



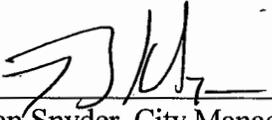
# City of Santa Fe, New Mexico

## memo

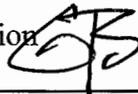
**DATE:** Prepared December 27, 2013 for January 8, 2014 meeting

**TO:** Mayor and City Council

**VIA:**

  
Brian Snyder, City Manager

Matthew S. O'Reilly, P.E., Director, Land Use Department / RB3

**FROM:** Greg Smith, Director, Current Planning Division 

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### SUBJECT

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(I)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY..  
(Councilor Chris Rivera, Sponsor) (Greg Smith, Case Manager)

### RECOMMENDATION

If the Governing Body determines that safety barriers should be required for parking lots in the city, approve the proposed ordinance including amendments as recommended by the Land Use, CIP and Public Works Committee.

### BACKGROUND AND ISSUES

The request to publish was approved by the Council on December 11, 2013 for public hearing on January 8.

The Land Use, CIP and Public Works Committee considered this bill on December 9, 2013, and recommended approval with amendments. The action sheet and draft minutes are attached.

The Planning Commission recommended on November 7, 2013 that the proposed amendment be denied. Minutes are attached.

Staff drafted the attached bill as requested by Councilor Chris Rivera. The proposed amendment would require bollards or other safety barriers where driveways or parking lot aisles direct traffic toward major building entryways. The barriers are intended to prevent accidents caused when vehicles traveling in the direction of a building entry fail to stop or turn. The sponsor of the bill believes that the severity and frequency of such accidents warrants requiring preventive measures, based in part on his experience responding to accidents while working in public safety.

With the amendments recommended by the Public Works Committee, the bill would require parking lots and driveways to be designed in a way that does not direct traffic toward major building entries. The bill would also require retrofitting existing parking lots if significant renovations occur on the site, similar to the “triggers” that apply for upgrading parking lot landscaping – including construction permits for work valued at over \$100,000. The cost of required retrofitting would be capped at 20% of the project’s construction valuation.

The bill would not address barriers where parking spaces abut a storefront, and no barriers would be required for building entries near public streets. If the amendment is approved, Land Use Department staff would work with other affected city departments to research and develop effective case-by-case solutions and/or administrative standards that address potential issues related to emergency access, accessibility for persons with disabilities, construction methods, aesthetics, etc.

Bollards or other barriers are relatively common in front of newer buildings in the city, although it is not clear that they typically provide an effective barrier to the type of crashes that are addressed by the proposed amendment.

**Public Works Committee Concerns.** Committee member discussed concerns, and requested staff to research several topics. Preliminary research by Land Use Department staff shows that:

- The American Society for Testing and Materials (ASTM) is in the process of adopting a standard for a “Test Method for Low Speed Barriers for Errant Vehicles.” The testing method is expected to be finalized in the near future, providing a means for manufacturers to test the effectiveness of bollards that they design and/or sell. The testing method is unlikely to be practical for site-specific designs for barriers such as raised planter beds, however.
- ASTM has adopted a standard for “Standard Method for Vehicle Crash Testing of Perimeter Barriers (ASTM F2656-07).” That standard applies to high-security installations, and is not applicable to commercial parking lots.
- Various federal agencies (including the Department of Defense and the General Services Administration) have developed standards or guidelines that include vehicle barriers, but which address building security concerns including truck bombs rather than pedestrian safety.
- OSHA has adopted standards for protection of highway workers in construction zones; those standards are unlikely to be directly applicable to permanent barriers in parking lots.

- The question of liability for failure of a city-approved barrier was also raised. In general, issuance of a permit by a local government does not create liability for deficiencies in the permitted structure. As noted above, City staff would work with private sector design professionals to develop practical solutions.

**Planning Commission Concerns.** The Planning Commission conducted a public hearing on November 7, 2013, and recommended denial of the proposed amendment. Commissioners questioned how the regulation would be applied, what types of barriers would be needed to effectively prevent accidents at entries and other pedestrian areas, and how aesthetics would be addressed. Staff responded that administrative policies and/or standards could be developed, working with builders and other affected city departments. The Commission voted 3-2 to recommend denial of the bill, with the maker of the motion expressing concerns with the need for additional work and the possibility of unintended effects.

Attachments

Proposed Bill

Amendment Sheet

FIR

Land Use, CIP and Public Works Committee Action Sheet and Draft Minutes 12/9/2013

Planning Commission Minutes 11/07/2013

CITY OF SANTA FE, NEW MEXICO

PROPOSED AMENDMENT TO BILL NO. 2013 – 45  
Adopting a New Subsection 14-8.6(B)(1)(g)

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Mayor and Members of the City Council:

I propose the following amendment to Bill No. 2013-45:

On page 3, *delete* lines 3 through 7, and *insert* the following language in lieu thereof:

- (g) To the extent feasible, driveway or parking lot aisles shall not direct vehicle traffic toward a primary pedestrian entryway to a nonresidential or multiple family residential building.
- (i) A driveway or parking lot aisle that is oriented toward a primary pedestrian entryway to a nonresidential or multiple family residential building shall have bollards or other safety barriers that prevent accidental vehicle collisions with the entryway and pedestrians in front of the entryway.
- (ii) Compliance with the provisions of this Subsection 14-8.6(B)(1)(g) is required for the types of projects identified in Subsection 14-8.4(B)(1) Landscape and Site Design Applicability. For additions or remodeling projects as described in Subsection 14-8.4(B)(1)(d)(ii), the total cost for required safety barriers shall not exceed twenty percent of the project's construction valuation, in addition to the costs of landscape improvements.

Respectfully submitted,

\_\_\_\_\_  
Chris Rivera, Councilor

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-45

3 INTRODUCED BY:

4  
5 Councilor Chris Rivera

6  
7  
8  
9  
10 AN ORDINANCE

11 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;  
12 CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR  
13 SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER  
14 STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

15  
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. A new Subsection 14-8.6(B)(1)(g) is ordained to read:

18 (B) Standards for Off-Street Parking Spaces and Parking Lots

19 (1) General Standards

20 All *off-street parking* spaces and *lots* shall meet the standards set forth in this  
21 Subsection 14-8.6(B) and any additional standards shown on an approved site  
22 plan:

23 (a) they shall be designed, maintained and regulated so that no parking or  
24 maneuvering incidental to parking shall be on any *street*, walk or  
25 alley; provided that the public works director may approve parking

1                                    *lots* serving one or two *dwelling units* and comprising four or fewer  
2 parking spaces designed to allow vehicles to back onto a *street*  
3 classified as a subcollector or lane, onto a walk or alley, or in  
4 exceptional circumstances onto a *street* classified as an arterial or  
5 collector;

6                                    (b) they shall be designed so that vehicles may be removed without  
7 moving another vehicle except in attended *lots*, or *single-family*  
8 residences where not more than two spaces assigned for use to the  
9 same *dwelling unit* may be arranged in tandem;

10                                   (c) they shall have barriers that prevent vehicles from extending over the  
11 public sidewalks, abutting *lots* or the minimum required *landscaped*  
12 area;

13                                   (d) they shall be designed to discourage parking *lot* traffic from accessing  
14 directly onto *major arterial streets*, unless no reasonable alternative is  
15 available;

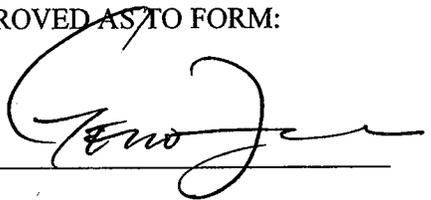
16                                   (e) they shall be appropriately marked to indicate the location of the  
17 spaces; and

18                                   (f) if they are required parking spaces, they shall be available at all times  
19 for parking the personal vehicles of *employees* and customers or  
20 residents and guests for which the spaces are required. Required  
21 parking spaces shall be unobstructed and shall not be used for storage,  
22 display, sales or parking of commercial or other vehicles used by  
23 *employees* in the conduct of the use for which the spaces are required,  
24 unless an itinerant vending *permit* or special use *permit* has been  
25 issued. Required *off-street loading spaces* shall not be included as

1 *off-street parking* spaces in the computation of required *off-street*  
2 *parking*.

3 (g) A driveway or parking lot aisle that is oriented toward a primary  
4 pedestrian entryway to a *nonresidential or multiple family residential*  
5 building must have bollards or other safety barriers that prevent  
6 accidental vehicle collisions with the entryway and pedestrians in  
7 front of the entryway.

8 APPROVED AS TO FORM:

9 

10 \_\_\_\_\_  
11 GENO ZAMORA, CITY ATTORNEY

**City of Santa Fe  
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**  
(Check) Bill: X 2013-45 Resolution: \_\_\_\_\_  
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): Relating to the Land Development Code, Chapter 14 SFCC 1987; creating a new subsection 14-8.6(b)(1)(g) requiring safety barriers for specified driveways and parking lot aisles; and making such other stylistic or grammatical changes that are necessary.

Sponsor(s): Councilor Chris Rivera

Reviewing Department(s): Land Use Department

Person Completing FIR: Greg Smith, Director, Current Planning Division Date: October 28, 2013 Phone: 955-6957

Reviewed by City Attorney: *Kelly A. Brannon* Date: 11/22/13  
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 12/5/13  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution.  
Amends Chapter 14 of the Development Code to require bollards or other safety barriers to prevent accidents.

**Section C. Fiscal Impact**

**Note:** Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

**Preparation of administrative standards and ongoing permitting, inspection and enforcement activities would likely be done with existing staff with no significant additional costs to the city. Costs to the private sector of building new nonresidential and multifamily residential buildings would increase slightly. If the barriers prevent accidents, there would be cost savings to the city and to the private sector.**

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### **Section D.      General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

**No conflict will occur.**

### **2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

**Failure to enact the bill could result in the occurrence of accidents that might have been preventable.**

### **3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

**Staff is not aware of any other amendments or alternatives that should be addressed.**

### **4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

**The bill could possibly impact pedestrian safety in parking lots, and could affect the cost of nonresidential development, however, impacts might not be significant.**

# City of Santa Fe, New Mexico

## memo

**DATE:** Prepared November 21 for December 11, 2013

**TO:** Mayor and City Council

**VIA:**   
Brian K. Snyder, City Manager

Matthew S. O'Reilly, P.E., Director, Land Use Department 

**FROM:** Greg Smith, Director, Current Planning Division 

### **ITEM AND ISSUES**

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(I)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY. (Councilor Chris Rivera, Sponsor) (Greg Smith, Case Manager)

### **RECOMMENDATION**

Approve notice of publication for the bill to require parking lot safety barriers, for public hearing on January 8, 2014.

### **SUMMARY ANALYSIS**

Staff drafted the attached bill as requested by Councilor Chris Rivera. The proposed amendment would require bollards or other safety barriers where driveways or parking lot aisles direct traffic toward major building entryways. The barriers are intended to prevent accidents caused when vehicles traveling in the direction of a building entry fail to stop or turn. The sponsor of the bill believes that the severity and frequency of such accidents warrants requiring preventive measures.

The Planning Commission conducted a public hearing on November 7, 2013, and recommends denial. The Public Works and Land Use Committee is scheduled to consider the bill on December 9, 2013.

### **ATTACHMENTS**

Draft Bill

FIR

gtsc: Parking Safety RTP 20131211

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, DECEMBER 9, 2013**

**ITEM 9**

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR RIVERA) (GREG SMITH)

**PUBLIC WORKS COMMITTEE ACTION:** Approved with Amendments

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

## CONSENT DISCUSSION AGENDA

- 9. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR RIVERA) (GREG SMITH)**

**Committee Review:**

Planning Committee (Not Approved)	11/07/13
Council (Request to Publish)	12/11/13
Council (Public Hearing)	01/08/14

Councilor Calvert wondered why the Planning Commission did not recommend this for approval. It would require regulation of existing parking lots and entries near public streets (reading from the report. Do we really need something like this?

Mr. O'Reilly said they did need it. There had been instances he knew of and there were others.

Councilor Calvert said Consencia was not at an entry. It was a plate glass window.

Councilor Rivera related one that happened long ago. Then mentioned several others. He brought this forward because it had the ability to save lives. The main thing at the Planning Commission meeting was specifically about what needed to be put up. He thought the design committee could figure out alternatives. They couldn't create a design that would stop everything but at least could it would alert occupants before the vehicle went through the entry way.

Councilor Calvert asked if the ordinance only applied to new construction.

Mr. O'Reilly agreed. The idea was to protect the aisle where if someone slipped off the brake or was avoiding a swerve would protect those in the store or when a car was headed straight for the entry way at a business. He referenced, Sam's Club, the new Walmart, Office Depot all of which had barriers at the entry way as a way to avoid penetration. Recently Target put big balls in front that included their logo. Capitol Ford had a large planter with 3.5' high concrete.

He related that Commissioner Padilla had asked what the performance standards would be because that would dictate what the design might be.

Councilor Calvert asked if some of it could be taken care of by better designs.

Mr. O'Reilly agreed. There was a threshold of \$100,000 in remodeling so it could also apply to existing buildings at a threshold of renovation to require it. As drafted now, it applied only to new construction and the Planning Commission discussed including remodeling in the ordinance. The cost wouldn't be that much in the overall construction budget. Walmart cost \$14 million and spent only a few thousand on the bollards.

Councilor Calvert thought they would put them up for a variety of reasons but if public safety was one, why not try to avoid that problem by design in the plan. Maybe that design could be addressed in this also. If that was feasible.

Mr. O'Reilly said there would be times when it wasn't possible.

Councilor Calvert suggested adding "wherever possible."

Mr. O'Reilly agreed.

Councilor Calvert said he was trying to suggest something more. Maybe your first cut of design shows it that way where otherwise, you wouldn't. It could possibly be an amendment to this ordinance. So the design would try to avoid the need for that protection in the first place.

**Councilor Rivera moved to approve the ordinance as amended by adding Councilor Calvert's addition "wherever possible." Councilor Calvert seconded the motion.**

Councilor Trujillo had a concern that if they did this in new construction whether someone could sue the City because others were not required to do that. This was a very good idea but there would be aesthetic issues about this. He recalled that a few years back a kid plowed through a portal on the plaza.

Mr. O'Reilly said the second issue at the Planning Commission was the design and was why there was no performance scale put to it.

Councilor Trujillo commented that unless there was a steel column, the post wouldn't stop a vehicle.

Mr. O'Reilly agreed and it would require staff input. Commissioner Padilla had asked if it meant he could install a two inch bollard and Mr. O'Reilly replied that it would require Land Use staff to review and approve or deny the proposed design. He didn't know if there were national standards for bollards and his concern was also dealing with historic districts sites.

Councilor Trujillo said the scale would be if it was concrete or steel, what would stop a vehicle at a certain speed.

Mr. O'Reilly clarified that it was what the City could do legally. It would be the same as the ordinance

with parking landscaping. Through the years, more people would come into compliance. He respectfully asked for renovation over \$100,000 be added.

**Councilor Rivera amended his motion to include renovations of over \$100,000 and Councilor Calvert agreed with the amendment. The motion passed by unanimous voice vote.**

**12. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING CITY OF SANTA FÉ LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 51<sup>ST</sup> LEGISLATURE – STATE OF NEW MEXICO – SECOND SESSION, 2014 (MAYOR COSS) (BRIAN SNYDER)**

**Committee Review:**

Finance Committee (No Action Taken)  
Council (Scheduled)

12/02/13  
12/11/13

Chair Wurzbarger said Councilor Dominguez was introducing something new on the resolution.

Mr. Snyder referred to the letter from Santa Fé Prevention Alliance.

Councilor Ives said the "hold harmless" was very appropriate and he wanted to understand the pros and cons behind the minimum sentencing in Section 3.

Councilor Calvert thought what needed to be clear in Section 3 was that they were talking about drug dealers rather than just users of illegal drugs. That would reduce the content in Section 2. Dealers vs. those using illegal drugs.

Councilor Ives agreed.

Councilor Ives asked if the construction contract on police station was the same project.

Councilor Calvert said he had that same question last time.

Mr. Pino said Mr. Duran was correct - this was additional work.

Councilor Calvert believed the legislators thought that project was already done.

Mr. Pino asked the Committee to keep in mind that what was in sections 1, 2, and 3 was all to the Police Department's main station.

Deputy Chief John Schaerfl said going back about ten years, they had wanted to fund the project with bond money and that didn't happen but the state legislature did appropriate money for completion of phase 3. At its heart and its intent, it was the same project package. But there were other projects that were totally independent from that. There were things not addressed in phase 3 but now they were doing more things

~~Responding to the Chair, Ms. Brennan said, "As is usual, in this case I would recommend a positive motion that the Commission recommends denial of this case."~~

~~**MOTION:** Commissioner Pava moved, seconded by Commissioner Lindell, to recommend to the Governing Body to deny approval of the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, amending Subsection 14-6.1(C) Table 14-6.1-1 Table of Allowed Uses as presented by staff.~~

~~**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Lindell, Pava, and Villarreal voting in favor of the motion, and Commissioner Padilla voting against [4-1]~~

2. **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-8.6(B)(1)(g) REQUIRING SAFETY BARRIERS FOR SPECIFIED DRIVEWAYS AND PARKING LOT AISLES AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR CHRISTOPHER M. RIVERA, SPONSOR). (GREG SMITH, CASE MANAGER)**

A Memorandum prepared October 29, for October 7, 2013 meeting, with attachments, to the Planning Commission, from Greg Smith, Director, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

Mr. Smith presented information from Exhibit "4." Please see Exhibit "4" for specifics of this presentation.

Councilor Rivera thanked the Commission for adjusting the agenda to accommodate he and Councilor Dominguez. He thanked the members and for their dedication and hard work.

Councilor Rivera said he spent 23 years in public safety with the City. During that time he responded to Skaggs Alpha-Beta when a vehicle drove through its front door and injured patrons. He also responded to the Concentra accident where someone drove through the front door into the waiting area and there were fatalities in that accident. He said the intent of the Ordinance is to save lives, noting it is open to bollards or other devices which would at least slow vehicles enough so that people could get away, or perhaps even stop a vehicle.

## **Public Hearing**

There was no one speaking for or against this request.

### **The Public Testimony Portion of the Public Hearing was Closed**

*The Commissioners commented and asked questions as follows:*

- Commissioner Lindell said the change affects only new buildings and there is no requirement for retrofits.

Councilor Rivera said this is correct. However, if there was remodeling or they wanted to do something different, then they would have to comply with the new ordinance.

- Commissioner Lindell referred to "big cement things or parking curbs," and asked if those would meet the criteria under the ordinance.

Councilor Rivera said it is just at the store front, and would need to be large enough to stop a vehicle or make enough noise to alert patrons of an establishment. He is unsure what concrete barriers she is speaking to.

- Commissioner Lindell said like the ones in parking lots where you pull up and your front tires touch.

Councilor Rivera said he imagines something larger than that, a planter, a bollard standing a few feet from the ground.

- Responding to Commissioner Lindell, Councilor Rivera said the protective barriers will go only where the entry doors are located.
- Chair Spray said it hasn't been proved that bollards or other barriers typically provide an effective barrier to the kinds of crashes addressed by the proposed amendment, and asked Mr. Smith to speak to that.

Mr. Smith said it is not unusual to have barriers for the newer stores, noting Target has a large concrete symbol in front, but it wouldn't provide effective protection to all the traffic that might be directed to the front of the building. He said staff hasn't done photographic or inventories – haven't done the detailed research, and if the barriers would address all of the traffic that might be generated by a driveway. He said there may not be a driveway in an existing center that points out the barriers. He said it would be necessary to develop

standards which are flexible sufficient to address esthetics, and tough enough to stop vehicles at a reasonable rate of speed is something for more detailed research.

Mr. Smith said with regard to Councilor Rivera's comment about triggering the need for the barriers if there is remodeling done to a parking lot, if the Commission agrees, staff will draft language which refers to Section 14-8.4 in the Landscaping Regulations for parking lots which triggers based on the dollar value of the remodeling, and that would be added to the bill as it goes to the Council.

- Chair Spray said the architectural element Mr. Smith mentioned is important because this could be "gawd awful" or as he's seen elsewhere, quite attractive, and that could be made a plus, "and I would vote for the plus."
- Commissioner Padilla thanked Councilor Rivera for bringing it forward for public safety purposes.
- Commissioner Padilla said, "As a design professional, my concern would be... you said bollards or other barriers. That seems just wide open. I may propose concrete or pipe that is 5 inches around and 4 foot high as a sufficient barrier, so it is subjective. There is nothing specific stating the design criteria. The Land Use Code is very specific in terms of land use, architectural element... I'm concerned now with what we move forward in terms of architectural design criteria. And the point needs to be made that this is another requirement that is going to be imposed on the design community and it is pretty wide open." He said he isn't moving forward with this, noting the security at the federal buildings are part of the Homeland Security efforts to keep someone from moving closer to the buildings, noting those are architecturally acceptable. He asked what would be an "acceptable barrier," and what would trigger installation of the barriers. He asked if we are placing a burden on those businesses with a small remodeling. He asked the intent/thought process which led to this.

Mr. Smith said the trigger language he has suggested currently applies to remodeling. Section 14-8.4, if you upgrade your parking lot, if you add 1,000 sq. ft. to the building or you do any remodeling with a valuation of \$100,000 or more. The language he has suggested would put the bollard upgrade in the same category as the landscape upgrade which currently applies to parking lot remodels.

- Commissioner Padilla asked if that would apply if the remodel is strictly interior, and nothing being done to the accessible route, and it was all carpet and tile and new dressing rooms, bathroom improvements to meet ADA requirements.

Mr. Smith said the language has been in the Code since the landscape regulations were adopted in 1999, and was increased from \$80,000 to \$100,000 two years ago by this Commission and the City Council.

- Commissioner Padilla asked Mr. Smith to speak to the bollards and other barriers, agreeing with the Chair that it is not clear that they typically provide an effective barrier. He asked what would the design community have to do to provide an adequate barrier for your review and approval.

Mr. Smith reiterated that staff hasn't done enough research or analysis to say what those standards would be. He said the staff would encourage the development community to provide the most attractive, possible solution. He said there are federal standards for those kinds of barriers, but that is not what staff has in mind to require. He thinks staff would encourage the design professionals to do that, but it would take a moderate amount of work by staff to come up with specific standards about when we would allow bollards in the form of pipes filled with concrete, and planters, or if they would do that in different cases.

- Commissioner Padilla asked, if this is approved and moves forward to the Governing Body, if there will be encouragement for public input and the design community to express concerns and ask questions.

Mr. Smith said there will be a hearing on the Ordinance at Public Works in December 2013, or early January 2014. The public hearing would be scheduled for the first or second meeting of the City Council at the first or second meeting in January 2014, depending on the vote of this Commission tonight and the Public Works Committee.

- Commissioner Padilla said he would hope the design community would offer its assistance and input.
- Chair Spray asked Mr. Smith if he would see the design of these being reviewed by the H-Board if this were to be approved.

Mr. Smith said he believes they would be within the H-Board's purview if they were part of the streetscape. If they were shielded from public view, it is possible they might not be subject to review by the H-Board.

- Commissioner Lindell said, "I appreciate Councilor Rivera bringing this forward. I think though, the way this stands it has quite a bit more work to be done to it before I could support it. Another thought I had was this... it's a very hard thing when we're talking about public safety. Everybody is for public safety, but the devil is always in the details on these

things. And I think one of the situations we had in town at one point in time, was a car that went into a waiting room, that wasn't necessarily the direct entry. And you could have the bollards, or whatever at the entry, but, for example, you've still got a plaza area of a strip mall, whether it is a clinic or what it is. Do you then extend it the entire distance. I just think that sometimes the good intentions of these items, the details of them and the unintended effects just overwhelm the good intentions of them. So that's a comment I had to make."

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, to recommend approval of the Ordinance amendment relating to the Land Development Code, Chapter 14, SFCC 1987, as presented by staff.

**VOTE:** The motion failed to pass on the following roll call vote [2-3]:

**For:** Commissioner Padilla and Commissioner Pava.

**Against:** Commissioner Lindell, Commissioner Villarreal and Commissioner Bemis

**MOTION:** Commissioner Lindell, seconded by Commissioner Bemis, to recommend to the Governing Body to deny approval of the Ordinance relating to the Land Development Code, Chapter 14 SFCC 1987, creating a new Subsection 14-8.67(B)(1)(g), as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Bemis, Lindell and Villarreal voting in favor of the motion, and Commissioners Padilla and Pava voting against [3-2].

*There was a short break at this time*

- ~~4. **CASE #2013-103. LOT 6A, PLAZA LA PRENSA, SOUTHWEST BUSINESS PARK PRELIMINARY SUBDIVISION PLAT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENTS FOR CARMEL LLC, FINAL LLC, SF SOUTH LLC, AND STATE PROPERTIES OF NEW MEXICO LLC, REQUEST PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 3 LOTS ON 6.54± ACRES LOCATED AT 37 PLAZA LA PRENSA. THE PROPERTY IS ZONED BIP (BUSINESS +INDUSTRIAL PARK) AND IS LOCATED WITHIN THE PHASE 2 ANNEXATION AREA. (TAMARA BAER, CASE MANAGER)**~~

~~A Memorandum prepared October 24, 2013 for the meeting of November 7, 2013, with attachments, to the Planning Commission, from Tamara Baer, Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."~~