

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
June 4, 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 4, 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 Vince Kadlubek
Commissioner Piper Kapin
Commissioner John Padilla
Commissioner Renee Villarreal
[Vacancy]

MEMBERS EXCUSED

Commissioner Brian Patrick Gutierrez, Secretary
Commissioner Lawrence Ortiz

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 Villarreal, to approve the Agenda as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0]

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: MAY 7, 2015

The following corrections were made to the minutes of May 7, 2015:

- Page 5, paragraph 4, line 1, correct as follows: "~~Mr. Harris~~ Mr. Thomas said..."
- Page 6, paragraph 2, line 4, correct as follows: "...office on the ~~east~~ west side..."
- Page 6, paragraph 2, line 4, correct as follows: "...retail on the ~~west~~ side..."
- Page 16, paragraph 9, line 1, correct as follows: "...when ~~he~~ Mr. Lamboy..."
- Page 18, paragraph 7, line 4, correct as follows: "...of Life ~~Initiation~~ Initiative..."
- Page 55, paragraph 7, line 1, correct as follows: "...the ~~500~~ 600 Galisteo..."

MOTION: Commissioner Padilla moved, seconded by Commissioner Kapin, to approve the minutes as amended.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0]

FINDINGS/CONCLUSIONS:

A copy of the Findings of Fact and Conclusions of Law in Case #2015-30 Tune Up Café General Plan Amendment and Case #2015-31 Tune Up Café Rezoning to C-2, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law in Case #2015-28, 2400 Agua Fria Variance and Case #2015-27, Agua Fria Lot Split, is incorporated herewith to these minutes as Exhibit "2."

A copy of the Findings of Fact and Conclusions of Law in Case #2015-32 Delgado Compound Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "3."

1) CASE #2015-30. TUNE UP CAFÉ GENERAL PLAN AMENDMENT.

The following correction was made:

Page 4, Item 17(a), line 7, correct as follows: "... and ~~relives~~ relieves some of the..."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Kapin, to approve the Findings of Fact and Conclusions of law in Case #2015-30, Tune Up Café General Plan Amendment, as amended.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

Chair Harris asked if both cases can be approved with one motion.

Mr. Shandler said they should be done separately, but said he will confer with his boss in this regard.

2) CASE #2015-31. TUNE UP CAFÉ REZONING.

The following correction was made:

Page 4, Item 17(a), line 7, correct as follows: "... and ~~relives~~ relieves some of the..."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of law in Case #2015-31, Tune Up Café Rezoning, as amended.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

3) CASE #2015-28. 2400 AGUA FRIA ROAD VARIANCE

MOTION: Commissioner Padilla moved, seconded by Commissioner Kadlubek, to approve the Findings of Fact and Conclusions of law in Case #2015-28, 2400 Agua Fria Road Variance, as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

4) CASE #2015-27. 2400 AGUA FRIA ROAD LOT SPLIT

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of law in Case #2015-27, 2400 Agua Fria Road Lot Split, as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

5) **CASE #2015-32. DELGADO COMPOUND FINAL SUBDIVISION PLAT.**

MOTION: Commissioner Kapin moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusions of law in Case #2015-32, Delgado Compound Final Subdivision Plat, as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0]

E. **OLD BUSINESS**

There was no Old Business.

F. **NEW BUSINESS**

1. **CASE #2015-39. 1964 CERROS COLORADOS TERRAIN MANAGEMENT VARIANCE. LAURA ROMANI, PROPERTY OWNER, REQUESTS A VARIANCE TO THE TERRAIN MANAGEMENT REGULATIONS (ARTICLE 14-8.2(D)(3)(b) "STANDARDS FOR ALL GRADING") TO CONSTRUCT A SINGLE FAMILY RESIDENCE. THE APPLICANT IS REQUESTING A VARIANCE TO HAVE MORE THAN ONE-HALF OF THE BUILDING FOOTPRINT IN NATURAL SLOPES OF GREATER THAN 20%. THE PROPERTY IS 1.70 ACRES AND IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE). (NOAH BERKE, CASE MANAGER)**

A Memorandum dated May 27, 2015 for the May 21, 2015 Meeting, to the Planning Commission from Noah Berke, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "4."

The *Terrain Management Variance* Plat in this case is on file in, and copies can be obtained from, the City of Santa Fe Land Use Department.

Noah Berke presented the Staff Report in this case. Please see Exhibit "4" for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Laura Romani, 1964 Cerros Colorados, owner of the property was sworn. Ms. Romani said she bought the lot a few years ago. She recently came in for a building permit, and when they got to the Grading and Drainage Division she learned there was problem with the slope, and there was no defined buildable area. She said they have been going through this process and they tried to put the house in the

best possible area so it doesn't disturb any of the 30% and more. They had to move it from the original plan to locate the residence in the best possible spot for the lot.

Chair Harris asked Ms. Romani if she understands the conditions of approval that are attached to this case.

Ms. Romani said, "Yes. And mainly it's a lot with the Fire Department, so I had a meeting this morning and we're trying to work different options with them.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing was closed

Commissioner Padilla said Mr. Berke mentioned several times a "buildable area." He said in the recommendations, it says, "The variance is limited to the building footprint as shown on the plans submitted with this application." He said in looking through the documents for this lot, he doesn't see a "buildable area" called out in any of the surveys or plats presented. He said in the Topographic Survey presented by Paramount Surveying, it shows the footprint of the building, but it does not, as we would typically see, show a buildable area that would take into consideration disturbed area outside the building footprint. He asked if those areas are limited in any way, and if the Commission actually will see a buildable area or a building envelope called out in the final plat.

Mr. Berke said the buildable area as referenced in Chapter 14, refers to 2,000 sq. ft. of buildable area when we create lots. The buildable area was not identified when this lot was created, so they had to identify a buildable area. And when we identified a buildable area, we had to satisfy a building footprint, because the section of the Code under which the Applicant is requesting a variance, refers to building footprint. He said this is going to be a limited building footprint, commenting there will be no grading outside of the footprint. He said the Applicant has been very cooperative in working with staff to figure out the location of the building footprint.

Commissioner Padilla said, "We all know that the line of the footprint there looks great, it works great on a plat. We all know that in doing excavations there is always over-excavation. Is there any concern with limiting how much over-excavation, or outside the building footprint.... Are there any limits to over-excavation outside the building footprint area that the contractor, the owner will have placed on them as part of this review and approval."

Mr. Berke said there is always concern of over-excavation and grading outside of a footprint. Staff will work with Applicant, along with who they choose to do the construction for them. to stake out the boundaries if it is approved by the Planning Commission. He said, "This footprint as it shows accounts for grading too, so grading is included in there.

Commissioner Kapin said Condition IV(c) provides, "Each individual building must have separate water meters." She asked if there is a plan to have separate buildings.

Mr. Berke said that is a standard condition of approval. He said, "If there is a guest house, they would have to come back for a variance to the Terrain Management Regulations, but it's just a typical, standard comment that we put in there."

Commissioner Kapin said Condition IV(e) provides, "Fire Department access to any new construction shall not be less than 20 feet in width or greater..." for the road. She said earlier in the description it says that Caminos Verde is less than 30 feet in width. She asked what is the current width of the road. She said there is also something about there being sprinklers, and if there are sprinklers, then it can be 16 feet. She asked Mr. Berke to explain that a little more, and what is there. She said it sounds like they're being asked to do road work.

Mr. Berke said, "This property is very unique in its nature. As indicated on the Survey and the Plat provided in the packet, it shows there is supposed to be a 30 foot right-of-way that was labeled as Cerros Escondido. Cerros Escondido then branches off into Caminos Verde and then continues back through the Applicant's property which was supposed to be a 50 foot ingress/egress right-of way, but currently as built now may be 15 feet right-of-way. It's a one-way direction, that connects to Cerros Colorados. As the roads stands now, they're sub-standard, and weren't built to the full size of the easement. So, in order to work with the Applicant, and the Fire Marshal has indicated, after we've done multiple site inspections out there, that because the grades of the roads out there are very steep, and because Cerros Escondido was supposed to, originally as approved, be a two-way street, the Applicant has the burden of widening it to 16 feet through their property, because it's still within the easement of the 50 feet. And it's only 16 feet if they sprinkle their house. So if they don't sprinkle their house it has to be 20 feet, which gives 10 feet for ingress and egress, but 16 feet still gives you 8 feet in each direction of ingress and egress to that."

Mr. Berke continued, "I might also note that the address that is indicated 1964 Cerros Colorados is going to be changed to Cerros Escondido, because it is not accessible from Cerros Colorados. Somehow, during the platting process, in the past it was labeled... that was the address that was given. But it would be a ton of earthwork and probably not doable to make an actual access point onto this property from Cerros Colorados. Does that answer your question. Okay."

Chair Harris said he is sure the site is outside the Escarpment Overlay, otherwise it would have been identified. He said sight lines are always important, and asked Mr. Berke if he has looked at the proposed building project in regard to sight lines at all.

Mr. Berke said, "We have not looked at it for sight lines, as the slope is, at least sloped in the area that the Applicant is proposing for the variance in this building footprint, that would probably be the least visible area, in that it actually sits back from the roadway that goes through the property, Cerros Escondido that goes through the easement. We don't typically look at sight lines for this type of project because it's not in the Escarpment Overlay. I can tell you that there aren't very many spots on this lot. I think there are

pictures included in there. I tried to give you guys a visual. It's pretty sloped, so there's not very many places. If I was to pick one place where it would be least visible and disturb the least amount of vegetation, this would be where I would site it, if I were siting it with the Escarpment procedures."

MOTION: Commissioner Kadlubek moved to approve Case #2015-39, 1964 Cerros Colorados Terrain Management Variance with the conditions of approval as outlined in the Staff Report [Exhibit "4].

DISCUSSION PRIOR TO SECOND

Greg Smith said it appears that someone in the audience would like to speak after all.

Chair Harris said, "We will go ahead and honor it. We announced the Public Session [Hearing], but go ahead and step forward please and be sworn in."

Mr. Smith said the Commission might want to move to reopen the Public Hearing briefly, or direct a question to this speaker.

Chair Harris said, "Please step to the podium. This is unusual. We do have a motion. We'll hear him out."

James Nolan, 1921 Senda de Eleuterio, in Cerros Colorados, was sworn. Mr. Nolan said, "The road that we're talking about access from Cerro Escondido, runs through my property. And I've been led to believe there is some kind of issue about this project with regard to the width of that road. And the Fire Department had lodged some kind of complaint and asked that the road be widened and I haven't heard anything, and what has transpired here, to indicate that that's an issue. I'm just trying to clarify that."

Chair Harris said, "The question was asked by Commissioner Kapin and answered, so I think that issue has been addressed appropriately."

Mr. Nolan said he has problems with his hearing and didn't follow what the Chair just said, and Ms. Helberg repeated the Chair's remarks for Mr. Nolan.

Mr. Nolan asked, "Resolved in what respect. Is there an intention to widen the road. That is my question."

Chair Harris said, "This is unusual sir. I'm going to ask Mr. Berke to step up and explain one more time what is being proposed for the road."

Mr. Nolan said, "The reason that I ask this question is that that road passes through my property and there was no easement for it and I had to sign an agreement with the developer of the property to provide access through my property for that road. And any issue with respect to widening that road would have a serious impact on my property."

Mr. Berke's explanation was inaudible.

Mr. Nolan's remarks here were inaudible as well

Mr. Berke said, "Is this your property 'here'."

Mr. Nolan said, "No. No. My property is down at 'this' end."

Mr. Berke said, "This isn't going to affect your property."

Mr. Nolan said, "If you widen this road, it will."

Chair Harris said, "So a brief explanation and then we do have a motion on the floor. I hope you understand we have a motion and a second and there was discussion previously. So a brief explanation, Mr. Berke, and then if the gentleman has questions as a follow-up, I would ask that you go into more detail with him."

Mr. Berke said, "This gentleman here has indicated that his property is outside of the proposed area that is requesting a variance. The only road changes for Fire, as conditions of approval, are to widen Cerros Escondido as it goes through the easement of Lot 82-A, which is now labeled 1964 Cerros Colorados. It is not going to widen Cerros Escondido any further down, other than on the property of 1964 Cerros Escondido."

Mr. Nolan said, "I understand the situation now, and I withdraw my objection."

Commissioner Padilla asked if there was a second to the motion.

Ms. Helberg said there was no second.

SECOND TO THE MOTION: Commissioner Padilla seconded the motion.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

2. **CASE #2015-42. WAGON ROAD SELF STORAGE DEVELOPMENT PLAN. STUDIO SOUTHWEST ARCHITECTS, AGENT FOR WAGON ROAD INVESTMENT, LLC, REQUESTS APPROVAL OF A DEVELOPMENT PLAN AMENDMENT ON 2.83± ACRES OF LAND LOCATED AT 4000 OFFICE COURT, FOR 20,025 SQ. FT. OF SELF-STORAGE SPACE AND 6,308 SQ. FT. OF OFFICE SPACE. THE PROPERTY IS ZONED I-1 (LIGHT INDUSTRIAL). (DONNA WYNANT, CASE MANAGER**

A Memorandum dated May 11, 2015 for the June 4, 2015 Meeting, to the Planning Commission from Donna Wynant, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "5."

The *Wagon Road Self Storage Amended Development Plan*, dated May 21, 2015, is on file in, and can be obtained from, the City of Santa Fe Land Use Department.

Donna Wynant presented the Staff Report in this matter. Please see Exhibit "5" for specifics of this presentation.

Ms. Wynant said, "I should have said, in the report, as a correction, for the record, it should say, 'The office is located at the northwest corner of the site, at Wagon and Emblem Road, and that office will be used for administration of the overall self storage facility as well as the sale of various items that are used in the typical moving process.'"

Public Hearing

Presentation by the Applicant

Jeff Sears, Studio Southwest Architects, Agent for the Applicant, was sworn. Mr. Sears said, "I am here this evening representing the owners of the Wagon Road Self Storage. I will be brief in my comments. Indeed, we're looking for an Amended Development Plan from a project that was approved in 2008. The facility opened in 2009. And since then, they are at 100% of capacity, and they have always anticipated using this 1 acre of the overall site for future expansion. So we're here this evening for that. I brought an image of the building. *[Mr. Sears remarks here are inaudible because he was away from the microphone]*

Mr. Sears continued, using enlarged drawings of the site, "The interior self storage seems to be the best and highest demand for self-storage. The image on top shows the northwest corner of the proposed building. That's the corner of Wagon Road and Emblem. That is again the office, small retail component of the space, and then behind that is the more called simpler building for the storage units. We're really looking to engage the street here in terms of what is proposed on both on the north side and on the west side to bring a retail, I guess, look to the building, versus just a standard metal building, windowless, I would consider less friendly to the street in that regard. We're looking to being something a little more engaging onto these two street corners. Thank you."

Speaking to the Request

Stefanie Beninato, P.O. Box 1601, was sworn, said, "I just want to welcome the new members of the Planning Commission and say I know it is a hard job, but I do hope that you apply the law fairly and objectively. I was going to make a comment on the lack of equipment here and that the public cannot see what's going on. And so it's really difficult to come in and try to make comments on something that you can't see. So I at least appreciate that you had that turned around. But I really think that the City if they're going to have hearings, they need to make sure their audio/video equipment is working. And it would be nice to know what percentage of the lot is covered, how much is that over, because I thought I heard they were asking for a variance on lot coverage and setback. And am I mistaken about that. I thought she said that. And so just that information as to what that means for people who cannot get the packet and/or are

not able to see the drawings. It would be really helpful in terms of whether you want to comment or not."

The Public Testimony Portion of the Hearing was closed

Commissioner Kapin said she spoke with Ms. Wynant earlier about the reason separate water meters are required for the project. She asked Ms. Wynant to clarify what the next steps are, as far as this being approved or not.

Ms. Wynant said, "She quite honestly thought there were separate buildings or individual buildings, which according to the drawings there are 3 separate buildings. They are attached and separated by fire rated walls. So she said she would look at that more closely at the building permit review."

Mr. Sears said, "In actuality, the separations will be fire barriers. After this went in, we went back and reviewed. We can do fire barriers. We don't have to create separate buildings because we can get a lot of square footage increases because we are open on all 4 sides of the building and they allow for square footage increases per the Code. So on going back and looking at that component of the Code, we will be constructing fire barriers within a single building."

Mr. Smith said, "The term building is used in different ways in Chapter 14 the City's Development Code. The Fire Code and the Building Code use the term building different ways. And the term, I believe, is not defined with regard to the Chapter of the Municipal Code that is used by the Water Division. I think it's unlikely they will require separations, but in any case, we understand the recommendation of the Water Division. We understand the Commission's action to approve the minimum condition as being separate requirements, only to the extent that they might be required by the Municipal Code. I think we can leave that to the Water Division staff to define that term as used in their Chapter of the Code."

Mr. Shandler said, "In the Findings of Fact it says, according to staff conditions, I'm confused what staff is saying. Currently, staff position is this proposal is not acceptable. Each building must have a separate water meter. So are you going to be asking the Commission to make a motion to approve with a modified staff condition, and what would that exactly be so I can record it."

Mr. Smith said, "For the record, we would recommend that the condition would be that separate water metering would be required to the extent required by the Water Chapter of the Municipal Code. And we would make that recommendation as superceding the language in the Memo that is currently in the packet."

Chair Harris asked if, in structures such as this one, you sprinkle the corridors.

Mr. Sears said, "No. The building will not be sprinklered, and that is the reason for the fire barriers, because we're creating 3 spaces. Again when we go for permit on hopefully your approval here for this project, we're going to be presenting a single building with 3 separate spaces created by the fire barriers. And since each of the spaces is under the threshold for sprinklering, sprinklers would not be required."

Commissioner Padilla said, "Phase 1 of the project is 3 separate buildings, and is there an office or administration building in that in the first phase."

Mr. Sears said, "Are you referring to the existing."

Commissioner Padilla said, "Phase 1 is what I was asking about."

Mr. Sears said, "There will be a very small office on the northwest end of Building No. 1."

Commissioner Padilla asked, "What will happen to that. You are increasing and now what you are proposing for this approval is 6,500 sq. ft. of additional office/administration/retail area. What happens to the existing administrative, and is that a live-in or live-on-site facility."

Mr. Sears said, "No. There's no on site residential component."

Commissioner Padilla asked, "What happens to the administrative/office component on the original phase."

Mr. Sears said, "I'm not 100% sure. It may revert to a storage unit, or will continue to be, at least for the first phase, an area for continued use for management of that first phase. I'm not 100% sure on that."

Commissioner Padilla said, "A follow up question, and it is always very interesting to me, the MPO has an extensive conversation or discussion about a bicycle parking rack, and the actual rack that you are using for your bike rack, your bike rack is inadequate because of the serpentine shape of it, etc. Can you tell me what is the average bicycle traffic that you get to a storage unit like this. I don't ever remember going to my storage unit on my bike. Could you give me a feel for that."

Mr. Sears said, "I don't have any data on that, but I think it would be very minimal. Of course, we'll meet that condition."

Commissioner Padilla said it's a pretty lengthy condition, and he wanted to make sure the Applicant was okay with that condition.

Mr. Shandler said, "I want to ask Mr. Sears, was there a 2006 development plan for this called the Wagon Road Business Center, or is that something different."

Mr. Sears said, "Yes. That was the first amendment on this site. There was a previous plan for the site in phase 1, and that was to create an office facility, and then in 2009, we received the Amended Development Plan for the self storage, and now we're amending the Development Plan again."

Mr. Shandler said, "I just needed to get that in for the finding. And also, the square footage has changed during the ENN process. Is what staff listed in the caption now the correct square footage."

Mr. Sears said, "The square footage in this proposal, that would be the maximum, I think we're slightly under that now in terms of recent tweaks of the Plan, but I don't have an exact number right now, but I would look for approval of the maximum, the square footage that is in this document."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve Case #2015-42, Wagon Road Self Storage Development Plan, with all conditions of approval as set out in the Staff Report, Exhibit "5," and with the amendments proposed.

VOTE: The motion was approved on a voice vote, with Commissioners Kadlubek, Kapin, Padilla and Villarreal voting in favor of the motion, no one voting against, and Commissioner Chavez absent for the vote [4-0].

3. CASE #2015-46. RIVER TRAIL LOFTS, 2180 AND 2184 WEST ALAMEDA REZONING. SOMMER, KARNES & ASSOCIATES, AGENT FOR ALAMEDA LOFTS INVESTMENTS, LLC, REQUEST REZONING OF 4.25 ACRES FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO R-7 (RESIDENTIAL, 7 DWELLING UNITS PER ACRE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR 32 DWELLING UNITS. (DONNA WYNANT, CASE MANAGER)

A Memorandum dated May 20, 2015 for the June 4, 2015 Meeting, to the Planning Commission from Donna Wynant, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "6."

A Memorandum dated June 4, 2015, with attachments, to the Planning Commission from the Current Planning Division, regarding additional information in this case, is incorporated herewith to these minutes as Exhibit "7."

A copy of a Memorandum dated June 4, 2015, to Donna J. Wynant, from David M. Elliott, with attached letter from his wife, Gabrielle McKenna-Elliott, owner of the property at 163 Calle Don Jose, sent via email, is incorporated herewith to these minutes as Exhibit "8."

A copy of the relevant Section of Chapter 13, 4-3.5 Rezonings (C) Approval Criteria, submitted for the record by Karl Sommer, is incorporated herewith to these minutes as Exhibit "9."

An aerial photograph of the subject site, submitted for the record by Karl Sommer, is incorporated herewith to these minutes as Exhibit "10."

A copy of "Notes & Thoughts" from JoEllen Bokar, 108 Calle Nopal, submitted for the record by Pamela Ann Hughes, is incorporated herewith to these minutes as Exhibit "11."

A Memorandum dated June 4, 2015, from David A. Sena, to the Planning Commission, regarding Alameda Lofts 2180 and 2184 West Alameda, entered for the record by Pamela Ann Hughes, is incorporated herewith to these minutes as Exhibit "12."

The *River Trail Lofts at West Alameda Development Plan and Rezoning*, dated April 27, 2015, is on file with, and copies can be obtained from, the City of Santa Fe Land Use Department.

Chair Harris said prior to beginning the Staff Presentation, Commissioner Kadlubek raised an interesting question that he can't answer, and said Commissioner Kadlubek will be addressing Mr. Shandler.

Commissioner Kadlubek asked, "It was made known to us that Commissioner Chavez might be late and she had stated a time she thought she was going to be arriving, which would be 7:30 p.m. I imagine we will still be listening to the case. If she arrives halfway into the case would she be able to vote on the case, or what is your opinion on that."

Mr. Shandler said, "Mr. Chairman, as long as she familiarized herself with the record, she will still be eligible to vote. So she might have to take a little extra time, a few minutes to do that, but let's proceed ahead."

Chair Harris thanked Mr. Shandler and Commissioner Kadlubek for the question/answer.

Staff Presentation

Donna Wynant presented the Staff report in this case, using the overhead. Please see Exhibit "6," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

All those presenting were sworn en masse

Karl Sommer, Agent for the Applicant, Member of the New Mexico Bar, said he represents Rick Brenner and Rachel Watson. He introduced his partner, Joseph Karnes, and Morrie Walker, Traffic Engineer, and Christopher Purvis, Architect and Planning Consultant. He said, "We're excited about this project. We think it's good for Santa Fe and it's being done by an individual and individuals with an excellent track record for success, creativity and innovation. That's good for this town and it's good for this particular piece of property. We are happy that staff has recommended approval, because it recognizes that their thorough review means that all boxes have been checked, and they haven't said to you there is a problem here or there's a problem there. I would like to tell you tonight, one, a little bit about Rick and Rachel, tell you a little bit about this project, turn it over to Christopher to tell you a little bit about the design and the design and the concept behind this, and Morrie to address some of the questions about traffic that have been raised. And then Rick and Rachel have just a couple of things to add and we'll answer any questions you have. We'll try and be as brief and as quick as possible."

Mr. Sommer continued, "May I approach, I have a couple of handouts."

Chair Harris said yes.

Mr. Sommer, using the overhead, said, "What I've handed you, I think it's helpful to have the criteria for you on one page. I've highlighted them and we'll go that very briefly. I started out by telling you a little bit about Rick and Rachel. Rick has been doing innovative, creative and successful designs in Santa Fe for 30 years. Why is that important really. Because the people who are making representations to you, if they have a track record, either good or bad, you would like to know that in terms of what commitments are they making now. Rick has done the [inaudible] Lofts, successful, creative and innovative project, and revitalized that entire area in part with other developments. He has also done the West Alameda Lofts. Again, if you're familiar with that project, innovative, creative, successful, sustainable, enjoyed by the people who live there. There might be somebody here tonight who speaks a little bit about that. Like I said, it's relevant because the people making the representations to you are going to make commitments. And they're going to make statements about what they intend to do. Their track record is important on that, and I thought maybe you would like to know a little bit about that."

Mr. Sommer continued, "In looking at any application for a rezoning, you have to look at do they meet the minimum requirements of the Code. Your Staff Report goes through the checklist of all the things of all the things in this. The page that I gave you, in highlights, I just copied right out of the Code. And in the analysis by staff, every one of those boxes is checked and these are minimal criteria. These aren't like you make these and you 'Pass Go and collect your \$200.' These are minimal criteria. If you don't get past these your application is sort of DOA. This Application is not DOA. This Application meets every single requirement, and they're found in 4-3.5(c), and I've highlighted them. There has been a change in the surrounding area, altering the character of the neighborhood to such an extent to justify the change in zoning and a different use category is more advantageous to the community as articulated in the General Plan. That is a key provision of the criteria."

Mr. Sommer continued, "As your Staff Report points out, the General Plan talks about fundamentally, infill that is compatible, but at higher densities. Why. Because one of the policies of the General Plan is efficiency, variety of housing and affordability. That comes from the efficiencies. That provision in the criteria of the Code that you have in front of you is not just sort of vague and empty. You can look at this application and judge it against that criteria and say, Yes. This is an infill project that is a different category, R-7, rather than R-5, that is advantageous to the Community. It takes advantage of existing utilities, existing infrastructure which is good for the community, it prevents sprawl. All of the things you've heard about for years and years and years, this project. And it's also compatible."

Mr. Sommer continued, "If you look down West Alameda in the photograph that I've handed to you all, that is a Google Earth Map. You can see, what we've done is, shown a representation of how this fits into those developments along the way. It is different than the single family, residential subdivision to the east, very different in a sense. But when you look at its intensity it is not, and does not appear incompatible or more intense. It is different because it offers a different variety of housing which is good for this community."

Mr. Sommer continued, "Moving on to the next criteria, and that is 1(b). Have we met the requirements of the Code. We have met the requirements of the Code, staff has confirmed that. Again, we look at the next criteria which is the General Plan. I have included here, if you all didn't get a chance to look at it, the language in the General Plan is very specific. That's right out of the General Plan. And what does it say [*inaudible*]. This is on your future land map an infill area specifically. That's not just sort of like a vague reference to a vacant lot somewhere. That is an area on your map that has said infill. In these areas, it says the City must encourage higher densities of residential and commercial development, than existing zoning often allows. Now what are we asking about here. R-5 to R-7. We're not going R-5 to R-11. We're moving the next step up. It is a higher density, but your Code and your policies and the policies of our community for the last decade have said, this is what you should do. And they say it, and the recognize the efficiencies that are gained by it, which is good for the overall community."

Mr. Sommer continued, "The last one that is relevant there is C, and that is the existing and proposed infrastructure that can accommodate the impact of the proposed development. We know that water, the sewer, the road facilities, all of those facilities are adequate as they are today to accommodate the proposed development. Mr. Walker will talk a little bit about the traffic facilities, because that I think is key to some of the things that we heard in the ENN meeting. And I'll talk a little bit about that. But, as I said, if you go through and look at the criteria and compare it to this application, we check every box. We meet every policy and we implement every policy on a project like this that your Code and our plan as a community says we should do. So I think that is one of the reasons that supports the staff's recommendation for approval. We're not asking for any variances. We're not asking that you change any rules or lessen any standard. And that's important."

Mr. Sommer continued, "I've talked to you about why we believe you should approve this application. We went to an ENN and we heard a great deal about traffic and density. Just a broad overview. Mr. Walker will talk about the traffic, but Mr. Purvis will tell you about the density in this. And I would like to turn it over to him to tell you about the design concept that this plan implements. And I say it's not new, because Mr. Brenner, Rick, did this just down the road at the West Alameda Lofts in part and has done it successful. And I would Mr. Purview to address that briefly."

Christopher Purvis, 200 West Marcy [previously sworn]. Mr. Purvis used the overhead for his presentation. Mr. Purvis said, "I would like to talk a little bit about this project. About 20 years ago, Rick came to my office and said, what can you do on this farmland, which happens to be 2-3 properties down. And I've always been interested in the space between buildings, because that's kind of what makes Santa Fe a successful place. It's not so much the buildings, but it's our streets and roads between them and how we define those spaces. So we came up with this concept of a 20 by 50 foot module which is enough room to put a small house in, but if you make it two stories you can get some lofted space. There's a lot of various configurations, 1-2-3 bedrooms that could be put into that, but mostly it was about creating a large interior space, or a spacious interior space in a small footprint, and then with the taller walls, using those buildings to define small courtyards or space that you could actually enjoy on the exterior, too."

Mr. Purvis continued, "So we worked on that. Spent a lot of time, because it was back in the old days, build 3-D models to try to examine what the correct space was between buildings. Now we've all kind of moved passed. Not everybody does 3-D models. Then we have this project down the road we

were kind of fussing with the 20 feet or 15 feet or 25 feet between buildings, right up until when they were placed. So using that information from that project, we tried to again create this, although we ended up introducing more options, because I've done a couple of other buildings with Rick and we kind of worked on some other options, so there's the basic L-shaped building that you can see, for example, 'there' which is made up of two 20 by 50 foot units. There's one where we actually stretched the building long and cut it in an unequal way, because it seems like it's better to have more variation in the housing so we have some smaller units right 'there,' and..... so we stretched them and then we pulled them apart, so those L's are now composed more of 3 units, although the space between the L and 'that' space 'there,' is more of an intimate courtyard that is created with buildings on both sides of it. There's about 16 feet between the buildings, the buildings are about 20 feet wide, so there's this kind of small space. We had some issues at the other unit where we didn't have as much personal space that people could define as well. So this was an effort to kind of respond to that and create more spaces that were definable, specifically to that unit. I think that's most of what I have to say. Do you have any questions."

Chair Harris said, "Not just yet Mr. Purvis."

Mr. Sommer said, "I would like to add one thing. While we were talking about what we heard about at the ENN about density, this tells you what the type of density is, the number of units you already know. You can do that calculation. But the configuration here and the concept behind this, which is proven and successful, creative and sustainable, is compatible with the neighborhood, and that explains it. One of the things that neighbors to the east in the single-family development were concerned about was, well you're going to have cut-through traffic into 'this' portion of their development. We are not going to connect any roadway through 'that,' except for emergency access. And they'll be blocked off so that only Fire and emergency vehicles can get through. These drives are not built to public road standards, so this development actually secures the concern and the fear that was expressed which was we don't want traffic coming through your development into ours or going through our development out to yours and out. These roads don't accommodate that. They're not built for that purpose and this design addresses that particular issue. So we've taken care of that issue."

Mr. Sommer continued, "I would like to move to the issue of traffic as an overall thing. You're going to hear from Mr. Walker what he did, in terms of doing his analysis, because I think that's important for you to know what the Traffic Engineer actually did. He didn't just sit in his office and he didn't just look at numbers on a page, he actually did counts on separate occasions and then did his analysis, and then backed that up with additional counts. It's important for you to know that. He'll tell you about what his conclusions are and what the level of service is on this roadway right now, and why he's made his recommendations. I would just like to say this. The observation that we heard at the ENN over and over was, there's a lot of traffic on West Alameda. There has already been more traffic on West Alameda. That is true. That is correct. West Alameda, not too long ago, and certainly when I was growing up was a dirt road. It was a rural collector. There were mostly horse properties down that, and it is vastly different than it used to be. It is now an arterial and it has facilities at both ends that accommodate that traffic. There is more traffic."

Mr. Sommer continued, "The level of service that you hear from Mr. Walker is important. Because what you tend to think about when you hear complaints about traffic and anecdotes about traffic is, wow, the level of service is not a level where the City says this is a problem. It's a level of service C. There's an A to F as you'll hear. Mr. Walker will now tell you what he's done, what he's found and why he's made his recommendation."

Morrie Walker, Walker Engineering, 905 Camino Sierra Vista [previously sworn]. Mr. Walker said, "When I started on this traffic study we were trying to figure out exactly how we wanted to do it. And there's certain ways of doing it. You actually can just pull out a book, the ITE rates and look at those and say, okay this development generates this much traffic. It's not really the way we ought to do it, because it actually is an innovative housing situation, live/work. And so we actually went out and counted traffic in that area at very similar subdivisions to see if our analysis will be correct on how much traffic we determine this will generate in a.m. and p.m. counts at 5 different subdivisions down the road just to see how much traffic we are going to generate. And actually what we did find out, amazingly enough, well actually not amazingly enough, because it is still somewhat of a rural nature. The existing subdivision didn't generate near as much traffic as we expected. There actually was created almost a quarter to about half the amount of traffic as we were expecting they were going to generate, based on the standard rates."

Mr. Walker continued, "And what we did, we said okay, if these do not generate this much traffic, we can be a little bit more conservative as to how we do our analysis. So what we did, we combined the at peak rate which is a higher rate versus the actual rates that we found and we just literally took an average of them and used that for analysis. So we feel very comfortable of our analysis being correct as far as how much traffic this subdivision will generate. So, yeah, I've seen traffic reports before, basically we take that traffic and we extend it to the design year, I think we took a 3-year design year and increased it actually. Not only with the traffic out there, we actually put an increased factor to it and used that as our analysis and looked at it from there. Then we added our traffic count to it to see what happened. And what we found out with our traffic if we increase the background traffic via Calle Nopal and Alameda went to the level of service of C or better. There was a little delay here and there, but for the most part it meets standards. That intersection does meet the City of Santa Fe standards. So we feel very comfortable with that."

Mr. Walker continued, "So once I did that, I said okay once the existing conditions work. So I said okay, what would happen if we took the stop sign out. Then we did that analysis, and it turns out what we found out actually there was so much more traffic on Alameda than on Calle Nopal, it made sense to remove the stop sign on Alameda. There was significantly more traffic on Alameda than on Calle Nopal. And once we took that traffic sign out, the intersection worked better, and that's all we were looking for. So I said okay, what improvements can we do at the intersection to make that intersection work. I think it was almost 10 to 1, the amount of traffic on Alameda versus on Calle Nopal, and it made more sense to take that traffic sign out, so we did, and found out that that intersection works way better. So that's what our recommendation is."

Mr. Walker continued, "We said okay if we're going to improve this intersection, just this intersection, then the best way to make this intersection work better is to take out the stop sign, and that's where those recommendations came from. We understand some people like the traffic sign there. A good architect friend of mine likes the stop sign there because it does slow the traffic, and she thinks it's more traffic calming than for traffic control, so she wants that in there. Our subdivision works with or without that stop sign on Alameda, so we can go either way as far as that goes."

Mr. Walker continued, "One thing we were talking about is how much traffic there is on Alameda. That has increased and we know it's increased, with the bridge over Siler Road there was definitely an increase in traffic. But the capacity is still there, and amount of our impact is very minimal on the whole intersection, and we feel very confident that the amount of traffic we can generate will be minimal. Thank you."

Mr. Sommer said John Romero, City Traffic Engineer, is here and his report from his Division is in the packet, and you can ask him about those. He said, "I would note for you one of the key recitations in that report was that the traffic study indicates that there are no warrants that justify that intersection the way it is configured now. It is there for other reasons, and I think Morrie alluded to one of them. I would like to turn it over to Rick and Rachel for just two seconds, and then we'll conclude our presentation, Mr. Chairman."

Rachael Watson, 1400 ½ Cerro Gordon, Owner [previously sworn], said she grew up in Santa Fe, about half hour from here, and her family had a very successful tile business for 50 years. She had the opportunity to work with her dad and to see the developments in Santa Fe that they sold tile to and to see the growth of Santa Fe from the time there were dirt roads and it took an hour to get to Rodeo Road. She sees this an opportunity of the history of Santa Fe, and "I just think our development is a really nice project for Santa Fe."

Rick Brenner, 1400 ½ Cerro Gordo, Owner, said contrary to "what I call Fox News letters and signs that have been posted in the area, that my motivation, Rachel's motivation isn't to make a million, two million, five million bucks out of this issue." He said he told all his friends that he is retiring from this business, but he got back into it was he was brought to this site. He said, "I was encouraged by people who live in the other project I did, and by many people in the industry, that Santa Fe needs some more different type of housing, not the issue of affordable, the issue of just a different type of housing that other people who don't like what Homewise is doing, that don't like cookie cutter normal subdivisions, that people can live in and work in and feel comfortable in. I decided, with a lot of encouragement from Rachel to drive me out of retirement that was an excellent opportunity to do something that will work effectively in the neighborhood just like the other one did, that has great access to amenities of the River, the River Trail." He said he thinks it's important for people to know and understand that.

Mr. Sommer said, "Often you have people come in front of you, and you recently had a very controversial case where the property was under contract and they were coming for a zoning request, or a zoning approval of some kind and they were testing the waters with you, and that's understandable in many cases. But Rick and Rachel bought this property because they are committed and because they believe in it. They're not here doing a look-see or tire-kicking. They're a part of this community, they've

been a part of this community, particularly the development community for 30 years. They believe in what they're doing and have done. This projects meets Code, implements City policies and deserves your recommendation for approval. Thank you."

Speaking to the Request

Commissioner Chavez arrived early in the public testimony

Chair Harris asked everyone to provide their name and address. He said, "In the past, we have felt it necessary to limit testimony to 2 minutes, but I think the most important thing is just to be respectful of the people who are here. Everybody has their own voice, but be mindful of what's been said and you may acknowledge, concur or disagree, but we do ask you to be respectful. Also there is no turning to the audience and asking for a show of hands. We consider that to be developing bias one way or the other. We just ask that you address your comments to the Commission."

All those speaking were sworn en masse

Cindy Geist, 2225 West Alameda [previously sworn], lives across the street. She lived on West Alameda before we put in the four-way stops in and it calmed the traffic. She said Alameda is a narrow and curvy road, and with the Siler Road bridge it is a main thoroughfare for more people. "Please don't take away that stop sign." She said people are going 40 mph through that intersection, and it's a really dangerous road.

Jeannie DiLoreto, 149 Calle Don Jose, Rio Vista Subdivision [previously sworn], asked for a different "picture to be put up, the one with the housing" on the overhead because it's important for what she wants to explain.

Mr. Smith said, "I would note for the record that Ms. DiLoreto's letter was distributed to you separately immediately prior to the meeting [Exhibit "7"]."

Ms. DiLoreto said, "I want to say that I do not concur with the Land Use Department's recommendation to approve the zoning change request, and specifically do not concur with the traffic impact analysis, also referred to as the traffic impact study, recommendation to remove the stop signs. I concur with the previous speaker." Ms. DiLoreto has owned a home at this intersection for more than 30 years. She said this is a dangerous area with a history of problems, agrees with statements that traffic on West Alameda has increased, and they have no bus service. She said the bus service ends at Camino Alire. She said if they remove the stop signs the speeding will increase and there is nothing to stop them from the Siler Road roundabout all the way to El Rancho on Alameda. She said Mr. Walker recommended removing the stop signs to change the level of service to an A level, which means traffic travels at a rate higher than the speed limit, which she thinks is appropriate for freeways not urban area. Vehicles turning

left from Calle Nopal onto West Alameda have limited vision because the road curves – speeding cars and limited vision means more accidents. She drives through the intersection, and finds the stop signs annoying, but they help to slow the traffic.”

Chair Harris asked Ms. DiLoreto to wrap up her presentation, because she has exceeded two minutes.

Ms. DiLoreto continued, pointing out her house on the aerial map on the overhead. She said they have experienced serious incidents of cars crashing through their back fences and coming down the hills behind their houses, causing thousands of dollars of property damage. She said two cars crashed through Retired City Police Captain Ruth’s home. She said a carload of teenagers came through her back fence, landing in her apricot tree killing it, which she didn’t mind because it saved their lives. The repairs were \$4,0000, increasing her rates by \$200 per year.

Chair Harris again asked Ms. DiLoreto to conclude her statement.

Ms. DiLoreto said she and Captain Ruth went to the City and got the yellow barrels along the streets.

Stefanie Beninato, P.O. Box 1601 [previously sworn], said she lived in this area at one time. She said this is a lofts development, and understands they are work/live situations, and asked if that was considered in the traffic study. She said, regarding the density, 5×4.25 comes to 21 units, 21.25 rounded down, and 4.25×7 is 30 units, rounded up from 29.75. This is a difference of 9 units not 5 or 6 .
[Inaudible] There is much less density on the other side. [inaudible]

Richard Cady, 2190 W. Alameda [previously sworn], said he lives next door to the west of the proposed project. He is concerned about the traffic. He said the traffic is and will be a horror show, commenting he has been almost rear ended 3-4 times after going through the stop sign, noting his wife was rear-ended and had to have medical care. He is horrified to think the stop sign will come down. He said, “Graphically, a bird’s-eye view, it looks great, but on the ground it won’t work in terms of traffic. I’m telling you it will not work. Thank you.”

Mike Sloan, 1702 Medio Street [previously sworn] said he agrees with everyone that traffic is a problem and without the stop signs it will become kind of a super highway and a big problem. He said there are other solutions which need to be there if this will move forward. The other issue is that there is more open land across the River from this lot, and his concern is the change to R-7 will become a precedent, and that will change the character of the entire. He doesn’t know you can balance that.

Margaret Carrell [previously sworn], said she owns the property to the west of the proposed project. She is concerned about traffic, noting it is difficult for people to get onto her property. She thinks if the project is allowed, it will be a nightmare with 70 cars trying to get out at one time. This is going to be a big thing for the people who live there.

Rafaelita Bachica, 1713 Medio [previously sworn], said she was caring for her mother at the time the car came crashing down from Calle Nopal and if not for Jimmy's apricot trees she would have lost her life as the car barreled into her back years. These are serious considerations. She said the stop signs are beautiful attempt to stop people, but they don't work, noting there is no ticketing going on there. They also are concerned about the density which seems high, although they paint a beautiful picture, and she has a concern about the rural atmosphere on West Alameda which has been going away, although some does remain. This is a quality of life issue, and they want to preserve some part of the community. She asked the Commission not to rush into what has been presented as a creative and innovative idea."

Kerstyn Porsch [previously sworn] *[Ms. Porsch's remarks are inaudible]* Ms. Porsch said she is not in support of the project because it will change the character of the neighborhood.

Rob Turner, 1703 Santa Fe River Road [previously sworn], said he agrees with everything that has been said. He wishes we could have seen an elevation of the plans because he doesn't know if his objections are appropriate. He finds the plan remarkably inorganic and doesn't see to go along with the rest of the community on either side. He lives along the River and said there is a great deal of space across the River, and the slope down from Alameda adds to the openness. It is a relatively rural atmosphere. He has concern for the "happiness" of people coming out of their subdivision during snow and ice, commenting it's quite a slope and quite a road to come up onto.

Ryan Rempel, 159 Calle Don Jose [previously sworn], and pointed to his residence on the map on the overhead, noting his back yard will be about 10 feet from the nearest building in the new subdivision. He said he doesn't know what goes into traffic study, but "apparently it doesn't involve going to work at 8:00 a.m. and coming home at 5:00 p.m., without the subdivision going in." He said the attorney for the Applicant said all the boxes have been checked. He said it is unfortunate "that none of these boxes were checked for all of the houses in those areas. I live in one of those boxes and nobody checked with him." He is unsure who they are referencing when they talk about community, but they aren't talking about him and the people of this community, so community is a vague term and doesn't apply to the area around the subdivision. He said he and his wife bought their house in reliance that this neighborhood had been zoned R-5 or less on the other side of Alameda. Rezoning to R-7 will lower property values, increase traffic and increase traffic issues, as well as increase the noise. The developers had said the gate between Calle Jose and the development will be used only for emergency access, but it's inevitable that the residents and the City will want to open it for public use. This will create more safety issues, noting Calle Don Jose was not built for R-7 traffic. It was built for R-5 traffic. He is not under the illusion that the property will never be developed, but it needs to be developed as currently zoned which was zoned for a

reason. He said, "Please don't allow this rezoning. It will benefit absolutely no one other than the developers and in fact will harm the integrity of the entire surrounding community of people that actually live there."

Mr. Rempel said, "In my conclusion, I urge you to imagine living in our neighborhood. If this rezoning occurs, better yet, imagine yourself living in my house where your back yard is literally 10 feet from the closest two-story building in the proposed development." He urged them to consider the impact this will have on the current neighborhood.

Marcos Sena, 2191 West Alameda [previously sworn], said he lives directly west of the proposed subdivision. He agrees with everyone about the stop signs. He agrees the zoning should stay at R-5, noting everything across the road is R-1 and he wants to keep it that way.

Florence Sena, 110-B Calle Nopal [previously sworn] said she is against removing the stop signs, so "keep the stop signs."

Paul Olson, 122 LaJoya Road [previously sworn] said he believes R-5 is the appropriate zoning for the area, and to change the zoning would set precedent for the remaining area and potential development in the future. He thinks keeping the zoning at R-5 would allow for more creativity in the development plan for the site.

Kathleen Ilago, 126 Medio Street [previously sworn], said she agrees with all of the neighbors who have come to ask you to keep the zoning at R-5, as opposed to R-7. She said, with regard to traffic, she goes west on Alameda every morning, and without that stop sign she can't imagine getting of there easily. She respectfully disagrees with what has been presented in the traffic study. She would like to reiterate the point the neighbors have made about this setting a precedent. She loves the bucolic nature of the neighborhood. She isn't opposed to development and believes the Applicant wants to do a good job. However, for those of them fortunate enough to live in this neighborhood with young kids who ride bicycles and who enjoy this, she doesn't really see why, at this point, we need to increase the density without a little bit more forethought, and perhaps some master planning, some more discussions, and so she encourages the City to keep it at R-5.

Rick Martinez, 725 Mesilla Road [previously sworn], is here representing the West Santa Fe River Alliance and in support of the neighborhood at keeping the R-5 zoning. He pointed at the area of R-7 zoning on the map on the overhead, saying it is all single story homes and feels like an R-5. This development is all two-story which is a big difference and is not compatible with the existing neighborhood. He said there is no master plan for this River corridor, and asked the Commission to keep it at R-5 zoning and look at something in harmony with the Alameda corridor. He said we need to be careful with what we do because of everything that will follow, and it will fall apart. He supports keeping the stop sign as is. He

said it is 35 mph all along the road, commenting if it was 25 mph it might be a different story. He said, "Actually, 35 is 40."

Marci Riskin, 1707 Purple Aster [previously sworn], said she has lived at this address for 17 years and has watched Alameda turn from a rural collector into an arterial, and the traffic has increased and will continue to increase. She said, "With respect to Morrie," it's going to increase with this subdivision as well with more cars coming out. The City has a responsibility with this increase in density, to keep that road safe. She supports keeping the stop sign, commenting driving home every day she is tailgated the entire way. She said, "In the interest of keeping that road safe, I would like to urge you to keep the stop sign. It helps calm traffic and it helps maintain the speed limit. Thank you very much."

Nancy Desidario, 1702 Medio Street [previously sworn], said she agrees with the previous speakers, and wants to emphasize that one, it will set precedence for the area and if it is rezoned to R-7, it is the beginning of increased density here and across the River, commenting it's a slippery slope. She said people like to live in this area because it is bucolic and if you zone to R-7, no one will want to live there any more, so what's the purpose. Third, she can get onto or off Alameda because of the stop signs. She said where she gets onto Alameda there is a curve going west. She wants to keep the stop signs.

John Addison, 7 Circle, previously a resident at 2240 West Alameda 2000-2014 [previously sworn] which is the first Alameda Lofts development Rick Brenner developed in 1999. He said one of the things density does is it makes these units affordable. He said he his wife and daughter were looking for their first home in Santa Fe, while also considering Albuquerque. However, because they could buy a home for less than \$200,000 at 2240 West Alameda, they were able to stay in Santa Fe and not have to commute. His experience with Mr. Brenner is that once the project was finished he stayed involved with the development, served on the condo association board. He wasn't a developer who developed and left, and he is responsible to the community he was able to grow there.

Pamela Ann Hughes , 155 Calle Don Jose [previously sworn], said two neighbors have asked her to speak for them, one is David Sena at 1729 Santa Fe River Road [Exhibit "12"] and one is a disabled woman named Jo Ellen Bokar, 108 Calle Nopal [Exhibit "11"]. Ms. Hughes said she thinks she is the only house bordering the property with no back fence, and looks into heaven with a giant oak tree. She has had the property for 32 years, and it's sad, although she realizes development will happen. However, she thinks going to R-7 is wrong for the area and the traffic. She said it is hard to believe that the City will say the property can outlet onto River Road, because it is tricky getting up the hill and onto Alameda. She said their neighborhood is not made for more traffic, noting people converted their garages into another room and cars are parked on both sides of the street. The peaceful, semi-rural character of the neighborhood would be changed and it would be hurtful to the community. She said everything she knows about the builder is good, and probably would be tasteful, but the two stories right behind her will be where there were horses and goats. She thinks they need an overall plan for their area, because they will have to go through this over and over. There definitely needs to be sidewalks along West Alameda in this area if this

moves forward as an R-5, and there is no bus service that goes by there, so that would be good too.

Todd Christensian, 111 LaJoya Road [previously sworn], said he knows these people are trying to sell the project they want to do and it's colored beautifully by them, but the effect on the people who live in neighborhood is a negative, the increase in traffic and the precedent of R-5. He thinks they should consider building something there at R-5, because rezoning to R-7 will set a precedent for the whole area. He said, "They should develop at R-5, put a few homes in there, make a couple of bucks and leave us alone."

Nancy Fay, 728 Mesilla Road [previously sworn]. Ms. Fay said she has 3 points to make. In *Euclid v. Ambler*, a landmark Supreme Court case in 1926, which established the constitutionality of zoning laws, hinged on a crucial ruling that "benefit for the public welfare must be determined in connection with the circumstances, the conditions and the locality of the case." Ms. Fay said, "On page 6 of the summary section of the information packet from the City, 'The Planning Commission and the Governing Body shall not recommend or approve any rezoning, the practical effect of which is to benefit one or a few landowners at the expense of surrounding landowners or the general public.' So therefore, we must ask for benefits for an approval of Case #2015-46. The summary section of the information packet repeatedly disregards and minimizes the established distinctions between R-5 zoning and R-7. Page 6 states that, 'R-7 is marginally different than the surrounding R-5 zoning.' If these predominant zonings in R-5 exist, I believe that we should keep the R-5, or in fact, rezone to a lower designation."

Ms. Fay continued, "How does approval of Case #2015-46 protect the continuity of the neighborhoods and benefit the general public. The traffic impact study which really turns out to be a car count and not a traffic study, recommends removal of the West Alameda stop signs to 'improve traffic flow.' Testimony has been provided tonight on the long documented history of speeding, crashes that destroyed property and endanger life, the lack of traffic safety and impaired visibility. Sand filled yellow barrels have partially slowed speeding, but then an LOF-A is recommended, which is traffic jargon for traffic flows at or above the proposed speed limit. How does increase the volume of traffic at a documented dangerous intersection benefit the general public. How does this keep the community safe. This is historic after a long struggle to implement traffic calming remedies for a dangerous area, a study now reverses the work to protect the public safety and instead calls for stop signs to be removed at West Alameda and Calle Nopal.

Chair Harris asked Ms. Fay to wrap up her remarks as she has exceeded two minutes.

Ms. Fay continued, "Yes, I am concluding now. With the opening of the Siler Road Bridge onto West Alameda we have additional speeding and risk of more accidents on a two-lane road. So what future will we choose for Santa Fe. Safety on our roads in a livable City that values our legacy or will we be like Esau and sell our birthright for a mess of pottage. Santa Fe needs our Planning Commissioners to now serve the needs of the people, to examine all the required Planning regulations as detailed in Chapter 14, and to rule on this zoning case to benefit the public welfare. Vote no on Case #2015-46, vote no on R-7. Thank you."

The Public Testimony Portion of the Public Hearing was closed

Commissioner Kadlubek asked staff to explain the math of "how we get to 32 and how that is only a 6 unit increase."

Ms. Wynant said, "The first thing you would look at it is what is available to the lot. You have to subtract the flood plain, and once that's done, instead of 4.2 acres, you have 4.13 acres. When you multiply that by 7, a certain number of units, in this case it was 28 units, and then you factor in your affordable units at 20% of that number, so it comes out to 5.6, this is all figuring toward the R-7 zoning. So 5.6 units are affordable. The 28 units that were possible for the site, you multiply by a 15% bonus density – it's an additional 4.2 units. So the 4 units is added to the 28 that was possible at R-7, which comes out to 32 units."

Mr. Wynant continued, "When I started doing the math for the R-5, and I apologize for this not being in the report, I took it through the same calculation, and with an R-5 zoning district, working the math the same way, instead of 32 units would be 27 units. So 32 minus 27 is a difference of 5 units."

Commissioner Kadlubek said there already are issues with traffic on West Alameda and on Agua Fria which exist with or without the development or the stop sign. He said things may get more intense, and maybe not. He wants a sense from Mr. Romero's point of view, what is the vision from Traffic's point of view in regard to West Alameda and Agua Fria moving forward, knowing it has this connection to West Alameda that does have the connection to Siler that has turned it into more of a thoroughfare. He said, "I just want to get a sense from you as to how you guys are imagining how West Alameda will be able to sustain."

John Romero, Traffic Engineer, asked for clarification, what specific issues on Alameda is he speaking about for the City to address. He said he drives this area 4 times a day, so twice as much as a resident. Residents leaving to work, enter in the morning and come back in the afternoon. He said, "I do both. I think I have mentioned this before, it is maybe about 500 yards less of Calle Nopal, so I get off Alameda and its on the River side in the morning, get back on in the same morning and the same thing in the afternoon, so I'm very familiar with this. And the general comments that have been made, those are made on virtually every street in the City, let alone, I would imagine on every street in the nation. People worry about speeding, people worry about rear-ending, drunk drivers, all that type of stuff. So, where cause exists, those types of issues exist."

Commissioner Kadlubek said, "I can be more specific. Given that Siler now connects to West Alameda, it's a way for people to get from the east side of town to the south side of town without having to take Cerrillos. I think West Alameda is obviously being use a lot more since that connection was made. I think if we have continued development on the south side of town which seems also obvious to me, or continued housing development in the Siler Road/Rufina area which seems obvious to me, it seems pretty clear that traffic is going to increase on West Alameda as people use West Alameda instead of using Cerrillos because it's a lot more convenient."

Commissioner Kadlubek continued, "I work on Siler, I live down on the east side, I use West Alameda of course, and I just see that as an obvious trend. So I guess to be specific of what type of traffic issue I would be talking about, it would be the increase of cars on West Alameda would be one. And then two on sort on my side of it, people want to go fast through there, because they want to get from one point of town to the other. So that also sees like a natural thing there. There seems to be an increase in speed or a want to increase speed from cars on that street. I think what I've heard today from testimony does make sense to me as an issue. And I'm just wondering, and this is really like my just wondering like how the City is imagining dealing with this obvious increase of traffic on West Alameda now and over the next 5-10 years."

Mr. Romero said, "That is a tough question. The City has been developed very uniquely from other cities, Phoenix and Albuquerque, that developed roadway systems and a good system with arterials, collectors, sub-collectors and so on. The City of Santa Fe, unfortunately, from a traffic standpoint wasn't developed that way. Our major roads were wagon trails and they were all named after where that wagon trail led, whether it was Alameda, Agua Fria, Galisteo, Pecos, Old Pecos Trail, Old Las Vegas Highway, Old Taos Highway and so on. This is the framework that we're tasked with developing a roadway network around. As far as adding any new roadway network in the area to appease this, I don't see any roadway that could be added short of... there was discussion in the past about a Paseo de Vistas extension, but of course that, just like anything else, the people on Paseo de Vistas don't want that. So we're stuck in a pretty tough area."

Mr. Romero continued, "Now as far as traffic growth, my opinion is I don't see it increasing dramatically. And the reason being is traffic is a function of origin and destination. People are going from someplace to another place. So I understand that the west side is growing, so that is a definite origin. The destination, there's not any more work... the downtown area where people typically drive to is pretty much fully developed. So the destination isn't going to increase, if anything the destinations are going to relocate to the west side."

Mr. Romero continued, "Furthermore, I think I've discussed this at previous Planning Commission meetings, the destination such as work areas in the downtown area have been converted and removed. The PRC has moved out of the Old St. Vincent's Hospital, that's now a hospital. That destination is removed. The PERA has moved, County buildings have moved to the west side. I don't think the population is going to decrease and traffic in general is going to decrease, but I think the way the City has been developing and business has been developing, it has been better distributed throughout the City as opposed to everyone is on the west side and everyone works on the east side. So that's why I think traffic, in general, through this road driving downtown would not increase substantially."

Commissioner Kadlubek said he has concerns about removing the stop sign, and because there is a bend in the road there, it seems it would be difficult for people pulling out from Nopal or the proposed development, and that could be a tough place with people driving above the speed limit. He asked the reason that he put in the conditions that the stop sign be removed.

Mr. Romero said, "To the first point about the sight lines the condition in our Memo was to remove it if it is determined that the sight visibility is adequate. And there is a definite way to do it. We'll measure speeds, pre-flow speeds on mid block, not close to the intersection when people are slowing down and see how fast they're going and based off [inaudible] make sure you can see far enough. We'll make sure of that for sure. If that doesn't happen, then I wouldn't recommend removing it. The reason I'm recommending removing it is I do receive a lot of calls to remove that stop sign and the one at El Rancho. People view it as a nuisance. And it is viewed as a nuisance when they are stopped when there's no one on the side street to justify it. The El Rancho one, I have not been able to recommend removal because it is a definite sight line issue there, and I've never felt comfortable removing that stop sign from an administrative standpoint."

Mr. Romero continued, "So being that this was coming, I thought this would be the adequate forum so the public can voice their opinion. We'd be going through two public hearings. So I thought, in an effort to address all the other people that call me to remove it, this would be the forum to try it and leave it up to the Planning Commission and our Council to decide should we do it or not. My personal opinion about removing it and my professional opinion regarding stop signs and their effectiveness as traffic calming, there's been numerous studies that show it is not effective in traffic calming. What happens is people are going at a certain speed, and here's the intersection and this is what they're traveling at. Whenever they get to the stop sign, they slow down and they go right back up."

Mr. Romero continued, "A test to this is on Galisteo at Coronado. A stop sign was placed there in an effort to slow down traffic, and this was done about 10 years ago. Council had asked staff to do that, and staff recommended against it because of what I just said. So they measured speeds and said these are the speeds and we don't think it's going to work. Well Council said, we don't believe you, put the stop sign and we did. This person came to me and asked me to remove it, so we went through the whole gamut and what I did is I measured the speeds in the exact same locations they measured before. Sure enough, the speeds are exactly the same. It did not calm traffic. What it does is it's a lot of stop and go, emissions all the stuff that the City of Santa Fe in general prides itself as being a green, progressive LEED certified City and that's contrary to that."

Mr. Romero continued, "Regarding the level of service and the definition that was mentioned in testimony, that was an incorrect definition of level of service. There's several types of levels of service. On a freeway, getting from Santa Fe to Albuquerque, what they explained is that's where you measure that level of service. But the level of service we're looking at here at an intersection, and that is defined by delay, how long you wait at the intersection, not by speed limit or fast we're going or anything like that. So at Level of Service A, there is virtually no delay, they're not going to have to stop."

Mr. Romero continued, "Another reason why I think the stop sign should be removed is, first of all it doesn't meet federal guidelines. We are required to follow federal guidelines when we place traffic control. It doesn't meet the guidelines to be placed. Second, numerous studies have been created that show that stop signs actually increase the crashes you're trying to prevent. It not only increases rear-ends, but it promotes, when it's not warranted through enough side street volume, it promotes the running of stop signs and that's where those catastrophic crashes happen. Someone enters the intersection, someone doesn't stop and things of those types. For those reasons, where I recommend moving it, the reason I

brought it up at this time, is I really did want to do it in a public forum. I knew there would be opposition, so everybody could voice it, and then we'll leave it to you or the Council to decide if it's appropriate."

Commissioner Kadlubek asked when removing the stop sign or people turning into the new development, does he consider winter conditions of snow and ice.

Mr. Romero said the way that would be considered in a warrant analysis is based on actual crashes that the stop sign could have prevented. He said stop signs won't prevent people from sliding into the barrels. He said the City has a lot of steep roads that go into public roads, and if we were to use that justification we would be placing stop signs at almost every single driveway to prevent that problem. He is in charge of the City workers responsible for placing barrels, and recently he has not known those barrels to be damaged – in the past 7 years – by car accidents. He said they are weathering and are going to be replaced, because they're cracking and the sand is spilling out. The most recent case that they talked about was a drunk driver going excessive speeds, and on the citation it indicated he had a bottle of Wild Turkey in his car. You can't engineer for that, and it could have happened anywhere in the City. He said to prevent that type of crash, we'd have to armor the entire City. So they base it on what they consider to be a typical program, and "I wouldn't consider that to be one."

Commissioner Kapin said if stop signs are not an effective trafficking calming tool, what is.

Mr. Romero said in this type of area, City Code doesn't allow us to place vertical devices such as humps because it is an emergency response route. There are things such as bulb-outs, chicanes, things of that nature. He understands people say people are speeding. They did a study on Alameda between Camino Alire and St. Francis, and the same issue was brought up. They did a speed study and 82% were at the speed limit. He said what they can do and ask the developer to help, is to get some real numbers to see what the speeding problem is and what the extent of it is – measure spot speeds at mid-block locations, halfway between Nopal and the roundabout where people have enough room to get up to speed. He said his opinion, "In this area, being that the road is narrow, that in itself is a traffic calming measure. We narrowed the road on Old Pecos Trail, we lowered the speed by 5 mph."

Chair Harris asked what is the width of the right-of-way on Alameda.

Mr. Romero said he doesn't know that specifically.

Chair Harris asked if a roundabout has been considered at Nopal and Alameda, and Mr. Romero said no.

Chair Harris asked his opinion on the effect of a roundabout at that location.

Mr. Romero said, "As far as traffic calming, I believe a roundabout would have the effect as I explained with a stop sign – they'll slow but once they get past it, they will go up to whatever speed they feel comfortable. He said the City's policy currently is we typically don't place a roundabout where an all-way stop or a signal isn't warranted. We usually put roundabouts in lieu of a warranted all-way stop or a warranted signal. One thing federal guidelines recommend is that you don't implement a roundabout

where the side street traffic is 10% or less of the total entering traffic, which I believe is in this area. So based on those guidelines, I don't know if I would recommend it, and it would have to be designed and we would have to evaluate the right of way in that area."

Chair Harris said we've had discussions in the past and there is an ongoing discussion on Governor Miles there is a possibility with Dancing Ground [of a roundabout]. And he remembers Mr. Romero saying recently that the warrants weren't in place at that intersection for an all-way stop, but there was consideration for a roundabout, and wonders what the difference would be. He said he is a fan of roundabouts and thinks they work at a lot of different levels and he thinks the citizens understand and respect them for the most part. He would like to see if that is a possibility.

Mr. Romero said the difference between this and Governor Miles is the traffic study showed that at some point in the future, that would warrant a roundabout – with future development. The TIA for the Las Soleras master plan demonstrated that intersection warranted a signal. So that's why we were recommending putting that in at this point, a bit earlier, knowing that ultimately, it would fit there. And also, the volumes on Governor Miles are a lot less, under 3,000 cars a day, so there is a good chance that the side street, at this moment is over 10% of the entering traffic."

Chair Harris said, "Guidelines aside, I think it's appropriate. I realize there would be some complications. We don't know if the right of way is there. It seems the grade coming down on Calle Nopal to a roundabout would be a bit problematic, but it might help to allay.... I know you haven't had accidents or noticeable damage to the barrels there for the last 7 years, but there have been some incidents reported. Again, short of... I don't use Alameda that often, but I've been in town a long time and I know how people behave and it seems like what the people of the neighborhood are describing is probably what's happening. It seems to be a problem."

Mr. Romero said, "We can look to put that intersection on our future transportation fund. It will probably be low [in priority]. There are intersections we're looking at, Cerrillos and Sandoval definitely would be a priority over this, we're looking at a roundabout there. We're looking to do potentially, a roundabout at Agua Fria and South Meadows. These are intersections that have major capacity problems. It could possibly be, but would it be realistic that it happen in the next 20 years, I don't think so."

Chair Harris agrees the referenced intersections would carry a lot more traffic and potentially are more appropriate for a roundabout. He asked about a left turn lane, coming from the east, into the proposed development, commenting he would think that would relieve some safety concerns.

Mr. Romero said it would "take you out of the line of traffic." He said they would do a capacity analysis to determine if it is warranted. He said he makes that maneuver twice a day, left in, and he's never had to wait longer than 15 seconds and that's further down where there are no gaps from people stopping. He said, "The traffic study is the empirical, subjective determination that it is a fairly easy movement to make."

Commissioner Padilla said in the testimony for the Applicant an innovative housing project was mentioned, and asked for more information – how is it innovative.

Mr. Sommer asked Mr. Purvis and Mr. Brenner to say why this is different than the single family, detached residential unit in terms of the kinds of space it creates and the opportunity for the diversification of housing in this regard, commenting "I'm the lawyer, they're the professionals."

Commissioner Padilla said there was mention of lofts and everybody perceiving them as a live/work condition, and asked if that is a part of this development.

Mr. Purvis said, "What makes this innovative as much as the land around it are the buildings themselves. The idea is to gather the buildings into small units, so a 1,000 sq. ft. footprint for a building is not very much, you might agree. And by gathering it in, that leaves more space outside that is common area. And the real effort is, instead of everybody having a front yard and a back yard, that this is much more shared land. So that's part of it. The other part of it is by making only a 1,000 sq. ft. footprint, that means you get into a whole different set of people who can afford these units. I think these are the two biggest points. The last one is, of course, by making it two-story, you have the ability to modulate how that is used. You have artists that typically like high light coming in from the north, so you have windows up high and you have the ability to make that work."

Commissioner Padilla asked if all the proposed units are two-story, and Mr. Purvis said yes.

Commissioner Padilla said there are 32 units proposed, and Mr. Purvis said that is correct.

Commissioner Padilla asked him to identify where he plans the 6 affordable units, and if it will be integrated into the overall plan.

Mr. Brenner said, "As you know there is an agreement that is signed between the developer and the City, and part of that agreement identifies where the units will be. There is a requirement in the Code that the units be disbursed, generally compatible or similar to the design, size, etc."

Mr. Brenner, using the enlarged drawing on the overhead, said, "The units that have been identified are 'here,' possibly 'here,' 'here,' 'here,' 'here,' and 'here.' They're disbursed."

Commissioner Padilla asked Mr. Brenner to address his question about the Lofts.

Mr. Brenner said, "These are not the Cerrillos Roads Lofts, the Marquez Lofts, not even the *[inaudible]* Street Lofts. These are residential properties that have lofts as a major element that attract people who like that type of space. In the other project, and John could address it also, there are some people who have home occupations. My guess is the percentage is absolutely no higher than in the Rio Vista Subdivision, in terms of people who work out of their house and bring traffic in. There are very clear and rigid guidelines in City Code as to what home occupation means, and everybody here would have to qualify."

Commissioner Padilla asked if the units are for sale or for rent.

Mr. Brenner said they haven't decided, but they probably be both – some units rented and some sold. That is yet to be determined, and there needs to be discussion with the City's Affordable Housing Administrator about that.

Commissioner Padilla said there has been discussion that the density proposed is not appropriate for the area. He said Rio-Vista Subdivision is shown on the zoning map as an R-7, and asked staff to clarify if the zoning is R-5 or R-7.

Mr. Smith said, "I believe there is confusion because the exhibit in the packet shows R-7 in the green tinted parcel. That is not the Rio Vista Subdivision. That is the parcel that is east of the Rio Vista Subdivision. The Rio Vista Subdivision is zoned R-5. If I might note for the record, there has been considerable discussion about the calculation of density in the R-5 and in the R-7. Let me just clarify for the record that the proper calculation is the maximum density of 24 units under R-5 and 32 units under R-7. In each case, allowing for the maximum density bonus for affordable housing units."

Commissioner Padilla said, "So what we have in our packet indicating the Rio Vista Subdivision as R-7 is incorrect. It is R-5."

Mr. Smith said, "I believe it is labeled correctly, but it's labeled correctly in an unclear way. I'm looking at the Exhibit Zoning Map, if that's the one you're looking at."

Commission Padilla said, "Yes."

Mr. Smith said, "And so the large type number that says R-7 on the green tinted parcel, that green tinted parcel is zoned R-7, but the yellow tinted parcels are R-5. So the R-7 number is there, but it applies to a small tract to the east, not to the Rio Vista Subdivision. The Rio Vista Subdivision is zoned R-5 and the yellow highlighting in the R-5 label shows up in another place that is distant from the Rio Vista Subdivision and does apply to the entire yellow label."

Commissioner Padilla asked Mr. Smith to put that map on the overhead and clarify what we have in our packet.

[Mr. Smith's remarks here are inaudible because he was away from the microphone, but he did as Commissioner Padilla requested]

Commissioner Kapin asked if the R-7 parcel currently is developed, and Mr. Smith said yes.

Commissioner Kapin asked when it was developed.

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

Commissioner Villarreal said as a planner she likes to get historic perspective from areas being developed. She asked the acreage west of the property and Mr. Brenner said it is 3 acres.

Commissioner Villarreal asked how many units are developed in that area.

Mr. Brenner said it is 15 units plus workshops.

Commissioner Villarreal asked if anyone knows the number of homes in the Rio Vista Subdivision.

An unidentified person in the audience said there are 110 family dwellings.

Ms. Villarreal said she thinks about how things are developed historically, commenting her family has been in Santa Fe for generations. She said a lot of people were against the Rio Vista Subdivision when it was developed. She said she is trying to figure out what makes sense as we begin to grow, noting there is good and bad development, density that makes sense and density that doesn't. She said we are trying to figure out what will work for this area. She said this area previously was farming and agriculture, and they are struggling that it is no longer that scenario. She said, "If it was up to me, I would love for all of that to go back to agriculture, but we know that that's not the case with these kinds of situations." She said she is bringing up the density issue because R-5 seems like a lot to her. She asked the reasoning in looking at R-5 and R-7, and said she is sure it is a financial viability. She asked what makes the difference in an area like this when you're developing lots with 5-6 less units, and how does that change the viability of a development.

Mr. Sommer said, " There are a couple of calculations. And one is the economics – the more units you have, the more you can spread the cost of development and the more profitable it may be, depending on the costs at the end of the day. The other thing is, on this property, I note for you Commissioner, as well as the rest of the Commission, this property and the density of the structures you see, will be developed like this, because the idea is, if they're not going to be homes, there will be workshop kinds of structures. So the footprint we're talking about is, are you going it for that, or are you going to use it to provide housing. One of the calculations that, if that's the right word, that Rick and Rachel went through is, as I told you when I stood up, they believe in this project and one of the things they believe in and have provided is a variety of housing to middle income and lower middle income buyers. And the more you can put into a development without ruining its character and appeal to a broader sector of that middle and lower income, that's what they believe in."

Mr. Sommer continued, "One gentleman got up and said, build a few houses and make a couple of bucks, and leave us alone. That's not this developer. If that's what he was doing, he wouldn't be here tonight. He's not here to build a few houses, make a couple of bucks and move on. He's proven that. So to answer your question directly, those are the 3 elements in it. One of the economics to spread the cost over a greater number of units, two to provide more housing opportunity for the sector he is aiming at and wants to provide housing and to provide it in the footprint and that sort of unit that's there. I hope that answered your question."

Commissioner Villarreal asked if the Applicant looked at the scenario of building at R-5, and if that would mean there would be no affordable housing.

Mr. Sommer said there would still be an affordable housing component and a density bonus, and they would be different – 24 total units of which 20% would be affordable. But there would be less affordable units in the development and a lower density bonus. “So you would have the same level of structure in there.”

Commissioner Villarreal said, regarding the space between the east side of the proposed development and the west side of the Rio Vista Subdivision, we are told there is a 10 foot difference between the backyard of Rio Vista and the proposed development.

Mr. Purvis asked if she is speaking about the topographic change.

Commissioner Villarreal said, “I’m thinking about the distance between the east side of the closest unit of the proposed development and the backyard of the west side of the subdivision. Thank you. We were told it was 10 feet.”

Mr. Purvis said, “That’s correct. I don’t know that it’s exactly 10 feet, but there is between 10 and 12 feet on the east side. On the west side it’s greater, because there is an easement there, the City of Santa Fe has a drainage easement.”

Councilor Villarreal asked staff to explain the requirements between subdivisions – the footage requirement.

Mr. Smith said, “The minimum setback for the two story portion of the building on the side property setback is 10 feet.”

Mr. Purvis said, “I would add one thing to that is that we noticed the east side of this property seems to be between 4 and 6 feet lower than the property to its east.”

Commissioner Villarreal said then the proposed side is 6 feet lower than the existing.

Mr. Purvis said there is a large retaining wall at the edge of the subdivision.

Commissioner Villarreal asked Mr. Griego to explain, from the Fire Department’s perspective, the emergency access. She asked if it is proposed to have the emergency access or is that something that hasn’t been decided.

Mr. Smith said, “I’m sorry. It’s not clear to staff whether the Applicant has specifically proposed to create or not create the road proposed by the Applicant that terminates at the property line and the stub-out street likewise terminates at the property line of what is currently a lot.”

Commissioner Villarreal apologized to Officer Griego and asked Mr. Sommer if the access was proposed for emergency purposes.

Mr. Sommer said he understands the emergency access is required by Code, and it isn't just proposed, it's required.

Commissioner Villarreal asked Officer Griego to explain how emergency access works, and how a lock system would work for the Fire Department.

Officer Geronimo Griego, Fire Inspector, City of Santa Fe Fire Department, said, "We have an opticom, a sensor light that is attached to the Fire apparatus that accesses that portion of it. We have a 20 foot access to meet the approach to that gate. The road has to hold the weight of 75,000 pounds, which includes the apparatus weight, and 20 foot width for the gate. So you have the option of putting in a sliding gate or a swinging gate."

Commissioner Villarreal asked how many gates of this kind exist in the City.

Officer Griego said he doesn't know but he would estimate thousands, they're all over.

Commissioner Villarreal asked how many of those convert into through roads.

Officer Griego said he doesn't know, but he hasn't seen any and these are put in solely for the purpose of emergency traffic.

Councilor Villarreal said she would like to reassess the stop sign issue and how that can work, commenting Mr. Romero said he wants us to make that decision as a Commission, which thinks is a little strange. She said, "I actually think it would be a benefit to look at a roundabout. I agree with Chair Harris about that. Or just that we need to look at safety measures in general on that road. I don't know what that means because of prioritization. But I would proposed to keep the stop sign until we can figure out another way to handle speeding, which is an issue where I live off Agua Fria, on the other side of the River, but fairly close to this area. I have no further questions at the moment, so I will yield to my fellow Commissioners. Thank you."

Commissioner Kadlubek said it seems there is a disconnect between an education and general knowledge of the general plan, where it came from, when it was developed, when it was implemented. He said everything leads him to believe that the general plan has identified this area as an infill area and that R-7 is a preferred density for that infill. He would like to "get more color" on the General Plan itself and what means to development in general.

Mr. Smith said, "The General Plan Future Land Use Map and the map that is in the same Chapter as the General Plan.... was adopted by the Planning Commission and City Council in 1999. And staff concurs with the Applicant's analysis of those policies that are relevant to encouraging infill density at a density of 7 units per acres where it is feasible and appropriate to do so. There are General Plan policies that talk about consistency and compatibility with neighborhood character. Without postponing discussion to bring additional policies that are excerpted from the General Plan on the other issues, noting that document is, I forget what the County is, there are several hundred different policy statements in the General Plan, and it's a balancing act. Our Staff Report concurs with the Applicants that on balance, the

policies in that 1999 General Plan do support the density of 7 units per acre in a situation like this.”

Commissioner Kadlubek said, “And the General Plan is what we are to go off of in regards to future land use, future developing, along with balancing that with many other things. I guess it’s a significant document, and I guess my next question would be is it practical for homeowners to know when they purchase at R-5, but the areas next to it have been determined to be infill areas and that R-7 could exist next door to them. Is that knowledge when someone buys at R-5, because I hear that a lot from neighborhoods, I didn’t buy this for it to be an R-7, or I didn’t buy this to have my neighbors be R-7. Is that communicated, is that common practice.”

Mr. Smith said, “I would suspect that, although I can’t speak for everybody, I haven’t done a survey of buyers in Santa Fe. I suspect that by and large, it is true that people who buy in a neighborhood expect that the zoning will not change in their neighborhood. The information as to the General Plan designations, those maps are available to the general public, but I suspect that most do not, and most assume that the density will stay. And in fact, that’s part of the rationale for making rezoning cases at public hearings is so that not just the applicant, but also the people who live in the vicinity of the proposed rezoning are able to make their opinion known at the rezoning hearings at the Planning Commission and the City Council level.”

Commissioner Kadlubek asked about categories of density – low density, high density, and asked if there are different densities that are categorized like that.

Mr. Smith said, “There are. They start at the very lowest which is a corridor density which is less than one unit per acre. The low, medium, medium high and high as we go from one to three, three to five, seven to nine, nine to twelve and twelve to twenty-nine.”

Commissioner Kadlubek asked if R-7 is considered to be high density.

Mr. Smith said, “I believe the 7 is the high range of the low density category and the low end of the medium density category.”

Chair Harris asked Mr. Walker, “Do you happen to know the right-of-way for Alameda through there.

Mr. Walker said no. He has looked for it, but has found no evidence. He said we have a survey of our property, but not the property across the street, noting the street narrows.

Chair Harris said there is a good deal of distance between the property and the Alameda roadway, noting no dimensions are provided, and there seems to be a property line, on the High Desert Survey, shown across the street. He said, “I’ll just assume there is a fair amount of right-of-way in through there. Since Mr. Romero spoke, I’ve looked at the survey and another document that indicates where the box culvert would be, which is really offset to the west from your proposed driveway.”

Mr. Walker said yes, it carries mostly the runoff from Calle Nopal through our property, commenting it is a relatively big box culvert and it goes into a 48 inch pipe and then it drains into the drainage ditch.

Chair Harris said if there is a discussion, for example, of a right turn lane, a deceleration lane heading east into town, he thinks that box culvert probably would represent a bit of problem, a bit of expense.

Mr. Walker said it would be a real big problem, but there is a guard rail on the top of the box culvert.

Chair Harris said it seems to him, the left turn perhaps into the property, assuming the right of way is there, the box culvert wouldn't impact that solution.

Mr. Walker said, "It would actually. To get a left turn lane in there, you would have to widen the road on one side or another. You would have to get another lane in there somehow, so the box culvert goes either to the north if you're heading westbound, widen it on the right hand side...."

Chair Harris said on L-1 is the only place he sees where the box culvert is represented in relation to the driveway.

Mr. Walker said the grading plan should have it in there, because that is where we built the pedestrian path. We actually brought a pedestrian sidewalk. *[Mr. Walker's remarks here are completely inaudible because he was not speaking into a microphone].*

Chair Harris said, "No dimensions. I would rather refer to 'this.' So again, the L-1 suggests to me as well as the survey from High Desert, those documents suggest to me... Mr. Romero, sure."

[Several people speaking at the same time away from the microphone so no transcription here]

Chair Harris said, "First of all I should say that in this case, I'm giving more weight to the anecdotal testimony I've heard from neighbors regarding the Alameda traffic and the value of those two stop signs. I'm providing more weight to the anecdotal versus the empirical, and I respect Mr. Romero's point of view. We've worked a lot together the last 4 years, but in this case the anecdotal is what I'm looking at. Stop signs are important. I also accept Mr. Romero's opinion that even though a roundabout might be appropriate it's going to be pretty far down the road, given the 3 intersections he mentioned. So, I'm thinking how to improve the safety of this area. And it seems to me that, as you've heard Mr. Romero testify, the way people behave is they slow down to come to a stop sign, pause or roll through it and go right back up at the same speed. I have in mind that a left turn lane into this development if the right of way could accommodate it would perhaps temper some of those safety issues."

Mr. Walker said it's a good question. He said his feeling would be that if there is a stop sign there, and somebody is turning left into the site, they have to go through the stop sign too, so they would have a better reaction what the turning movement would be without the stop sign. You actually slow down, the

guy in front of you is going to take a left turn, and you can see him doing something so you can react a little bit better than it would be without the stop sign. The stop sign would help the left turn more than if it wasn't there.

Mr. Sommer said, "As I understand the Chair's question it is, is the distance of the right of way across 'this' portion of West Alameda, if you take it from 'that' side to 'this' side, wide enough to add another lane, so that cars could pass around cars making a left hand turn lane in there. That's your question."

Chair Harris said that is correct.

Mr. Sommer said, "If you put another lane here, if the box culvert is properly represented, that lane is going to stop there. It's going to go right where the box culvert is, and that's what I was confirming with Mr. Romero. The one lane coming into town is not going to get more narrow. So in the other side of the roadway, you must add a lane and that lane is going to continue past the left turn, and that's why we believe the box culvert will be implicated if it is accurately represented there. The other question is, how many cars are making the left turn lane movement from your study."

Mr. Walker said, "It wasn't much, I know that, I'd have to look it up, but I think at the most 10 per hour, if that much. I can get the report and tell you right now."

Chair Harris said, "Just respond to Mr. Sommer. I wasn't necessarily going to take it, if it were to happen, it wouldn't all have to happen on the north side of the road. There seems to be plenty of ground between the edge of West Alameda to the property line for the subject property. That's why I say, I'm assuming that can happen."

Chair Harris continued, "Again, my point is what measures can be taken to improve the safety in this corridor. In my own belief, again, I've already said I accept the anecdotal evidence, and I think the stop signs do provide a measure of safety."

Mr. Walker said, "I was correct, it was 10 cars turning left into the site in an hour."

Commissioner Padilla said there is a graphic scale on the High Desert Survey and the right of way is from property line to property line. It's approximately 60 feet. He said Mr. Romero may have the ability to respond to your question.

Mr. Romero said, "The 60 feet, or whatever the width is, there is a significant field slope on the River side. So to widen that way, we would have to place humongous retaining walls. Regarding the left turn bay, even if the left turn bay was situated just on the east side of the box culvert, you can't automatically transition it right back to where it was, so that transition is definitely is going to go over and past the culvert by the time you get them back to the two lanes. The question about what safety can be done. The whole corridor, if the City could make it into a typical *[inaudible]* with medians, left turn bays, shoulders, bicycle lanes, anything can be done with enough money. That could at least be put in a future plan where that falls again with all the City's priorities. That would be up to the MPO's policy board to

determine. One thing I know about this area of Alameda is, on the north side of it I believe there is a fiberoptic line that doesn't have a lot of shallow cover, as one of my colleagues explained to me. So it is a challenging area, anything can be done, but it's challenging. Because really when you look on Alameda itself, the only area you can widen, if possible, is north, because virtually everywhere east past Nopal is either a big field slope or developed. And so it would take right of way acquisition. It would take a lot of stuff to get it done."

Chair Harris asked what evidence he has from the digital signs that detect vehicle speed and if those devices impact people's behavior.

Mr. Romero said, "We tested a couple early on, and when we placed them, we have numerous ones throughout the City. There is compliance when they're first placed, but people become complacent and they ignore them just like they ignore the speed limit signs. So the speeds will go down, but then they go back up roughly to where they were before."

Mr. Romero said we can look at operating speeds now compared to what they were before, noting he can do something between now and the next meeting.

Chair Harris said it would be worth looking at it, and he would appreciate it if he would do that.

Commissioner Chavez said Mr. Smith was talking about density, and asked if there is anything in the General Plan about the height differential from community feedback, noting a lot of the concern comes about the two story buildings when everything around it is one-story and there is an issue of visibility. She asked if there is anything in the General Plan about development going up as well as the density.

Mr. Smith said, "Starting with the regulations in effect, and going back to the General Plan, the houses in the subdivision to the east are not prevented by City Code to constructing to a two-story height if they chose to do so under City regulations. The General Plan does indicate there is a process referred to in the General Plan and there is a process set up in the zoning regulations where a neighborhood can initiate a neighborhood conservation district, an overlay zoning district that could, in theory restrict the height to one story in a particular subdivision. That neighborhood overlay district has never been applied in the City. It's a difficult and complicated process that's been on the books for only about 5 years. No one has attempted it. Nor am I aware of any other case where the City has adopted a zoning regulation in response to that procedure that's referred to in the General Plan. There are a handful of subdivisions in the City where the Planning Commission has imposed a one-story height limit for all or part of the subdivision. There are a handful of subdivisions where the developer has voluntarily implemented CC&R's that limit the height to be more restrictive than allowed by the zoning regulations otherwise would be allowed by zoning."

Mr. Smith continued, "If I may remind the Commissioners that we are looking at a rezoning case and a preliminary development plan. There will be a separate hearing in front of this Commission on the final development plan if the Commission is interested in leaving some of the detailed issues off to a future hearing."

Commissioner Kadlubek asked how the staff conditions can be amended, and if it would be a motion to amend the staff conditions to remove the stop sign condition, because if so, he would like to do that.

Mr. Smith said I would suggest that the format of the motion to approve the project could include a reference to conditions of approval that would be added or deleted. It could be done separately, but typically, more often be done as part of the main motion.

Mr. Shandler said, "When we're talking about procedure. Let's say, and this is to Mr. Romero, let's say the Commission, and I don't know what they're going to do, if they approved it with the condition to study the roundabout, and let's say, if approved, it has to go through the Findings of fact, and it's a rezoning, it will go to the Council in the late summer. Tell me the mechanics of, are you going to study it, are the applicants going to study it, how much will it cost, will it be available for the August Council meeting, is that too soon. Tell me, if they made that condition to study if there could be a roundabout, how would that really work and who pays for it."

Mr. Romero said, "I think the question is how will it work as it pertains to this development. If it's a matter of us putting it on our Master Transportation Plan, identifying this intersection for future study, that could easily be done, and I could get it to the TCC committee that's the recommending committee to the MPO Policy Board. But as far as... there would be cost in studying and designing it and then what would be done with that. Would we ask the developer to build it. By doing that would it mean, I kind of see that the City would move it up in prioritization because it was designed. I'm not sure what that necessarily would accomplish to determine that at this point unless you were wanting to make it part of this development. I don't know if that answers that question."

Mr. Shandler said, "Let's say they did make it a condition as part of this development, by August would you have a study done. We'll start with that."

Mr. Romero said he may have to defer that to the Applicant, because they would be the ones that would have to revise their study, research the right of way maps and perform the design by August. He just doesn't know.

Mr. Shandler said, "I acknowledge Mr. Smith's point that you could approve this, but once the rezoning gets to the Council, which probably will happen before this more final development plan, the Councilors are going to be reading the minutes and they're going to ask that exact same question. And so, I think you need to kind of think through, if that's the condition you want to make, whether it really has any ramifications or not."

Mr. Romero said, "One thing I'd like to make a point of is something that Morrie mentioned in his presentation is that the development works with or without the all-way stop. It's my opinion that it works better without it, but it works both ways."

Chair Harris said, "I think that's important. Thank you."

Commissioner Villarreal said there are conditions placed in the matrix from the MPO from Keith Wilson, and they're not written as conditions, they're questions and they are clarification statements. She said, "So, I would like to understand what, out of the 3 bullet points, are considered as conditions. Or are they just questions that accidentally got into the matrix."

Mr. Smith said, "I believe you are correct in pointing out that those are not properly characterized as conditions of approval. They would more properly have been included in the request for additional information questions in the review process."

Commissioner Villarreal asked which ones are actually conditions that you, as staff are placing on this project.

Mr. Smith said, "I can't speak definitively for the MPO staff. I believe the first bullet point with regard to why does the project not have a roadway condition is not a condition of approval. The second bullet point says the project should provide a connection to the river trail which exists along its south boundary would be a condition. And the project shows no pedestrian pathways, sidewalks or pedestrian connections to the existing neighborhood to its east, it's not clear to me whether the MPO staff did include that as a condition or not."

Commissioner Villarreal said then on the 3rd point, could Mr. Sommer explain the third point specifically if it is to be part of the conditions.

Mr. Sommer said Mr. Brenner met specifically with Keith Wilson at the MPO and they arrived at an understanding about what would be there, noting this was long after Mr. Wilson did his submittal, and he can ask him to explain what they talked about and what would be proposed

Mr. Brenner said, "We met in the field, Mr. Wilson and I. His concern was that there be connectivity through the community we're building to the new River Trail."

Commissioner Villarreal asked him to explain connectivity, and asked if he is speaking of pedestrian connectivity.

Mr. Brenner said, "...When we went out there, he determined that the proper way to deal with it would be to... the graphics are off a little. 'This' is the road... the extension of River Road is 'here,' and it wouldn't go through a building. 'These' buildings would be further down. So, he wants, where the emergency access road would be for the Fire Department, he wants us to add on an asphalt lane for bicycles and connect it to the existing River Road and then help improve 'this' portion which is an extension of 'this' road, but not as a vehicular road, but as a bicycle lane down to the sidewalk trail which goes through 'here.' So the intent will be met. And he's agreed on that, it's just that it was too late for him to change the language, and as he said, well Rick you're only going to the Planning Commission at this point for preliminary hearing, you're going to revise not only this but many other small details, and we'll be back before them and you'll have an opportunity to endorse my condition at that time."

Commissioner Villarreal said I think we actually should state it the right way tonight so it's on the record as something we think needs to happen.

Mr. Sommer asked, "Did you concur with his suggestion, Rick."

Mr. Brenner said, "Yes."

Mr. Sommer said, "So as he described it, he doesn't have any problem with that connectivity as it was just described."

Commissioner Kapin said in the conditions from Stan Holland, Wastewater, there are statements there that, she is thinking should be clarified for the record, one of which says, "It appears some of the proposed building/foundations and drainage ponds are encroaching into the existing sewer easement which is not allowed." She said, "And then the one bullet right below that is also.... can you clarify if those are conditions or what to do with those."

Mr. Smith said, "These are concerns that would have to be corrected either with the preliminary development plan, or likely as possibly feasible to correct at the final development plan stage. They're not extensive encroachment I don't believe the grading of access to the sewer could also be handled by staff at that point with the final plan."

Commissioner Villarreal said for future reference, perhaps staff could state them as issues to look into versus statements that were concerns of the particular staff person.

Mr. Smith said, "That's a good suggestion. We have begun discussions with the DRT team, and it seems the Commissioners are looking more closely at the language on those, and staff will be more careful and have read it."

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Padilla, to recommend approval to the City Council of Case #2015-46, River Trail Lofts, 2180 and 2184 West Alameda Rezoning with a development plan, with all staff conditions as set out in the Staff Report [Exhibit "6"], "with the following amendments to staff conditions, the first amendment is to remove the first condition in Traffic Engineering Public Works conditions of approval matrix that states, 'Remove the stop signs on West Alameda Street as presented in the TRS in order to improve the operation of the intersection, provided there are no site distance issues at this intersection; and to amend the 3rd bullet point in the MPO's conditions of approval to read, 'to include internal pedestrian pathways,/sidewalks or pedestrian connections to the existing neighborhood to its east'."

DISCUSSION: Mr. Smith said, "For the record, the Commission is actually to recommend approval by the City Council with those conditions."

Chair Harris said this is correct, we are a recommending body in this rezoning case.

Commissioner Villarreal said, "If there's a way to write language with a friendly amendment to have the Council look at traffic opportunities, and we were talking about this, but I really think they are in more of a position to look at and enforce traffic and speed calming possibilities in this area."

Commissioner Padilla asked if this is an amendment or a suggestion or a recommendation.

Commissioner Villarreal said, "A recommendation to the Governing Body to analyze the speeding... I guess I'm asking is I would like the Governing Body to further study this area due to traffic concerns, but more so speeding concerns related not to just this development, but in general."

Commissioner Padilla said, "It's a recommendation, because what we're going to continue to see coming before us as a Planning Commission is development on the west side. We've talked about Agua Fria, now we've got Alameda, we will continue to see development that will happen. Just because it's where development can happen, and it's the issue of infill. In our General Plan it speaks of infill, so I think what we need to do is to make sure that our Governing Body applies the proper resources to areas that we are seeing as potential development areas. Not so much change our motion."

Commissioner Kadlubek said he doesn't think the stop sign has anything to do with this development.

Commissioner Villarreal said, "I'm not asking to remove that portion of it, but if you could put that recommendation in his words versus mine, because I'm tired, and I'm not making much sense."

Ms. Helberg asked if the recommendation is a friendly amendment to the recommendation to the City Council.

Chair Harris said, "It is discussion, and somewhere in the transmittal, Mr. Smith and Mr. Shandler will sort it out and will highlight this recommendation."

VOTE: The motion was approved on the following Roll Call vote [5-0]:

For: Commissioner Villarreal, Commissioner Chavez, Commissioner Kadlubek, Commissioner Kapin, and Commissioner Padilla.

Against: None.

G. STAFF COMMUNICATIONS

Mr. Smith said a Planning Commission meeting is scheduled on June 18, 2015. He did photocopy at the Chair's request some comments and questions submitted by the Chair and Commissioner Kapin. Mr. Smith submitted a copy for the record [Exhibit "13"].

Mr. Smith said the Blue Buffalo Rezoning, heard previously by the Commission, is scheduled for a hearing before the City Council at its meeting on June 25, 2015.

Mr. Smith said the 600 Galisteo Rezoning and the Morning Star appeal will be divided between City Council meetings in July and/or August, commenting he doesn't know the dates on those.

Chair Harris asked, for clarification, if Blue Buffalo is an appeal or going forward as recommended by the Commission.

Mr. Smith said the Blue Buffalo is a rezoning case, and the Commission recommended that zoning not be approved, but the Applicant is exercising his right to proceed to the City Council level with a negative recommendation by the Planning Commission.

Chair Harris said then it's not an appeal, it's going forward in the normal process, but the Applicant is speaking to the denial.

Mr. Shandler said, "When a rezoning is not recommended by the Planning Commission, 5 affirmative votes have to come from the Council for it to go through, not just a majority of the people present, so there's a little extra requirement."

Chair Harris said then the 600 Galisteo Rezoning is just going forward.

Mr. Smith said, with regard to the Galisteo Rezoning and the Tune Up Rezoning, in both cases the Commission recommended approval with conditions, and are proceeding to the City Council. He said the Blue Buffalo Rezoning will take up an entire Council meeting.

Chair Harris said the Morning Star Special Use Permit and Development Plan primarily is being appealed to the City Council, but there is no set date, and Mr. Smith said this is correct.

Mr. Smith said the Commissioners in attendance tonight are serving through the end of June and the Commissioners appointed by the Council will begin their terms on July 1, 2015. If Commissioners have specific dates other than June 30th, they are free to communicate those to him, the Chair or the Council. He said you aren't obligated to serve longer. Staff has communicated by email to make sure we do have a quorum for the meeting of June 18, 2015, and it does not appear to be a problem.

H. MATTERS FROM THE COMMISSION

A Memorandum to Gregory Smith, Zachary Thomas, with a copy to Zachary Shandler, from Michael Harris, regarding Las Soleras/Pulte questions, is incorporated herewith to these minutes as Exhibit "13."

Chair Harris said, "I wanted to explain my intent a little bit, at the end of the session when we considered Las Soleras two weeks ago. There was a lot of content for people to absorb no matter how long they've been involved with the Planning Commission. But we have new people, and I felt it appropriate that if people had questions they weren't able to frame during the long session, they should go

ahead and put them in writing. Since then, and this is my first stab at it and I don't have too much more, but this is what I submitted by the deadline. And the notion is, just like we asked questions tonight, sometimes we are able to answer them, sometime not."

Chair Harris said it is difficult to ask questions "in the heat of the moment," at the podium. He felt it was appropriate to ask for written questions. He said he just emailed Mr. Shandler to see if there are issues, such as a rolling quorum if he sent the questions to everybody, which is a gray area for all *quasi judicial* or public bodies. He said Mr. Shandler responded that in his view circulating these questions did not conflict with open governance statutes.

Chair Harris said the intent is that answers are available and will be presented in writing or orally as part of the next agenda packet, received at the end of next week.

Mr. Smith said, "I would agree. The standard practice is Commissioners are free to direct questions to staff at any time during the process. And we appreciate, especially the technical questions, being directed to us so we can prepare the answers before the meeting. We did meet with various members of the Development Review Team and representatives of the Developer's consulting team recently, and we have distributed the questions. And we have determined what between the various staff and consultants who is responding and in what fashion on which questions. We're hoping to get as much of that in writing for distribution to the Commissioners the Friday before the meeting, but it's likely that some will be presented orally to the Commission at the meeting."

Chair Harris said we usually have a brief report from the Summary Committee under this agenda item.

Commissioner Padilla said the Summary Committee met today and he and Chair Ortiz were in attendance. Two cases were presented, with good discussion and review. One case was postponed to gather additional information and the second case was approved.

Mr. Smith said staff will place on the agenda for July 2, 2015, the selection of new Commissioners to serve on the Summary Committee, noting there will not be a quorum for the July Summary Committee meeting and it may be necessary to adjust that date.

Responding to Commissioner Kapin, Mr. Smith described the duties and responsibilities of the Summary Committee. He said these meetings are typically scheduled at 11:00 a.m., on the morning of the Planning Commission hearing date.

Chair Harris asked if the Long Range Planning Committee has met, and was advised it will be meeting next week.

Commissioner Villarreal said this may be her last meeting, and thanked staff. She said it was an honor to serve and said she has learned a lot of things, including what is involved in making these kinds of decisions. She said, "It's been a ride, so thank you so much."

Mr. Smith said staff would like to express thanks to Commissioners Villarreal and Padilla and the other outgoing Commissioners for their service.

Chair Harris said he has enjoyed serving with them for 4 years, and hopes there is some continued involvement past June 18th.

Commissioner Villarreal expressed an interest in serving on the Long Range Planning Committee if that is possible as a community member.

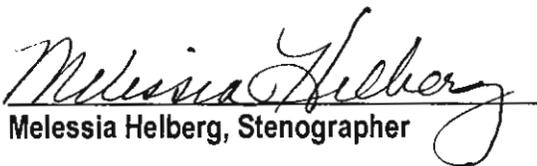
Mr. Smith said the at-large member of the Long Range Planning Committee is appointed by the Mayor with the consent of the Council, and said she should convey her interest in serving to Reed Liming who staffs that committee, and ask him to communicate that to the Mayor.

Chair Harris said he supports that appointment and asked that be conveyed to the Mayor as well.

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 10:15 p.m.

Michael Harris, Chair


Melessia Helberg, Stenographer