offering 11.6 acres for a school site, by agreeing to collateralize that through one of these other properties."

Chair Harris said, "No, the offer is 10 usable acres of land. And it was 11.8 acres because there is open space connected with it along the freeway."

Mr. Shandler said, "So the site that is by the freeway is the 11.76 figure, that's where I got it from, but really the offer from the Applicant is just the 10 acres of usable land."

[Unidentified spoke and was inaudible]

Chair Harris said, "The one we placed here is Lot 7, which is the 4 acre site."

Mr. Skip Skarsgard said, "Are we good."

Chair Harris said, "Yes, I think so."

Mr. Shandler said, "I understand the condition."

Chair Harris said, "I've looked, and Mr. Wilson has hung in here. Was there an amended condition regarding the trails from Mr. Wilson that I'm just not finding."

Mr. Thomas said, "The Memo of June 18th, submitted in the additional information, is a clarification of conditions for the proposed amendment to the Trails Plan, which is one of the 3 components of the Master Plan Amendment. It outlined a specific condition proposed by Mr. Wilson."

Chair Harris said, "Then this is comprehensive and doesn't amend other conditions that we need to be aware of. We just need to specify the conditions that are documented here."

Mr. Wilson said, "If I may, my first submittal was basically a mark-up map of the Trails Map. And I just wanted to make it clear, because it was a little difficult to pull everything off the map. So staff and yourself I just want to make it clear what basically what I had shown on that map so it could be easily transposed into the conditions."

Chair Harris said for your purposes is comprehensive.

Mr. Wilson said, "Correct. Related to the Trail Plan as part of the Master Plan Amendment."

CLARIFICATION OF CONDITIONS THUS FAR BY THE CHAIR: Chair Harris said, "So the conditions I've got, I'm not going to recite all of them, but just the categories are the Road Phase Plan, the Alternate Parks Proposal in response to condition 45 for the parks land plus the 10 acre school site, and that language will also be documented with our recent discussion regarding collateralization. The third condition I have is potentially the gifting of the parcel adjacent to the eastern property line of Monte del Sol, and I think you know the language there, subject to their acceptance. The fourth condition is what we just spoke to, the Amended Trails Plan is document in the Memo submitted by Mr. Wilson. What am I missing."

Mr. Thomas said, "There was a statement in the additional information submitted by the Applicant regarding committing to the development of a soccer field that was mentioned."

Chair Harris said, "While you're searching, what my understanding of that is, and I cited the section of Chapter 14 that states that the developer is responsible for implementing, basically developing that park. And there had been a proposal for a soccer field, but that's been deferred until the City completes its Master Plan analysis."

Mr. Smith said, "Mr. Chair that was not specifically in our recommended conditions of approval, but it may be construed as being within the Applicant's amended application per the *[inaudible]* proposal. Staff is comfortable with the Chair's interpretation that the soccer field possibly be made part of the initial improvement plan for the park."

Mr. Thomas said, "For the record, I can read the statement that I was referring to, "Las Soleras has committed to a soccer field with construction beginning in 2017, assuming the residential development is occurring in Las Soleras. There is a caveat that offer for those recreational facilities will have to be consistent with the Parks and Recreation Master Plan [so in essence it's stated in there] and construction standards. What is depicted as the location of the soccer fields and type of field is conceptual only. For the record, the Applicant's statement that I was referring to."

Commissioner Kadlubek said, "It sounds like it is already stated. Nothing needs to changed here. The caveat is that it falls along with Parks Master Plan, so there's nothing that has to be changed."

Chair Harris said, "I want to get it right. I don't want to leave our successors in the lurch, quite frankly. So the Master Plan, the amendments include realignment of roads, reconfiguration of Open Space and Trail and the reconfiguration of land tracts. We covered all that."

Mr. Thomas said, "As specified reconfiguration as proposed by the Applicant's exhibits, I think that's a very specific thing, in the Applicant's exhibit submitted for the May 21st Staff Report packet. The parks would include the Exhibit C, obviously the school site is as eliminated. The Trails Plan again is labeled as a very specific exhibit submitted by the Applicant. Neither of these have been amended by the Commission, so I would reference the Applicant's submittals as amended with the elimination of the School site and in the packet."

Chair Harris said we will complete this and then I think we're going to have to suspend the rules for a little bit just to wrap it the work for the evening, started at 6:00 p.m. So this is the original packet. You're talking about an exhibit in their packet."

Mr. Thomas said, "That is correct, the Applicant's submittal, what is being proposed by the Applicant."

Mr. Shandler said, "I think there's been so many reiterations of this, I think staff is just trying to take a snapshot, the May 21st submittals, so we don't look at the March ones or the January ones, I think that's what Mr. Thomas just wants on the record."

Chair Harris said, "But that's also a condition. The reconfiguration of land tracts consistent with the Applicant's Submittal of December 29, 2014."

Mr. Shandler said, "The May 21st, but yes."

Mr. Thomas said, "I would recommend as presented in the May 21st Staff Report as presented for that packet."

CLARIFICATION OF MOTION: Chair Harris said, "So we have a motion by Commissioner Kadlubek, we have a second by Commissioner Padilla, we have considerable discussion that's identified 5 conditions of approval.

Commissioner Gutierrez said, "The School issue, about making sure they do something with that property."

Mr. Shandler said, "I think Mr. Chair that it seems like the majority of you on the Commission is not to adopt that type of language. I am sure there will be a very fruitful discussion at the Council about that topic area."

Chair Harris said, "Commissioner Gutierrez, you points were absolutely spot-on, but I don't think any of us believe we have necessarily the ability or the charge with putting that language in our conditions or even in any subsequent motion. I think one thing I may look at, or that we may look at. We just talked about a

cooperative agreement that was signed. Perhaps there's language in that cooperative agreement that would ensure that the School District performed, but I think Mr. Shandler's comments about how to implement that assurance would probably have to come from the Governing Body. But somehow we'll sort out how to raise it with the Governing Body."

Chair Harris said, "It's not necessary to recite the conditions, I think I've done that, you're got them. Okay. Roll Call vote."

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla

Against: None.

Explaining his vote: Commissioner Ortiz said, "If it was my preference, I would have postponed this thing, but I'm certainly not going to stay here and vote no on this one. It's just not going to happen because I think it's a really good project. I think the Applicant has done a really good job on all of this. I still debate about the parks stuff, and I hope it's all put together pretty well, all the conditions are together, and everybody can figure it all out. But, I vote yes."

****

MOTION: Commissioner Padilla moved, seconded by Commissioner Kadlubek, to suspend the rules and continue the meeting past midnight.

VOTE: The motion was approved on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Ortiz and Padilla voting in favor of the motion and no one voting against [5-0].

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6. **CASE #2015-08. PULTE LAS SOLERAS PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF PRELIMINARY SUBDIVISION PLAT (77 LOTS) FOR PHASE 1 (UNITS 1 AND 2) OF DEVELOPMENT ASSOCIATED WITH THE PULTE MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT AND REZONING. UNIT 1 OF THE SUBDIVISION IS IDENTIFIED AS "TRADITIONAL" DEVELOPMENT WHILE UNIT 2 IS IDENTIFIED AS "AGE TARGETED" GATED DEVELOPMENT. THE PROPOSED SUBDIVISION IS 30.9 ACRES WITH AN AVERAGE DENSITY OF 2.49 UNITS PER ACRE. THE PRELIMINARY SUBDIVISION PLAT ALSO INCLUDES A VARIANCE REQUEST FOR DISTURBANCE OF 30 PERCENT AND GREATER SLOPES AND AN INNOVATIVE STREET DESIGN. (ZACH THOMAS, CASE MANAGER) (Continued from May 21, 2015)**

Chair Harris said we haven't talked about some of the issues related to this case. We talked about gated developments, but we haven't talked about the affordable proposal.

Mr. Shandler said, "I think the affordable proposal goes directly to the Council. That's the way the Code is written."

Chair Harris said then we don't speak to it at all.

Mr. Shandler said, "That's my understanding."

Mr. Smith said, "Another significant issue raised by staff in the Staff Report regarding this subdivision, is the issue of the alternative road alignment. The Traffic Engineer has recommended that the Commission not approve the alternative road alignment proposed by the applicant."

Commissioner Chavez asked if the gated portion will come up later or is that something we discuss now.

Chair Harris said we are considering the Preliminary Subdivision Plat, and there is another case in the future, the Final Subdivision Plat, where the issue of gates would arise and also the roadway. He said there is also a variance request that we will have to act on tonight for disturbance of 30% or greater slope, or can that be deferred for more specific discussion under Final Subdivision Plat.

Mr. Thomas said, "The Variance Request is not necessary for Phase 1, in fact it is not listed as one of the entitlements of the 6 Case numbers you're voting on. It is the Phase 1, the 77 lots proposed for review would not require that variance."

Chair Harris said it states it in the summary, "The Preliminary Subdivision Plat also includes a variance request for disturbance of 30 percent and greater slopes..."

Mr. Thomas said, "That was the original case caption, that was required and was written up and advertised, but it isn't required for this case. The Application has been submitted to the Land Use Department. It ultimately wasn't required for this particular design of this Phase."

Commissioner Padilla said, "This Preliminary Subdivision Plat is for the 77 lots proposed for Phase 1, correct."

Chair Harris said that is correct.

Chair Harris asked Mr. Siebert if he would like to speak to any particular issue.

Mr. Siebert said, "On the alternative road section, I guess we would like some direction, and let me explain why. Right now, the roads are designed for a 32 foot roadway. If the Commission doesn't approve that, or doesn't make a decision on that, then the Engineer will continue to design it that way. We would like some direction at this point because it will require major re-engineering at the Final Plat. To address the Final Plat would require major revisions to the engineering. We would like to have that particular resolved. The one thing that did happen.... as I recall, when John Romero made his presentation, he said the problem is that you end up with 18 foot lanes which is insufficient from a fire standpoint, and we did

meet with Fire Marshal, Rey Gonzales, I don't know if Rey is still here or not. I guess not. It was our understanding that he was going to send a Memo to Land Use stating that he was okay with the road section that was being proposed. So I don't know what the status of that is."

Chair Harris said, "Remind us once again. We've been focused on everything else. I haven't spent a lot of time studying this alternative street design, but basically, what are you proposing. Are you proposing 32 feet from face of curb to face of curb and that would define a 9 foot driving line."

Mr. Siebert said, "Yes. I'm going to let Fred Arfman speak to the road section and the reason for it."

Mr. Arfman said, "Yes that would allow us to have parking on both sides of the street and a 9 foot travel lane in each direction. I'll let it soak in. So we have parking on both sides with 9 foot areas. In a residential street, they're not striped so people go in and out. And that is consistent with the International Fire Code which we brought up to Fire Marshal Gonzales, and he was in concurrence with that, and the reason he was going to send that Memo out. And we feel it's very important to have that 32 feet, because of the calming effects it has on traffic speeds, hence safety. So that was our whole reason for doing that."

Mr. Thomas said it is noted in Exhibit C(9) in the application submittals in the alternate street section, under the Subdivision Plan Set."

Chair Harris asked Mr. Arfman what is the modification, and asked if the modification is a reduction of two feet.

Mr. Arfman said, "It is 4 feet, it is from 36 to a 32 foot road."

Commissioner Padilla said, "The recommendation from the Traffic Engineering Department is to go with the 36 foot wide."

Mr. Thomas said, "The City standards for a subcollector with parking on both sides, with a 6 foot parking lane and 10 foot travel lanes, and that's from the Development Code."

Mr. Smith said it is curb to curb in the City Standards. He said it is 10 plus 10 and then 6 plus 6 for the parking is 32 feet from face of curb to face of curb.

Commissioner Kadlubek said, "If 32 feet is City standard, then what is the debate here. What's the problem here."

Mr. Arfman said you are forgetting there is 1½ feet of gutter pan, plus the thickness of the curb, the 6 inches which equals 2 feet on both sides, that's 32 plus 4 equals 36 feet.

Chair Harris said he assumes all the units have two-car garages, and there is 2 parking spaces in front of the garage.

Mr. Arfman said that is correct.

Chair Harris said, "Essentially 4 off-street parking spaces."

Mr. Arfman said, "Absolutely. And may I just please mention that the City Engineer at the same hearing last month endorsed the 32 foot wide road for a couple of reasons I believe. Maintenance and also calming effects."

Chair Harris said he thinks he heard her say it also means less asphalt and less hard surface.

Commissioner Padilla said, "Clarification. The engineer just stated that Mr. Romero has endorsed the modification."

Chair Harris said, "No. Ms. Zaxus the Engineer for Land Use endorsed that configuration."

Chair Harris said, "I think we have a pretty good understanding of that, and you might as well say a few things about a gated community. It's been mentioned earlier by myself and Commissioner Kadlubek. But for myself, I just don't think it's necessary gentlemen. I truly don't. I think it's... not that we're that special, but I don't think, as a society, I don't think we need to build so many gates, so many obstructions. Connectivity and cul-de-sacs, you've heard what I have to say there, but there really does need to be a more welcoming entrance to any neighborhood, and to me, that does not include a gate. That's the way I feel. And if you care to speak Mr. Price, you're certainly welcome to do so."

Garrett Price, Pulte Homes [previously sworn]. Mr. Price said, I just wanted to add, so I spoke earlier that our designs are driven by the consumer, so starting two years ago, we did an analysis. We ended up getting roughly 3,000 responses, a pretty good sample size, for those people that both lived in New Mexico and also were outside New Mexico that were considering retiring or moving to New Mexico, Arizona, California and Texas. The things we got back of why they really liked New Mexico, are the things we all know as New Mexico. Climate and culture. They are the most important things that I love about New Mexico, but the thing they were most concerned about was safety. So it's not prestige or making the entry feel better or us trying to charge a premium. It's us listening to those people who told us their largest concern is safety."

Mr. Price continued, "We recently just went through the same challenges, and same feedback and it's all very valid, with the Environmental Planning Commission in Albuquerque where we did a Del Webb community, gated that as well. Again not to charge a premium or prestige, but to address the feedback we got from a sample size of 3,000 people retiring in New Mexico. It wasn't specific to Santa Fe or Albuquerque, it was just in general. We know we have a high rate of violent crimes, and bottom line why we're proposing that is because the consumer from the survey told us that's what they would like."

Mr. Price continued, "I want to also point out, that's roughly 60 homes that would be gated, 20%. So on an annual absorption of what we think our sales pace would be, that's roughly 15-20% of the annual closings. So it's a small portion of what Santa Fe's annual and closings are for single family residential. What it's doing is allowing the consumer a choice. In 90% of the other closings, most aren't gated, unless

you live in Las Campanas. Again, it's providing the consumer a choice and us listening to the consumer, and that's the reason why we chose to do it. Philosophically, I respect your opinion on society's view on that, but for this, it's not prestige or see it to be elitist, it is to address any concerns about safety."

Chair Harris said you have stated and are proud of the fact that you have developed more than 800 homes in Santa Fe, primarily under the Cen-Tex brand. And I realize it's a different product and you're looking at different people there. Are any of those communities gated.

Mr. Price said we had a condominium project, but Rancho Santos was not gated, I don't believe. He said many they bought from developers, Jeff Branch, Andrew Gerber, so this is the first one since they did Tierra Contenta Phase 1 when they have had the opportunity to design something with consumer feedback. He said the Chair of the Environmental Planning Commission in Albuquerque said the same thing, very similar comments, but said our role and our goal is not to tell society what to choose, we have to provide choices. He understands the General Plan discourages it, commenting some people choose to pay for that and live in those communities. He said they anticipate some of being second homes, so the ability to a walk and leave and feel secure is important, commenting their focus groups with local Realtors gave them this feedback.

Commissioner Gutierrez said gates only keep out honest people, and if someone is going to jump the gate, they're going to jump the gate. He asked if any of the other housing provides security and creates a job, and asked if they've talked about that.

Mr. Price said they do in some of the larger communities, noting the cost is passed to the homeowner through a Homeowners Association. He said it's not cheap to do this, and often the cost equates to the cost of the gates. He said we leave it to the homeowners to decide if they want to use their association dues for security. He said in some places they have manned gatehouses, with somebody there to check people in. They've built more than 600,000 homes, and he would love to show you the data and feedback and what people are thinking about New Mexico. He understands the concerns which are valid, but they're trying to do what the consumer wants them to do. He commenting they are building in two other places which won't be gated.

Mr. Price said gating also reduces the cost and expense to the City, and there are some pros to that because the streets are owned and maintained by the Association.

Responding to Mr. Smith, Chair Harris said he heard those will be private streets.

Mr. Smith said, "Gated private streets is what is proposed."

Commissioner Chavez said while she understands the question of the consumer, she feels our responsibility to consider the community as a whole, the wider community. She said Mr. Price makes some interesting arguments, but she's not sure at the gate to Santa Fe from Cerrillos, if this developing as one of the first entrances to Santa Fe, having a gated development is really in the best interest of the community. She said she doesn't know, she's just weighing that for herself right now.

Commissioner Kadlubek asked for a reminder of the location of the gated portion of the community as compared to Cerrillos and all of Las Soleras.

Mr. Price asked Kevin Patton if he has remarks. Mr. Price asked Kevin Patton to point out the section that is aged-targeted relative to Las Soleras and the access on Cerrillos.

Kevin Patton, previously sworn. *Mr. Patton's remarks are inaudible because he was away from the microphone.*

Councilor Chavez said this development is between the family development and the park, so anybody who is interested in talking their kids to the park has to walk. If you're in the southwest corner, you have to talk all the way up and around this gated community. You can't walk through to get to the park. If there's access gates, maybe. That would be interesting to know, but if feels like you're separating the public space from the family through the gates.

Commissioner Padilla asked that the developer describe what their age-targeted is.

Mr. Patton said, "Age-targeted is typically 55 plus, so oftentimes our Del Webb Brand under Pulte is best known for our Sun City communities or serving baby-boomers. Oftentimes we'll use the Housing for Older Persons Act to age-restrict, so 80% of the residents have to be 55 or older under that. In this case, we're just age-targeting, we're not putting restrictions, but our homes are designed, they're single story homes with lower bedroom count, we're not putting a tot lot in there. We're using our marketing to target that demographic which makes up a significant portion of Santa for targeted. Can a family buy in there, certainly, but the way we're designing the homes and the community design doesn't attack or appeal a family buyer. Does that answer your question sir. Thank you."

Commissioner Kadlubek said Commissioner Chavez's comments are well made and taken to heart. He would recommend, especially access to the park, as a significant argument here, that the Applicant consider that in coming back for final approval, whether it be access gates. To me that does come to mind. The gated community has immediate access to the nice, beautiful park space, while the non-gated community has to walk an extra half or quarter mile.

MOTION: Commissioner Kadlubek Moved, seconded by Commissioner Ortiz to approve Case #2015-08 Pulte Las Soleras Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

CLARIFICATION: Chair Harris said we aren't recommending to the Governing Body on a Preliminary Subdivision Plat, we review and decide, but there can be an appeal of that decision.

RESTATED MOTION: Commissioner Kadlubek moved, seconded by Commissioner Padilla, to approve Case #2015-08, Pulte Las Soleras Preliminary Subdivision Plat, as presented, with all conditions of approval as recommended by staff.

DISCUSSION: Chair Harris said the staff conditions run against the alternate street design. He said, "I didn't read them, but I believe they say stick with the standard profile, the 36 feet for a subcollector versus the 32 that is proposed."

Commissioner Kadlubek said he is unsure where we left off regarding that discussion. He said he will have the motion stand with staff conditions, and he is open to discussing it further.

Commissioner Padilla said, "Question for Mr. Thomas, the conditions of approval, could you point to them for us, let us know where they are. Are they in the original Staff Report."

Mr. Thomas said, "That is correct they are Exhibit A the proposed conditions in the May 21st Staff report, supplemented with the additional conditions referenced relating to the streets condition, which says, "All streets shall conform to City Street standards as defined in the City Code *[inaudible because of noise overlay]*.

Chair Harris said, "Here's my view on the alternate street design. I think it can work just fine, personally. I think there is also.... when it comes to streets, we always think there has been a major, not even concession necessarily is the way to describe it, but the fact that the developer and Pulte are going to take Beckner all the way through to Richards counts for something. Counts for a lot in really addressing things. For that reason... and I just also think the 32 feet in an age-targeted subdivision, I just don't think there's going to be a lot of through traffic. Also, because you have four off-street parking spaces, you've got a series of cul-de-sacs that I happen to like. My personal feeling is that 32 feet could work pretty well."

Chair Harris said, "Commissioner Ortiz, I'm really curious what you think about this road."

Commissioner Ortiz said, "I think we ought to stay with what staff has recommended. I just kind of feel that way. Roadways I know, there are so many issues in the past where we've done an incredible amount of things to slow down traffic, and in this particular aspect, it's going to be gated and I think we should have, for purposes of emergency vehicles, I think we should keep to what staff recommended."

Commissioner Padilla said we keep referring to, or least it's been referred to that it is in the age-targeted. Phase 1 is the 77 lots which is not just age targeted, but how many of the market rate units are there.

Mr. Patton said there are 60 conventional and 77 in the age-targeted group.

Commissioner Padilla said, "The roadway profile as requested by the Traffic Engineering Division is the entire Phase 1 which is the targeted as well as the regular."

Chair Harris said that is a valid point.

Commissioner Padilla said, "That would set the standard west of the subdivision. Mr. Thomas could you tell us, or Mr. Smith, a little bit about the width of the roads in Tierra Contenta."

Mr. Smith said, "While I cannot tell you specific curb-to-curb widths on this, in general the history on Tierra Contenta ended up with roads that were 20 feet or less, curb-to-curb with no parking areas. The next phase of Tierra Contenta was approved with one parking and two travel lanes. I believe the widths were 9 and 9 for the travel lane and 6 for parking, but I'm not certain about that. That also proved to be an enforcement problem and we ended up with future phases of Tierra Contenta, and were able to recommend that they have two travel lanes and two parking lanes. In terms of 9 feet versus 10 feet for travel lanes in terms of uses found for parking lanes, and have a gutter pan *[inaudible]*. We can get that information for you."

Commissioner Padilla said, "Thank you, because I've drive through and traveled Tierra Contenta. It's a disaster in some spots. The emergency vehicles, and just the jockeying for position as you're coming through. I would think we need to make sure we have appropriate widths, appropriate parking spaces for the development."

Mr. Smith said, "In terms of the... the Land Use Department has not taken a strong position one way or the other in discussion of the Tierra Contenta roadway standards which are sometimes used in other subdivisions as modified to the Road standards. At the time, the Fire Marshal was very definite in 1995 to 1999, that the Fire Code required 20 feet of travel lanes. And at that point that was the basis for the Road Standard. I can't speak for the Traffic Engineer though with regard to his opinion on the lane width."

Commissioner Padilla said, "I would like to follow up with the comment about.... sitting on the Summary Committee and sitting on the Planning Commission, the minimum road widths that are standard are no less than 20 feet wide for emergency vehicles. He said, "When 99 [?] is 18, you have cars parked there, and we're going to run into an issue with emergency vehicles. So I would support Mr. Ortiz's position on the road width and profile."

Mr. Patton said he has a copy of the Appendix D of the Fire Apparatus Access Roads. He said, "We had met not only with the Fire Marshal here in City who has endorsed the 32 foot face to face to meet this, because this the adopted International Fire Code. You've heard of the IFC, that both the City of Albuquerque and the City of Santa Fe recognize, and I think we also provided a packet to you that we passed out from the State of Oregon [Exhibit "4"], who in 2000 worked with the State of Oregon's Fire Marshal as well as Fire Marshals who also endorse, and you'll see in the back of that, there's a section that shows the 20 foot clear zone, it shows, I think it shows a 6 foot parking space. And the difference here that I see, and I would like to refer to, I've had 22 years as a professional engineer designing roadways in my career and most of them have 28 feet face to face and 32 feet is very wide. I've currently been petitioned by my kids' school they go to, to ask the City of Albuquerque to put in speed humps because the roadways are so wide, it just encourages greater speeds. There is data that shows when you put traffic calming devices in it does slow the traffic. We have shared that we do have the 4 spaces for off site parking you're not going to see a lot. Do, just to know that we do have an endorsement from both the City of Albuquerque and the City of Santa Fe Fire Marshal's Office.

Commissioner Padilla said, "Thank you, I appreciate that. I would like to just go on record to support recommendations of Staff and the Traffic Engineering Division on this issue. I appreciate that, understanding this is a Preliminary Subdivision Plat, and we will see it again at final, so at that point, we can take that up, but I'd like to stand firm on this one."

Commissioner Kadlubek said, "I think it is important to note for the Applicant that we don't have much to go off here, we have a condition from the Traffic Engineer. Unfortunately, the Traffic Engineer is not here right now to speak on such a strong condition. I've heard that possibly, based on our minutes of May 21st, another Traffic Engineer said it was okay, that she was in support of it. I've also heard that Fire Marshal Gonzales is fine with it as well. I would say if this can be brought forth to us before the Final Subdivision Plat then we could go from there, but for now we have to go with the existing conditions. I would like to say on the record that it would be appreciated by me, somebody who's here at 12:30 p.m. and not getting paid, that the staff member who put the condition here like this would be able to stay as long, given that they are collecting a paycheck to be able to speak to this issue. But you can't do anything about that now, so I think we have to just kind of stick with what we have in front of us. That's my opinion."

Commissioner Ortiz said, "I just have one quick comment. I was the Streets Director for many many years here in Santa Fe. And when we had had a bunch of upper managers, whoever it was, went up to the Oregon/Washington area. They came back with all kinds of fancy dancy ideas about traffic calming. And believe me, it really impacted my life, because we had all kinds of strange things, curb cuts, curb-outs, all kinds of weird stuff that I wasn't very happy about, because I'm a maintenance guy and we have to adjust to all of this stuff. And we had snow plows and things and it beat up our equipment, it was just a real problem. I see this, this is Oregon. We are in New Mexico. The way I see is I like a little bit of a wider street. I've seen people park they can't fit if a bigger truck comes by, it's just an issue. So that's kind of my last comment on that. Yes, we are New Mexico, and I know we brought a whole bunch of ideas from Oregon already. I'm not necessarily happy about them, but that's another part of my life."

FRIENDLY AMENDMENT: Commissioner Chavez asked to amend the motion – a friendly amendment in the form of a friendly request – that the Applicant consider creating some reasonable access to the park, from, I don't want to tell you how to do it, I don't know if it's possible, but to consider creating some kind of access to the park from the workforce housing area. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

CLARIFICATION OF MOTION BY CHAIR PRIOR TO VOTE: Chair Harris said, "So, we have a motion by Commissioner Kadlubek, seconded by Commissioner Ortiz, and a friendly amendment from Commissioner Chavez that has been accepted by the maker. Chair Harris asked Mr. Kadlubek to repeat his motion quickly as a reminder to the Commission. Commissioner Kadlubek said it was a motion to approve Case #2015-08 Pulte Las Soleras Preliminary Subdivision Plat, with staff conditions of approval and the friendly amendment accepted from Commissioner Chavez.

Ms. Smith said, "For the record, the motion will be *[inaudible]* in the community in the subdivision to consider reasonable access."

VOTE: The motion, as amended, was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla

Against: None.

4. **CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD REALIGNMENT. (ZACH THOMAS, CASE MANAGER) (Continued from May 21, 2015)**

MOTION: Commissioner Gutierrez Chavez moved, seconded by Commissioner Padilla, to recommend to the Governing Body the approval of Case #2015-09 Pulte Las Soleras Electrical Transmission Line Relocation.

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Chavez, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Ortiz and Commissioner Padilla

Against: None.

G. STAFF COMMUNICATIONS

Mr. Smith said at the July 2, 2015, Planning Commission meeting, there will be two new Commissioners, and you will be dealing with the election of officers, and appointment of Summary Committee members due to outgoing Commissioners.

Mr. Smith said at the Council meeting on June 24, 2015, the Governing will be considering the Blue Buffalo Rezoning and on July 8, 2015, the Governing Body will be considering the Morning Star senior residence.

Mr. Smith said staff wants to express their sincere thanks and appreciation to the outgoing Commissioners who aren't here tonight, and also to let them know that the outgoing Commissioners will be given Muchas Gracias at the City Council meeting on June 24, 2015 from the Mayor and City Council

Chair Harris said he is sure staff will in some fashion communicate this to the outgoing Commissioners.

H. MATTERS FROM THE COMMISSION

Commissioner Ortiz said two people are needed on the Summary Committee for the meeting of July 2, 2015, so something needs happen.

Mr. Smith said Commissioner Ortiz may be eligible to participate as a Commissioner until the next Commissioner is appointed. They did have discussions with the Mayor to give attention to this specific issue.

Mr. Smith said it is possible the July Summary Committee will be postponed or meet on another day.

Chair Harris said there will not be a quorum of the Summary Committee and he thinks it should be postponed to August.

Commissioner Kadlubek thanked Commissioners Padilla and Ortiz for the support they have given during the transition time that got us through, and said he is sad to see them leave the Commission.

Commissioner Kadlubek said, "For the record, I attended the first Long Range Planning Committee meeting, and I have to say it was a total disaster. I could not believe the terrible state the meeting was in. It was run by the public essentially. I couldn't tell, a) what we were supposed to do, b) what the agenda was, c) who was in charge, d) what the procedure was. It was a disaster and if Commissioner Kapin was here she would back me up on this. I need some direction as to what to do with it, and I think there needs to be.... I don't where it starts, where that process starts, but there needs to be a real long look at what that Committee is, where it is located in City government, who is in charge of it, what its purpose is. I need some help with that, I don't know where to go, but to just please consider that."

Chair Harris said that has been his sense of things for a while, and the reason he has been pressing for a while. He agrees something needs to be done, but doesn't know who is tasked with that, but doesn't think it is going to come from within the Housing and Economic Development group.

Mr. Smith said the Current Planning staff will be meeting with them next week to discuss the process for the *[inaudible]* and he would be happy to relay concerns about the structure of the meetings to the Long Range Planning Staff at that time.

Chair Harris said for Commissioner Padilla whom he has known a long time, he has met his expectations and wishes him well, and know he will be involved in supporting efforts in the City on the Community Development Group and thanked him for his service. He said he didn't know Commissioner Ortiz at all and has been honored to work him on the Summary Committee which is a great group, and on the Planning Commission and said he respects him, wishes him well and thanks him for his service.

Commissioner Ortiz said he was honored to serve, noting he gave 28 years to the City, and 5 years to the Planning Commission, 33 years total in being involved in the City. He said it's time to step away. He said he listened and learned.

Chair Harris said a follow-up discussion he will try to have with Director Martinez and Mayor Gonzales. We have two remaining positions to be filled. He said with the loss of a professional architect in Commissioner Padilla and a professional engineer in Commissioner Ortiz, we really need some technical expertise in the remaining slots, not to take away from Commissioners Chavez, Kadlubek, Gutierrez, Kapin or the two new members, but we don't have the needed level of technical expertise to strike a balance, sort through and ask some of the questions that aren't immediately apparent unless you spent a lifetime on this stuff. He said Director Martinez told him she will make an effort to schedule a meeting between the 3 of us.

Mr. Smith said Councilor Bushee's Ordinance will come before the Council in July, if Commissioners are interested in tracking it.

Chair Harris said one of those positions embodies the expertise represented by Commissioners Padilla, Ortiz and Harris and my background in construction, so "that's not enough in my opinion."

Commissioner Padilla thanked staff for their time, noting he has seen street designs that gave them two more feet in the depth of the lots. He said you are in Preliminary plans right now, this is the time you want to do it. He thanked Mr. Shandler for his advice and patience with the Commissioners. He thanked Commissioner Gutierrez, Commissioner Ortiz and Chair Harris, saying it's been a pleasure and honor serving with them, as well as a privilege. He wished the new Commissioners the best of luck, commenting he's been impressed with the work they have done, and they obviously are reading the packets and asking good questions. He said, "The big thing is, don't be afraid to ask questions, and I know you 're not, so keep doing what you're doing, you're headed on the right path." He said Commissioner Chavez made a point earlier that we need to look at the big picture. He said he feels the Planning Commission is one of the important committees or commissions in the City, because you are looking at setting the tone for the future of our development past my lifetime, and maybe your childrens lifetime. He wished Chair Harris the best of luck.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 12:40 p.m.

Michael Harris, Chair

Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

Planning Commission

Exhibit D

Applicant Submittals