



Agenda DATE 3/20/17 TIME 3:30pm

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**PLANNING COMMISSION**  
**Thursday, April 6, 2017 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: March 2, 2017**

**FINDINGS/CONCLUSIONS:**

**Case #2016-140. 5154 Beckner Road Preliminary Subdivision Plat.**

**Case #2016-124. Alma Dura Final Subdivision Plat.**

**Case #2017-07. 1611 Alcalaesa St. Railyard Master Plan Amendment.**

**Case #2017-08. 1611 Alcalaesa St. Railyard Development Plan.**

**Case #2017-01. Estancias de Las Soleras, Unit 2-A.**

**Case #2017-02. SafeLock Storage, 6350 Airport Road General Plan Amendment.**

**Case #2017-03. SafeLock Storage, 6350 Airport Road Rezoning.**

**Case #2017-04. SafeLock Storage, 6350 Airport Road Special Use Permit and Development Plan.**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

- 1. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.3(D)(1) TO AMEND THE STANDARDS FOR ACCESSORY DWELLING UNITS. (Councilor Peter Ives, Sponsor) (Greg Smith, Case Manager)**
- 2. Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat. Orallynn Guerrerortiz, agent for B & R Land Investment, LLC, requests preliminary subdivision plat approval for 23 residential lots on 20± acres. The applicant also requests a variance to disturb several small areas with natural slopes in excess of 30%, and approval of an innovative street design proposing trails in place of certain sidewalks. The property is located north of SR 599, just west of North Ridgetop Road near the north boundary of the Santa Fe City limits. (Donna Wynant, Case Manager)**

**G. STAFF COMMUNICATIONS**  
**H. MATTERS FROM THE COMMISSION**  
**I. ADJOURNMENT**

**NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**

**SUMMARY INDEX**  
**PLANNING COMMISSION**

April 6, 2017

<b><u>ITEM</u></b>	<b><u>ACTION TAKEN</u></b>	<b><u>PAGE(S)</u></b>
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B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as presented	2
D. Approval of Minutes & Findings and Conclusions Minutes: March 2, 2017	Approved as amended	2
Findings of Fact & Conclusions of Law	Approved as presented	2-3
E. Old Business	None	3
F. New Business		
1. Ordinance Amendment for Accessory Dwellings	Recommended approval	3-9
2. Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat	Approved with conditions	9-19
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H. Matters from the Commission	Discussion	19-20
I. Adjournment	Adjourned at 9:10 p.m.	20

**PLANNING COMMISSION**  
**Thursday, April 6, 2017 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

**CALL TO ORDER**

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

**A. ROLL CALL**

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

**Members Present**

Commissioner Vince Kadlubek, Chair  
Commissioner Piper Kapin, Vice-Chair  
Commissioner John B. Hiatt, Secretary  
Commissioner Roman Abeyta  
Commissioner Justin Greene  
Commissioner Stephen Hochberg  
Commissioner Mark Hogan  
Commissioner Sarah Cottrell Propst

**Members Absent**

Commissioner Brian Patrick Gutierrez

**Others Present:**

Ms. Lisa Martínez, Land Use Department Director  
Mr. Greg Smith, Current Planning Division Director and Staff Liaison  
Mr. Zach Shandler, Assistant City Attorney  
Ms. Donna Wynant, Planner Senior  
Mr. Carl Boaz, Stenographer

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

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**C. APPROVAL OF AGENDA**

**MOTION: Commissioner Kapin moved to approve the agenda as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**1. MINUTES OF MARCH 2, 2017**

Commissioner Hiatt gave minor changes to the Stenographer.

**MOTION: Commissioner Hiatt moved to approve the minutes of March 2, 2017 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.**

**2. FINDINGS/CONCLUSIONS:**

**Case #2016-140. 5154 Beckner Road Preliminary Subdivision Plat.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2016-140 as presented. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

**Case #2016-124. Alma Dura Final Subdivision Plat.**

**MOTION: Commissioner Propst moved to approve the Finds of Fact and Conclusions of Law for Case #2016-124 as presented. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote except for Commissioner Greene who recused himself.**

**Case #2017-07. 1611 Alcaidesa St. Railyard Master Plan Amendment.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2017-07 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote except for Commissioner Kapin who recused herself.**

**Case #2017-08. 1611 Alcaidesa St. Railyard Development Plan.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2017-08 as presented. Commissioner Greene seconded the motion and it passed by unanimous voice vote except for Commissioner Kapin who recused herself.**

**Case #2017-01. Estancias de Las Soleras, Unit 2-A.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2017-01 as presented. Commissioner Hogan seconded the motion and it passed by unanimous voice vote.**

**Case #2017-02. SafeLock Storage, 6350 Airport Road General Plan Amendment.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2017-02 as presented. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

**Case #2017-03. SafeLock Storage, 6350 Airport Road Rezoning.**

**MOTION: Commissioner Hiatt moved to approve the Finds of Fact and Conclusions of Law for Case #2017-03 as presented. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

**Case #2017-04. SafeLock Storage, 6350 Airport Road Special Use Permit and Development Plan.**

**MOTION: Commissioner Hiatt moved to approve the Findings of Fact for Case #2017-04 as presented. Commissioner Hogan' seconded the motion and it passed by unanimous voice vote.**

**E. OLD BUSINESS**

There was no Old Business.

**F. NEW BUSINESS**

- 1. AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.3(D)(1) TO AMEND THE STANDARDS FOR ACCESSORY DWELLING UNITS. (Councilor Peter Ives, Sponsor) (Greg Smith, Case Manager)**

Mr. Smith made comments regarding the proposed ordinance which is less restrictive for accessory dwellings than in the present ordinance. For the last decade, we've allowed up to 1,500 sq. ft. They do not count against density. So no double-sized lots are required. The major provisions all along included that the property must be occupied by the property owner, so no condo or otherwise leased out. It is exempt from the limit on Short-term rentals in a residential district. They are subject to other requirements, such as parking, inspections, fees, etc.

The three major differences in the proposed code is that they are allowed only on lots with one principal

dwelling unit. (Not a duplex or triplex). It would allow one or two accessory dwelling units but still limited to a total of 1,500 sq. ft.; the unit must be on the ground floor in the old code but this would allow a second story accessory unit such as above a garage.

Councilor Peter N. Ives, 140 East Zia Road, set the stage for why he brought this bill. He said that Santa Fe has suffered from lack of affordable housing for many years and it is time for the City to aggressively address it.

The history (and handout) is on the Homewise web site. It was written in 2007 but no less relevant today than when written. The findings include that the City loses dollars when people live elsewhere and commute into work. The estimate of loss is \$301.6 million in spending annually when employees live elsewhere and commute in to work. The value to Santa Fe of having 1,000 homeowners purchase homes in the City is estimated at \$64.7 million annually. New businesses seeking to relocate will pass by Santa Fe because of shortage of workers, and the City must retain police, teachers and medical providers.

In a more recent report on Affordable Housing, the 2017 plan was presented to Finance on April 3 and is in that packet. From it he quoted that from 2010-2014, the senior population went from 18 to 20% and a rental gap analysis was done and revealed a persistent shortage of 2,425 rental units priced at \$625 per month or less. The City is still short 2,500 lower income apartments to house people in Santa Fe. The greatest need is for units at \$375-500 per month rents for those earning \$15,000 - \$20,000 per year. With the Living wage at \$11/hour, the annual income would be \$23,000. That is the group that has the greatest challenges because housing prices are high. The report recommends to convert existing and support development of new dwelling units as affordable rental stock. So this ordinance is essentially an effort to meet that.

Other matters include a resolution for reasonable rental housing and one with the Mayor to amend road impact fees, notably Paseo del Sol, to regenerate building in the remaining 23 acres in Tierra Contenta.

In many discussions on Economic Development or about hospital care, housing comes up as the most significant issue. So there will be other resolutions to come. The intent is to find something reasonable without a dramatic change. This doesn't extend the 1,500 sq. ft. but the accessory units could be an 800 and a 700 sq. ft. on the lot. It also could be done on a second floor and would be subject to the usual setbacks. It is designed to conform to the Land Use Code regulations and provides an opportunity to create more affordable housing. He offered to meet with anyone to talk about it and hear suggestions to make it better.

### Public Hearing.

Ms. Karen Heldmeyer said this has been done before when we increased the size of accessory units. Maybe in some parts of town that helped with affordable housing. But in the downtown area, it is already very dense. And what happened the last time is that it really made a negative difference in the core districts: one is the increase in density itself. The two units' provision is more for parking and using other facilities and what happened, especially after the Short-term rentals ordinance is that those units were sold to become Short-term rentals or second homes or other things that provided no more housing in Santa Fe.

When the legislature was on, she was almost run over by families from Texas in SUVs staying there. Many families bought to live here and that is great. But almost no long-term rental exists in our neighborhood, yet people cannot find it. They will be sucked up by people who want to do something else.

The height is a problem and Short-term rentals will be a problem. There is no analysis of what will happen in the neighborhoods but in historic districts it will further the disaster of turning them into BnB's. It needs more detailed analysis on the effect on neighborhoods.

The other thing is that, reading this, attorneys didn't understand the covenants section. Is it registering covenants with the County or is it that individuals need to have an individual covenant? Who is it with, who would enforce it?

Enforcement is another problem. Since you cannot split it off and sell it. The state law of two years makes it a little harder. The ordinance is never enforced and is impossible to enforce. Even before this is passed, people have tried to create major groups of places to live in order to be in the BnB business. That destroys neighborhoods and you have to look at it on an individual neighborhood basis.

Mr. Rick Martínez said he lives near a barrio which would become predominantly a two-story neighborhood with this ordinance. The BnB's don't provide any affordable housing. Parking is never enforced for these Short-term rentals. They even park in the neighbor's driveway. This doesn't address that. The density increase will destroy neighborhoods, even in Casa Solana. He thought it needs a lot more work and should go through the neighborhoods.

There were no other speakers from the public regarding this matter and the public hearing was closed.

Councilor Ives wanted to correct some inaccurate statements. Currently, a person can apply for Short-term rental permit using an accessory dwelling unit. This would not change that except with two accessory units, a Short-term rental could only be used for one of those two.

Mr. Smith said the Land Use Department has developed a standard boilerplate covenant for each property owner applying for an accessory dwelling unit permit that must be recorded in a 1 to 1.5 page document which explains owner-occupancy requirements and other restrictions in Chapter 14. It was developed in 2012 and has been in use routinely since then.

Councilor Ives said they would still have to comply with lot coverage requirements. It is constrained by lot coverage codes and also to the parking limitations with no waivers in that regard. It doesn't change those requirements or expand them in any way.

Commissioner Hochberg asked Councilor Ives to address the 2-story provision.

Councilor Ives said two-stories are allowed currently with setbacks and none of this changes any of that. They could convert their second story to be a rental. It has the same constraints but just eliminating the requirement that rental units had to be on the ground floor.



Commissioner Kapin asked if the maximum of 1,500 sq. ft. is the area on the ground.

Mr. Smith clarified that it is total square footage. Page 2 provides that it includes attachments like a car port.

Commissioner Kapin understood that you couldn't have two-story units that each were 1,500 sq. ft., one on first floor and one on second floor.

Councilor Ives said he would make that clearer in this amendment.

Commissioner Abeyta saw the concern between one 1,500 unit and two smaller ones about parking. He asked if the Commission could deny it, based on parking.

Mr. Smith said the typical requirement is two parking spaces or two units would have one parking space each and must be separately accessible.

Commissioner Propst said it must be off-street parking.

Mr. Smith agreed.

Commissioner Hogan added that parking adds problems because most families have two cars. He understood why it has a negative impact. He asked how that could be controlled.

Councilor Ives said if one built a 1,500 sq. ft. unit, two spaces would have to be off the street and meet all other code requirements. The builder has to make the parking spaces required available. He clarified that he was not trying to increase the parking burden in any way with this ordinance.

Mr. Smith added that two spaces are required, regardless of square footage per unit. There is not a strong correlation between size of house and number of cars. The average of cars per unit is going down.

Commissioner Hiatt said under section 3 - Evaluation, Councilor Ives noted some things that have not been included in reports to us. He asked, if we postpone to May, if the Commission would get more reports on affordable housing.

Mr. Smith said the Commission asks questions of Staff, they can be answered like average cars per house in particular neighborhoods.

Councilor Ives said the AH Plan is available and was presented at Finance on Monday. The fair housing is scheduled to be done in June so it will probably be available in August. We do have the 5-year HUD plan in place and it is updated every year and on the web site.

Commissioner Hiatt asked if he has met with neighborhood networks.

Councilor Ives said not yet. He started here and was happy to sit with people from the neighborhoods to amend it.

Mr. Smith said nobody from housing was available at this meeting.

Commissioner Propst thanked him for the spirit of this and was concerned that this triples the zoning without zoning hearings. We've had several where new neighborhoods could add casitas so it is not only existing but new neighborhoods also.

Councilor Ives said the City has an additional dwelling unit in our code that is permitted now. New developments are presumably subject to that just like existing ones. Limiting to 1,500 square feet is in the spirit of that, while addressing low income needs for housing across the community. There is a shortage of nurses and teachers now.

Commissioner Propst said it might not address the need for affordable families. Maybe there is a way to address it neighborhood by neighborhood rather than a blanket approach.

Councilor Ives said it is an effort to try to address the problem and he has other proposals to bring forward to address the lack of affordable housing. We are pushing to extend Paseo del Sol to address it. This is one of the most direct to provide AH capacity. The range is based on \$80,000 at 5% mortgage for the rent amount between \$350 and \$450.

Chair Kadlubek pointed to efforts on St. Michael's for multi-family units and in Las Soleras. One area he found consistently lacking of stock is 600-800 sq. ft. units for singles or young couples. The price range for a one-bedroom is terrible. So there is a lack of inventory. There is just not going to be enough parking. In other cities, that isn't talked about as much as here.

In most neighborhoods, parking is adequate. He thought two smaller will have same parking needs as one 1,500 unit. He supports this effort and thanked Councilor Ives for bringing it.

Commissioner Greene said to see this here is great. It is a good friendly infill solution. Parking could be addressed in a variety of ways. It would allow a 2,400 square foot home right to the property lines and it could have a two-story unit to double its size. He said maybe change the 10-foot setback to a 25' setback. That would prevent it being "slammed up against their neighbor."

Councilor Ives agreed that could be put in place. And it depends on existing setback requirements. He would talk to staff on how much makes sense.

Commissioner Greene said a standard unit for outdoor space with a condo requires an individual patio space. That would be good to incorporate - a patio or a roof deck.

Councilor Ives agreed. It would not be to extend the coverage but meet the impervious amount.

Mr. Smith said that is tricky. Downtown, the lots are often smaller than elsewhere in the city. In 2012, staff recommended identical setbacks - front, sides and rear, for primary and accessory dwelling units. But the Commission declined for a 15' back yard setback. It is different downtown with setbacks than with other yards. We could generate cross sections of lots that would make it easier to communicate.

Commissioner Greene said outdoor space is a key point. Also, sidewalks need to be required. Impact fees are for infill sidewalks.

Mr. Smith said if we are permitting accessory units without sidewalk requirements, we are falling down on our responsibility.

Mr. Shandler arrived at 7:03.

Commissioner Greene asked if we need to have a fund for that.

Councilor Ives was glad Ms. Martínez was here to ensure those requirements of construction are met.

Commissioner Greene was generally in support of this and wished him good luck with it.

Commissioner Hogan was glad he is bringing this discussion forward. There are lots of advantage for this. It takes it out of developers' hands and also gives an opportunity for homeowners to get relief on high debt they carry. Infill is encouraged in the General Plan. It is a main thing to be able to do more infill. But on the downside, the issues of parking, and other real issues make this will one where the devil is in the details and might require greater scrutiny by the Land Use Department in evaluating the property.

The enforcement is most difficult with rentals. We have already seen much of that going to AirBnB and how we can enforce that is very difficult. There are very few ways to monitor it.

Councilor Ives said the City recently redid the Short-term rental and expanded Staff from 1 to 3 for enforcement. So a different circumstance should occur this season. The City also negotiated an agreement for Air BnB to pay lodgers' tax to try to ensure not only compliance but for collecting the tax. He thought they have seen up ticks in tax revenues because of it.

Ms. Martínez agreed. It is a significant uptick since we signed the agreement and it became effective last August. We also purchased software that compares the permits issued and screens the internet to compare the advertising for addresses. And we can find those not in compliance and go there and bring them into compliance.

The cutoff for permits is April 15 so we will rerun the program to make sure we have adequate enforcement.

Commissioner Hogan was encouraged to hear that. We know Short-term rental is competing with other rentals. By that time, they are out of AH.

Ms. Martínez agreed. But there is a limit on permits - 1,000 is the limit.

**MOTION: Commissioner Hochberg made a motion to recommend the ordinance with an understanding there would be some modification and neighborhoods would be consulted. Commissioner Greene seconded the motion.**

**VOTE: The motion passed by majority roll call vote with Commissioners Hogan, Green, Kapin, Propst and Hochberg voting in the affirmative and Commissioners Hiatt and Abeyta dissenting.**

Commissioner Abeyta explained he needed more information. It is- not a parking issue. There won't be more AH on the east side.

Chair Kadlubek announced that he would leave at 7:30 and Commissioner Kapin would preside when he leaves.

- 2. Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat.** Oralynn Guerrerortiz, agent for B & R Land Investment, LLC, requests preliminary subdivision plat approval for 23 residential lots on 20± acres. The applicant also requests a variance to disturb several small areas with natural slopes in excess of 30%, and approval of an innovative street design proposing trails in place of certain sidewalks. The property is located north of SR 599, just west of North Ridgetop Road near the north boundary of the Santa Fe City limits. (Donna Wynant, Case Manager)

Mr. Smith recapped some of the history on Las Estrellas which goes back to the Governor Dempsey era.

He said Las Estrellas will sell a lot to an individual developer with Commission approval of the subdivision. There are two significant amendments to the MP. One was in 1995 when the MP rule was adopted and the second in 2004 with Thornburg amendments.

Much of the discussion we anticipate will revolve around appropriate road standards. Staff determined that in 1996 there was a request for blanket variances to road standards that were denied and the MP had a requirement for review, subdivision by subdivision. Now, the discussion is likely to revolve around whether the request should be treated as a variance or the alternate street standard. Traffic strongly recommended sidewalks in all of it. He was unable to say where each got a variance in the earlier subdivisions.

Ms. Wynant presented the staff report and used a power point with the Commission.

Chair Kadlubek excused himself from the meeting at 7:21 and Vice-Chair Kapin chaired the remainder of the meeting.

Ms. Wynant said there would be 23 lots. The Master Plan identified them and a graphic shows tract 2C and 7C (on the south) which were created in a lot split approved in February at the Summary Committee, splitting off 20 acres from 200 acres.

The 23 lots subdivision has a street called Paella Arbolitos, and will capture some of the lots on the northernmost part. The 23 lots are where 30 were previously proposed so is a reduction in density from the Master Plan. The conditions of approval were listed in the packet.

The three major issues are: variance in 30%+ slopes, innovative street standards and preliminary plat.

Ms. Wynant prepared recommendations both ways - approval or denial. She gave highlights and allowed the applicant to show the details. She said the proposal complies with the amended plan on number of lots, etc. The applicant proposes custom homes with 4 Affordable Housing homes from 1,000 to 1,400 sq. ft. in size, and a federal housing proposal agreement. The conditions are listed and technical corrections. She neglected to add the water conditions in the summary and a couple of traffic conditions were added.

The variance for disturbance of 30% slopes is spelled out. There are five criteria and she believed they meet them. In the innovative street design, there are streets in the area that don't meet MP but do meet the amended MP provision to approve on a case-by-case basis. That is what is now being considered. In the applicant attachment to the report, Ms. Guerrerortiz showed which have a sidewalk on one side. Some of the private roads have sidewalks and some don't. The ordinance is for sidewalks on both sides.

The report for the alternate profile for streets proposes a sidewalk on the south side because they have retaining walls on north side and will have trees with an informal path. Arbolitos Lane has a cul-de-sac with a curb on one side and proposing no sidewalks along the Lane.

An ENN meeting and a follow up meeting were held. She believed the concerns were addressed, particularly on trails in the area. A statement in the application is that the trails would be dedicated and maintained by city but that is corrected to be HOA response.

#### Applicant's Presentation.

Ms. Oralynn Guerrerortiz, P.O. Box 2758, was sworn. She said Robb Gibbs and David Gurulé who has been involved since the beginning, were with her. She identified the project site which in which Tano Road is to the north, NM 599 on the south and due west of Ridgetop Road. Arbolitos will be the first project on the west of the Ridgetop Road. It will have two roads and three open spaces. Building envelopes are shown. They are large and flat but it is a tough space, terrain wise. There will be 4 AH lots with zero lot lines and she learned tonight that zero lot lines might be a problem. Their original intention, since it is custom home lots area was to have them side by side with paired garage. They might have to come back with another idea in the future and leave it up in the air now. She is asking for variance on slopes. Most are less than 20%. They will impact some of the 30% slopes. They are installing trails, dams and ponds to minimize the impact and the slopes will be left more stable than today. Nearly all developments there have 30% slopes. This is no different than the others. On the profile she showed, the main road has up to 10% grades.

They are putting in drain systems and requesting alterative road design to minimize disturbances. She briefly explained the sidewalk variance request. She said they want to focus on aesthetics and not create an urban look. While they showed sidewalks at six feet from the curb, they want to meander it. At the cul-de-sac, they have 10 homes on very large lots and want no sidewalk. Folks will walk on the roadway or on 3' wide natural surface.

Las Estrellas has no development with 2 sidewalks - they either have one sidewalk or none. That is

also true of Santa Fe Estates. There is a trail system plan that connects a 10' wide trail to Tano Road and looped roads that connect to City open space to the west. Arbolitos will build part of those trails. Three parallel paths will be built - a paved 5' sidewalk path and, on the north, a 5' natural footpath with trees. In the arroyo, there will be a 4' wide bicycle and footpath with natural soil. They laid it out and are working with Fat Tire Society to fine tune it. They also want a natural path along north Ridgetop Road.

She showed photos of the sidewalks in Las Estrellas that are already there and a gravel path.

At the first ENN, there were things brought up that we researched and brought to the second meeting. Drainage, trails and streetlights were the issues.

There is now a homegrown path through the middle and another in the cul-de-sac area so our property is used quite a bit. We have made a commitment to the community to put a trail on the north side before building any roads so people can get through and continue the approved trail plan.

Regarding Drainage, people have raised issues on erosion and maintaining the facility. The HOA does maintain them and they are concerned with maintaining this one.

She said they did two things - 1) over designed for max runoff and situated so that ponds wherever it runs off. It focuses on sediment and they only designed to hold the sediment. She said they don't have sites that will be impacted. But there are 23 check dams on this property built by CCC and they will add 5 more that will protect the culverts so they will not need maintenance. They have spent a lot of money cleaning out sediment from the ponds. The 23 people living here will also contribute to them.

During our drought period, their importance ignored and then big storms that caused damage. Since then more than 100 sediment traps and strawbale dams were installed. They will help with the effort with rock sales and check dams were built.

The other significant issue is streetlights that was raised at the ENN. They propose no streetlights. There is one at the entrance and they will put one at the cul-de-sac and at the intersection of the two roads, which she agreed to.

She hoped the Commission would speak up and provide input and direction on what they want to see. From her perspective, she was happy to live in a neighborhood without streetlights and not on the top of a hill.

She summarized that the applicant agrees with all conditions except the three technical corrections 1, 2, and 7, related to sidewalks. And to weigh in on the streetlight issue, when they come back, they can have a plan that all can live with.

### Public Hearing

Ms. Pat Allen, 1750 Ridge point Road, was sworn. She appreciated the presentation Ms. Guerrerortiz made. She was interested in what she said on work done on drainage and sediment collection. As a

homeowner in Las Estrellas, she was assessed a one-time assessment a year ago of \$250 because of drainage issues. This year, the homeowners master association fees were doubled because of drainage. Apparently, the homeowners' association for Las Estrellas believes there will still be need for a lot of money to be spent on drainage. It is a major issue for her and many others in that area and the new developments being put in. She understood in speaking with the engineer, that the Code was not designed to handle and address the type of water problems they are experiencing from the frequent and severe storms. She suggested that as the Commission considers the drainage issue, to require funding from the developer - a significant contribution to the drainage fund for the Las Estrellas Master Association or a long-term letter of credit instead of the existing short-term letter of credit they put in place.

She supported the recommendation for modification of the sidewalk requirements which is in keeping with the character of the neighborhood to not have sidewalks on both sides of the streets and it would reduce the amount of concrete and runoff it would create. Natural landscape would absorb more of the water. It would also help to minimize the number of traffic lights. Night skies are valued in the neighborhood.

Ms. Margaret Alexander, 1116 Tano del Este, was sworn and thanked the developer for accommodating the neighbors by putting in a trail before construction starts. It is a great way to get everyone involved in a positive way with the new development. She objected to any excessive street lights. The site is way up on top of a hill and a lot of the light would shine down on people looking up. It is important to keep the night sky dark. The rest of the area is a very natural quasi-rural looking area and street lights would be obtrusive.

She was interested in the innovative sidewalk plan. It is not exactly innovative because the rest of Las Estrellas does not have sidewalks on both sides. It is not necessary to have a sidewalk on both sides of the street. She was concerned about the idea that everything needed to be paved. She suggested leaving the landscape as it is; let the natural plants and animals and insects living there alone and keep the environment more pleasant.

Mr. Alan Gutheim, 612 Ridgepoint Lane, was sworn and said he lived immediately across Ridgetop Road from the proposed subdivision. Regarding drainage, this is a hilly area with lots of water coming down and all residents have borne significantly increased dues to remediate drainage control beyond what was anticipated when it was first developed 12 years ago and would like to not go through all that again. We would suggest the developer put up some sort of funding for unanticipated drainage issues or a letter of credit to extend for several years to protect homeowners.

Secondly, the intersection as part of the entrance off Ridgetop Road is one he drives out onto out of the area daily and it is treacherous as it exists and this will increase traffic where there is a very limited line of sight for turning either direction. Even the drop off to Ridgetop up to the south is treacherous because the grade falls away as you make your turn. That will be a major problem with increased traffic.

The last is the streetlight issue. To light up the top is unrepresentative of the street lighting in other areas of Ls Estrellas.

Mr. Don Richardson, 1679 Via Bosque, was sworn and said condition #4 was his concern by assigning

maintenance of the open space to the HOA. The detention ponds are in the open space as he understood.

Ms. Guerrerortiz said most of them but not all.

Mr. Richardson asked that condition #4 to be assigned to the developer until the build out is complete and we can evaluate the effectiveness of the plan. We won't know until everything is built; how well that plan is going to work. Assigning the responsibility to the HOA right out of the chute burdens the homeowners who fund it but hold no authority in any of the decision-making or resource allocation. Presently, we've not reached critical mass in buildout of the entire development so no home owners are on the board of directors. And 2/3 of the HOA board members sit right here and they are fine gentlemen but they are not homeowners. In fact, one of them is the applicant.

By absolving the applicant early on for open space responsibility, it has taken away their incentive to do it right. He would like to see the condition assigning responsibility to the applicant until build out and backed by a surety bond. And once built out, it certainly would revert to the HOA. Otherwise, it doesn't seem fair.

Regarding the bond requirement, in November 2015, at the HOA annual meeting, the Board recommended the adoption of an amendment to the CCNR's that would require or give the Board the option to request a bond from every single tract developer to ensure their work did not negatively impact the overall drainage system. So he was sure they would agree with this request as a condition of approval of the plan.

Regarding street lights, they already have the space ship from close encounters of the third kind in Thornburg lot every night. So reducing the glare elsewhere would help.

For the sidewalks, he asked the Commission to keep in mind that Calle Arbolitos doesn't end right here where it shows. That may help with the decision.

Mr. Chris Myers, 601 Ridgepoint Lane, was sworn and emphasized how dangerous that intersection is going to be. It is on a blind curve and a slope with a history of no speed limit signs and people often double the speed limit all of the time. He walks or bikes across it every day and it is very dangerous. So he would like to know how the developer will make it safer. He has been there 10 years and was almost hit. Someone may get hurt or killed some day.

Mr. Robert Hiller, 782 Camino Francisca. was sworn. He said no one is here from Fat Tire Society and he was a little confused about the trail plan. He has used a trail there for nine years and connects to La Tierra Trails. It is used more by pedestrians. It looks like it will connect to Tano but more likely to the west. He asked for a more definitive plan and assurance they are working with the Fat Tire Society on them.

Regarding bonds, he said it would also be appropriate that the trail be maintained by the developer until build out to make sure it remains open.

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



## Commission Discussion

Commissioner Hiatt asked Ms. Guerrerortiz if she has a plan in mind for that intersection.

Ms. Guerrerortiz said that was a benefit of the first ENN. Afterward she observed and was blown away how fast people go through there. No traffic calming is possible. It is a blind curve. On the east side, there are two lines that depict a retaining wall. They are carving back the hill and will landscape it beautifully. We've got to carve away the mountain to a distance to see those who are driving 50 mph. We will make it a safe curve. The traffic design will probably include shrubs so that people can still see. A lot of dirt will be removed there.

Commissioner Hiatt complimented her and Mr. Gibbs and Mr. Gurulé with the ENN and communication with the neighbors. Their reaction is mild compared to others. He asked if they have had an opportunity to talk about a long-term letter of credit.

Mr. Robb Gibbs, 100 Cordova Place, was sworn. He said they have not talked about a long-term letter of credit but the HOA has discussed it at the board level more than once with the rest of the developments in Las Estrellas, putting up additional security for the drainage issues. They have had to allocate money for it. He explained that there are two associations there: a maintenance association and an architectural design association. The funds now are only \$100 per lot.

Commissioner Hochberg thought a long-term letter of credit until build out makes a lot of sense. He asked what Mr. Gibbs thought of it.

Mr. Gibbs said they were planning to sell to individual lot builders so he couldn't tell how long that will take. Some might buy and hold off on building for years.

Commissioner Hochberg said he could ask the buyer to put up their portion of the letter of credit until his is taken over. He explained how it would work.

Mr. Gibbs liked that suggestion.

Mr. Dave Gurulé was sworn and said on the issue of bonding that Mr. Richardson brought up a very valid point. There was a draft of a bonding requirement triggered by a Homewise development at Piñon Ridge with 39 lots. That was our first experience dealing with extraordinary or under-engineered drainage signatures. It is waiting for signature since we haven't had a development in the last three years. Piñon Ridge was developed over three years.

In Piñon Ridge, the master association had to repay drainage from open space areas migrating into five properties and that had to be rechannalized or install check dams. It could not be budgeted for. So we have the draft and will be finalized and recorded and be commensurate with the 39 lots. It was probably \$4,000 to \$5,000 dollars.

Commissioner Hochberg asked if he was opposed to a reasonable bond.

Mr. Gurulé said he was not but concerned with the amount suggested.

Commissioner Hogan asked if there is a lot of collection from off-site.

Ms. Guerrerortiz said this is at the top of the hill so no water passes through to us but to others from us. The ordinance focuses on water but the real problem is sediment and we are trying to deal with it. We have to focus on not moving that sediment. The City recently adopted some best practices that will help. Ideally, we need to stay for a little while to make sure it gets done properly.

Commissioner Hogan said the developer can deal with the impact from roads but the lots also contribute to the problem.

He asked about what the other nearby neighborhoods are like for street lights.

Mr. Smith said he usually defers to the traffic engineer for lighting.

Ms. Kassens explained that the standards for street lights call for placing them at intersections, cul-de-sacs and bends in the road.

Commissioner Hochberg asked if there is anything in the code to allow them to vary from that standard. It seems no one says they want no lighting at the top of the hill. He thought having no lights was crazy and somebody could be hurt.

Ms. Kassens said the streetlights must be shielded and conform to the night sky ordinance.

Commissioner Hochberg said they should not have a light on top of the hill.

Mr. Smith suggested that Mr. Romero could present a detailed lighting plan at final.

Mr. Shandler clarified that the condition is to provide a street lighting plan. That is all that is required. He asked, if the plan goes to final, whether they ask for a variance for the final.

Ms. Kassens deferred to Mr. Smith on process.

Mr. Smith suggested the Commission defer that. It would not be a variance but putting in details that work. If a variance is required, the City can advertise that.

Vice-Chair Kapin reasoned that it could be resolved by the final plat.

Ms. Martínez recalled in at least one other instance, administrative approval was granted where they made adjustments based on season and time of day to make sure the lights were not running through the night. That might be possible.

Commissioner Hogan asked if there are other options for other types of lighting instead of tall pole lights - like bollards, etc.

Commissioner Hochberg wanted to make sure he understood this and commended the applicant for the neighborhood input. Everything they said was helpful. The plan is to have fewer houses.

Ms. Guerrerortiz agreed. It is 23 instead of 30 and four affordable housing units.

Commissioner Hochberg asked that they will resolve the issue for dangerous traffic and work on lighting that is sensible.

Ms. Guerrerortiz agreed and said she submitted a lighting plan with no streetlights.

Commissioner Hochberg asked if she is proposing that the innovative plan is consistent with at most one side with sidewalks like what is already out there and keep the plan for walking trails and to not interrupt trails during construction. And something agreeable on a bond.

Vice-Chair Kapin said we haven't gotten to any of those points yet.

Commissioner Hochberg said okay.

Commissioner Propst agree on minimizing light on top of the hill.

Commissioner Greene was in favor of the innovative design as long as it is on one side and maybe a six-foot wide trail. On north Ridgetop Road, there is a section to the north of the intersection with a trail and the section to the south does not.

Ms. Guerrerortiz explained that to the south is rip-rap as a bar ditch with difficult terrain and two archaeology sites. If it could be on the other side of north Ridgetop road it would be safer. But on the Arbolitos side, it is difficult terrain. She would lean toward doing a natural path there.

Commissioner Greene asked if that would work for the neighbors who are here. He would also like to see that with some sort of cross walk.

Ms. Guerrerortiz worried about crosswalks being erased by other people out of concerns of safety.

Vice-Chair Kapin agreed. People drive really fast on that road and she was shocked by it.

Ms. Guerrerortiz suggested- maybe on the east side until we get up to the north trail. That is probably something we should investigate because it is closer to the stop sign.

Commissioner Greene wanted to see a continuous trail to Tano all the way down south as possible and which side is up to her.

Commissioner Propst wanted to better understand the maintenance obligation.

Ms. Guerrerortiz said they would place a bond with City control for stabilizing the slopes but there was discussion on added funds held by the HOA on the property or downstream and she will try to work that out before final.

Commissioner Hochberg understood it would end at final build out and would be for maintenance of open space.

Vice-Chair Kapin asked Staff regarding technical correction #3 were it says, "... developer may revise..." and thought that should be "shall."

Ms. Guerrerortiz said what she did was more conservative and would reduce the amount of grading allowed and we will decide on it.

Vice-Chair Kapin asked if having the sidewalk not ADA complaint is okay.

Mr. Smith said the short answer is yes since the road is steeper so the sidewalks follow the grade of the road.

Ms. Kassens agreed. It cannot exceed the slope of the road. It is ADA compliant as long as it is not steeper than the grade.

Ms. Guerrerortiz added that it is not safe for wheel chairs there.

**MOTION: Commissioner Hiatt moved to approve the variance subject to 14-3.16C supplies one or more of the following special circumstance apply; the unusual physical characteristic that distinguish the land from others and are subject to the same relevant provisions of Chapter 14, characteristics that existed by the time of adoption of the regulation from which the variance is sought. Also, the variance is the minimum variance that will make possible a reasonable use of the land or structure, and the property has or could be used without variances for a different category or lesser intensity and it is consistent with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and that the applicable goals and policies of the general plan and the variances not contrary to the public interest. Commissioner Hogan seconded the motion.**

**VOTE: The motion passed by unanimous roll call vote with Commissioners Hogan, Hiatt, Greene, Propst, Abeyta and Hochberg voting in the affirmative and none voting against.**

Mr. Smith asked for a motion on innovative street design.

**MOTION: Commissioner Hiatt moved to approve the innovative street design per section 14-9.2B4. Commissioner Hochberg seconded the motion.**

Mr. Shandler said the motion needs to state why.

Ms. Guerrerortiz suggested that there is no required or requested transit service in this area and the developer is providing adequate pedestrian and bicycle pathways and committed to do something along north Ridgetop Road for the full length and it is compatible with the area.

Commissioner Hiatt and Commissioner Hochberg accepted those reasons.

**VOTE: The motion passed by unanimous roll call vote with Commissioners Hogan, Greene, Hiatt, Propst, Abeyta and Hochberg voting in favor and none voting against.**

**MOTION: Commissioner Hiatt moved to approve preliminary subject to the criteria 1-5 in Section 14-3.7C. Commissioner Hogan seconded the motion.**

Mr. Shandler asked for an affirmation on the cul-de-sac.

Commissioner Hiatt made an affirmative finding that the cul-de-sac can only be constructed only if the topography, lot configuration, and previous development patterns on other natural features prevent the continuation of the street.

Mr. Shandler asked if he wanted to eliminate technical corrections 1, 2, and 7. Commissioner Hiatt said he did want to eliminate them.

Mr. Shandler asked if he wanted the approval subject to the condition of additional bonding for the open space/drainage issue until build out. Commissioner Hiatt agreed.

Mr. Shandler asked if he wanted to give direction to the traffic engineer on the streetlight plan.

Commissioner Hiatt agreed that a minimum lighting plan be recommended.

Vice-Chair Kapin said one is required at the intersection.

Commissioner Greene added that lighting be low to the ground at the house lot.

Mr. Smith said Staff will review the improvements and financial guarantees and HOA guarantees.

**VOTE: The motion passed by unanimous roll call vote with Commissioners Hogan, Greene, Hiatt, Propst, Abeyta and Hochberg voting in the affirmative and none voting against.**

## **G. STAFF COMMUNICATIONS**

Mr. Smith said the next meeting is May 4 and May 18.

Some Commissioner terms are up in June so it is appropriate to send a letter of your intent.

Ms. Martínez said she would the individuals whose terms are up.

Vice-Chair Kapin and Commissioner Propst might have a conflict for the first meeting in May.

## **H. MATTERS FROM THE COMMISSION**

Commissioner Hiatt didn't see the attendance list for the ENN n Los Arbolitos.

Ms. Wynant said it is required to have a sign-in list. Sometimes the applicant has their own. Personally, it says it can't be used for commercial purposes. So she tries to do it through note taking but there is a mixed opinion about having the world see it.

Vice-Chair Kapin agreed that the number of people is more important than their names.

Commissioner Hiatt said it would have been helpful on the ordinance to have input from the neighborhood planner.

Ms. Martínez said Noah Berke is our neighborhood planner. Councilor Ives sought input from Staff but was preliminary. She agreed it does need to happen and that Mr. Berke lead those neighborhood meetings.

Commissioner Propst also felt that way. She was worried that if it is just about increasing zoning, that underlying zoning is a better way to go.

Ms. Martínez agreed. Staff also had those concerns. It comes from seeing all of the individuals that came out to speak on the Short-Term rental ordinance that accessory dwelling units would turn into houses to live in. The Short-term rental ordinance says you can't have two units in a row. There were hundreds who came out to speak on the Short-term rental ordinance.

Commissioner Propst commented that there were people getting out of their cars and taking pictures of her house.

Vice-Chair Kapin said the ordinance is imperfect and she hoped it doesn't just go straight to Council. She was happy if one of the units does go into long term rental so she was glad it is being proposed in that way. That piece of it she was happy to hear. She employs lots of 17 and 18 year olds and if they had smaller places to move into, it would be helpful.

Commissioner Hochberg was sorry that was not discussed before voting. It is well considered but not fully considered.

Commissioner Greene asked if we have a commitment to have Chair Kadlubek commit to attending long-term subcommittee. We are required to have three commissioners. He said agendas did not go to the Chairman. He said he had not been informed.

Ms. Martínez said they are making physical office changes and the long-range planning staff is now at City Hall so communications should become better.

Commissioner Greene asked if there is any direction from the Mayor about the next General Plan.

Ms. Martínez said they have not gotten through budget hearings. In the interim, we committed to look at what the long-range planning group has done and have a meeting scheduled tomorrow with Renee

Martinez to make sure we don't have overlap.

**I. ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

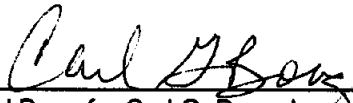
Approved by:



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Vince Kadlubek, Chair

Submitted by:



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Carl Boaz for Carl G. Boaz, Inc.