City of Santa Fe

# Agenda

CITY CLERK'S OFFICE
DATE 5.2.17 TIME 8:55am
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**PLANNING COMMISSION**
**Thursday, May 18, 2017 - 6:00pm**
**City Council Chambers**
**City Hall 1st Floor - 200 Lincoln Avenue**

**A. ROLL CALL**
**B. PLEDGE OF ALLEGIANCE**
**C. APPROVAL OF AGENDA**
**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**
**MINUTES: April 6, 2017**

**FINDINGS/CONCLUSIONS:**
**Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat.**

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

1. An Ordinance Amending Subsection 14-6.3(B)(2)(C) SFCC 1987 to Regulate Parking or Storage of Specified Noncommercial Vehicles Within Residentially Zoned Districts. (Councillor Signe I. Lindell, Sponsor) (Greg Smith, Case Manager)

2. **Case #2017-23. 5154 Beckner Road Final Subdivision Plat.** James W. Siebert and Associates, agent for Las Soleras Oeste, LTD. Co, requests approval of a six-lot final subdivision plat of Tract 28-F of the Las Soleras Master Subdivision. The property is an 18.865-acre parcel zoned C-2 (General Commercial), and is located at 5154 Beckner Road. (Noah Berke, Case Manager)

3. **Case #2017-26. Estancias de Las Soleras Unit 2A Final Subdivision Plat.** James W. Siebert and Associates, agent for the Pulte Group of New Mexico, requests approval of a final subdivision plat for 81 residential lots on ±19.87 acres. The property is located north of Beckner Road and east of the realigned Rail Runner Road, and is zoned R-12 (Residential, 12 dwelling units per acre). The proposal includes a modification to the Beckner Road improvements to allow two additional lanes adjacent to the median, from Walking Rain to the eastern boundary of Unit 2. (Donna Wynant, Case Manager)

4. **Case #2017-19. The Village @ 599 General Plan Amendment.** Montoya Land Use Consulting, agent for Don Juan's Land, LLC - Carlos Garcia, requests approval of a General Plan future land use amendment to change the designation from Low Density Residential (3-7 dwellings/acre) to High Density Residential (12-29 dwellings per acre) for 19.99 acres of land located on the east side of South Meadows Road, south of SR 599 and north of Agua Fria Street. (Donna Wynant, Case Manager)

5. **Case #2017-20. The Village @ 599 Rezoning.** Montoya Land Use Consulting, agent for Don Juan's Land, LLC - Carlos Garcia, requests approval of rezoning from R-2 (2 dwelling units/acre) to R-21 (21 dwelling units per acre) for 19.99 acres of land located on the east side of South Meadows Road, south of SR 599 and north of Agua Fria Street. (Donna Wynant, Case Manager)

6. **Case #2017-22. 185 Brownell Howland Lot Split and Variance.** James Siebert and Associates, agent for Debra Lyons, requests a lot split of 7.45+/- acres into two lots (Tract A-1B: 3.00+/- acres Tract A-1B-2: 4.45+/- acres). The request includes variances to Table 14-9.2-1 Design Criteria for Street Types and Subsection 14-9.2.D Access and Traffic Calming. The property is Zoned R1 (Residential, one dwelling unit per acre) and is located within the Escarpment Overlay District and within the Mountainous and Difficult Terrain Overlay. (Dan Esquibel, Case Manager)

7. **Case #2017-24. 3501 Cerrillos Rd Special Use Permit and Development Plan.** James Siebert and Associates, Agent for Sujay Kumar Thakur, requests a Special Use Permit and Development Plan to permit Climate Controlled Storage Facilities within 32,072 square feet. The proposal includes 10,885 square feet of new construction. The property is a 1.27+/- acre tract zoned C-2 (General Commercial) and located within Zone Three of the Cerrillos Road Highway Corridor (zone 3) Overlay District. (Dan Esquibel, Case Manager)

8. **Case #2017-29. 527 Camino Tierra Alta Building Permit Appeal.** Appeal of Elizabeth Houck from the March 27, 2017, Decision of the Land Use Department to Issue Building Permit No. 17-604 at 527 Camino Tierra Alta. (Zachary Shandler, Case Manager)

## G. STAFF COMMUNICATIONS

1. **Case #2015-47. 455 St. Michaels Drive Christus St. Vincent Regional Medical Center Master Plan Amendment.** Review of progress and compliance with master plan conditions of approval. (Dan Esquibel, Case Manager)

## 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**
May 18, 2017


| ITEM | ACTION TAKEN | PAGE(S) |
|---|---|---|
| A. Roll Call | Quorum Present | 1 |
| B. Pledge of Allegiance | Recited | 1 |
| C. Approval of Agenda | Approved as amended | 2 |
| D. Approval of Minutes & Findings and Conclusions | | |
| Minutes: April 6, 2017 | Approved as amended | 2 |
| Findings of Fact & Conclusions of Law Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat. | Approved as presented | 2 |
| E. Old Business | None | 2 |
| F. New Business | | |
| 1. Ordinance Amendment to regulate Parking or storage or vehicles in residential streets | Recommended approval | 3-9 |
| 2. Case #2017-23. 5154 Beckner Road Final Subdivision Plat | Approved with conditions | 9-19 |
| 3. Case #2017-26. Estancias de Las Soleras Unit 2A Final Subdivision Plat | Approved with conditions | 5-7 |
| 4. Case #2017-19. The Village @599 General Plan Amendment | Approved with conditions | 8-31 |
| 5. Case #2017-20. The Village @ 599 Rezoning | Recommended R-12 rezoning | 8-32 |
| 6. Case #2017-22. 185 Brownell Howland Lot split and Variance | Approved with conditions | 32-34 |
| 7. Case #2017-24. 3501 Cerrillos Road Special Use Permit and Development Plan | Removed from the agenda | |
| 8. Case #2017-29. 527 Camino Tierra Alta Building Permit Appeal | Postponed | 34 |
| G. Staff Communications | Discussion | 34 |
| 9. Case #2015-47. 455 St. Michaels Drive Christus St. Vincent Regional Medical Center Master Plan Amendment | Discussed | 34-36 |
| H. Matters from the Commission | Discussion | 36 |
| I. Adjournment | Adjourned at 10:20 p.m. | 36 |

**PLANNING COMMISSION**
**Thursday, May 18, 2017 - 6:00pm**
**City Council Chambers**
**City Hall 1st Floor - 200 Lincoln Avenue**

## CALL TO ORDER

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

## A. ROLL CALL

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

**Members Present**
Commissioner Vince Kadlubek, Chair
Commissioner John B. Hiatt, Secretary
Commissioner Roman Abeyta
Commissioner Justin Greene
Commissioner Brian Patrick Gutierrez
Commissioner Stephen Hochberg
Commissioner Sarah Cottrell Propst

**Members Absent**
Commissioner Piper Kapin, Vice-Chair [excused]
Commissioner Mark Hogan [excused]

**Others Present:**
Councilor Signe Lindell
Ms. Lisa Martinez, Land Use Department Director
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Zach Shandler, Assistant City Attorney
Mr. Noah Berke, Planner Senior
Mr. Dan Esquibel, Planner Senior
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

Mr. Smith confirmed that Item #7, Case #2017-24 was removed from the agenda.

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

## D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

### 1. MINUTES OF APRIL 6, 2017

Commissioner Hiatt noted some minor changes which he provided to the Stenographer. One major change regarding Councilor Ives' proposal, he wanted the record to reflect that he opposed the proposal.

**MOTION: Commissioner Hiatt moved to approve the minutes of April 6, 2017 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.**

### 2. FINDINGS/CONCLUSIONS:

**Case #2017-12. Arbolitos at Las Estrellas Preliminary Subdivision Plat.**

Commissioner Greene said the minutes (page 16) reflected an agreement by the Applicant to include a trail along Tano Road. He didn't see that included in the findings.

Mr. Shandler asked what page that was on.

Commissioner Greene referred him to page 16 of the minutes where they had not decided which side of the road to put the trail on.

Mr. Shandler said he would listen to the recording and if the applicant had agreed to that he will change the findings. He noted the third paragraph from the bottom states "*a continuous trail to Tano all the way south as possible*" and the side is up to the applicant.

**MOTION: Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2017-12, subject to City Attorney's Office reviewing the minutes and making adjusting if necessary. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

## E. OLD BUSINESS

There was no Old Business.

## F. NEW BUSINESS

### 1. An Ordinance Amending Subsection 14-6.3(B)(2)(C) SFCC 1987 to Regulate Parking or Storage of Specified Noncommercial Vehicles Within Residentially Zoned Districts. (Councilor Signe I. Lindell, Sponsor) (Greg Smith, Case Manager)

Staff Report

Mr. Smith presented the proposed Ordinance Amendment to the Commission. A copy of the Ordinance Amendment is available on the City Website.

Mr. Smith commented on how commercial vehicles and storage sheds are subject to this ordinance.

Councilor Lindell said it is self-explanatory. It is a one-sentence change to deal with situations where people put PODs in their front yard and leave them there for years and that is upsetting to the neighborhoods. It is not complicated and she would try to answer questions.

Commissioner Gutierrez noted that non-commercial trailers are what this addresses and he saw no definition for that. He was thinking trailers would have wheels and a hitch and people would leave them there for the weekend.

Councilor Lindell said this is talking about vehicles that have been there for two or three years.

Mr. Smith said they did not specifically include PODs which might be treated as a structure, rather than a vehicle. At this point, Staff had not seen a need to provide a definition of non-commercial trailer. However, the Commission could adopt a definition if it is thought to be appropriate.

Commissioner Gutierrez said it might affect a trailer owner, so a definition would be helpful. In Section 3, Evaluation, it says Land Use Staff has reviewed the proposed amendment with the sponsor and has not provided detailed analysis of the impacts across the City. He would have liked to see a little more detail as to what the impacts would be.

Commissioner Greene asked if the City has a few complaints and no enforceable actions.

Councilor Lindell said she couldn't say how many constituents have talked with her about it. But now, we don't have a way to move it out of the front yard.

Commissioner Greene asked if it is a police action or a citation, a lien, etc.

Mr. Smith said there are several types of actions and as with other Chapter 14 provisions, there are a variety of enforcement options. Like most others, it is directive to the property owner to come into compliance. This has no permit involved. Regarding complaints, there are more notable complaints for

persistence instead of numbers city-wide.

Commissioner Hochberg noted it says, "immediate use would be exempted." He asked what that means. It seems anything would be an immediate need.

Mr. Smith said Staff sought a balance between what is a definition and common sense. Paragraph 5 needs to be read in context with the rest.

Commissioner Hochberg pointed out that the second sentence has examples that have nothing to do with PODS.

Mr. Smith said the concern is not just with POD's but with trailers that are parked in a driveway and used as storage.

Public Hearing

There were no speakers from the public regarding this matter and the Public Hearing was closed

Action of the Commission

**MOTION: Commissioner Hiatt moved to recommend the ordinance to the Governing Body. Commissioner Propst seconded the motion. The motion passed by majority roll call vote with Commissioner Greene, Commissioner Hiatt, Commissioner Propst, Commissioner Abeyta voting in the affirmative and Commissioner Gutierrez and Commissioner Hochberg voting against (4-2).**

2. **Case #2017-23.5154 Beckner Road Final Subdivision Plat.** James W. Siebert and Associates, agent for Las Soleras Oeste, LTD. Co, requests approval of a six-lot final subdivision plat of Tract 28-F of the Las Soleras Master Subdivision. The property is an 18.865-acre parcel zoned C-2 (General Commercial), and is located at 5154 Beckner Road. (Noah Berke, Case Manager)

Staff Report

Mr. Berke presented the staff report. A copy of the Staff Report for Case #2017-23 is on file in the Land Use Department and on the City Website. He noted the requirement of visual analysis and added word, "signage." He said the Applicant has met the Traffic Engineer's conditions of approval and incorporated "signage" in condition #2. Staff recommended approval, subject to conditions and technical corrections.

Applicant's Presentation

Mr. James Siebert, 915 Mercer, was sworn. He said this is the section of Beckner Road that is completed and has all utilities, storm, sewer, water and the Applicant agrees with all conditions and he

would answer questions.

Public Comment

There were no public comments and the public hearing was closed.

Questions to the Applicant

There were no questions to the Applicant regarding this case.

Action of the Commission

**MOTION: Commissioner Abeyta moved to approve Case #2017-23, 5154 Beckner Road Final Subdivision Plat, subject to the conditions for approval and technical corrections. Commissioner Hiatt seconded the motion which passed by unanimous voice vote. Commissioner Hochberg was not present for the vote.**

3. **Case #2017-26. Estancias de Las Soleras Unit 2A Final Subdivision Plat.** James W. Siebert and Associates, agent for the Pulte Group of New Mexico, requests approval of a final subdivision plat for 81 residential lots on ±19.87 acres. The property is located north of Beckner Road and east of the realigned Rail Runner Road, and is zoned R-12 (Residential, 12 dwelling units per acre). The proposal includes a modification to the Beckner Road improvements to allow two additional lanes adjacent to the median, from Walking Rain to the eastern boundary of Unit 2. (Donna Wynant, Case Manager)

Ms. Wynant presented the staff report for this case. A copy of the Staff Report for Case #2017-26 is available in the Land Use Department and is on the City Website. She pointed out that the conditions of approval are in the report. The two technical corrections have already been addressed and this adds three addresses to the plat.

Applicant's Presentation

Mr. Siebert (previously sworn) went over the details to refresh the Commission's memory. This is the area under an agreement with Monte del Sol for this application for development of a playing field. He pointed out how the trails here connect with the trail system being developed in the first three phases of Estancias.

The other issues that came up were the road and what they had done with Walking Rain was a rural road section approved by Traffic Engineering. They decided to make this the same section as down below with asphalt. The rural section has a 24' wide right of way and no median.

There was a discussion about the future roundabout to provide access to the Beatty property and Traffic Engineering had a concern of lots encroaching into roundabout. So, easements might be necessary. It was taken out for the future ROW.

Phase 2B was shown. Phases 1a and 1b are completed and 1c is now under construction.

The Regional Park has seed sown. The affordable housing section has been approved by NMFA and will come to the Planning Commission soon.

They agree with all the conditions and technical corrections of Staff.

Public Comment

There were no public comments and the public hearing was closed.

Questions to the Applicant

Commissioner Greene asked about the dead end along the northern edge between Beckner and Juan Tabo Norte, if that could be a trail. It is near the roundabout and end of the cul de sac. It is lot 36 and thought there could be a pedestrian connection similar to the other corner.

Mr. Siebert said Traffic required two points of access. Two alternative routes are shown and the Beatty Group did not decide which is more appropriate. What would make more sense is if there is an access point, it would be on the Beatty property.

Commissioner Greene asked if traffic at La Puerta would be right out since there will be a median on that road.

Mr. Siebert agreed that, as currently designed, it prohibits left out. Drivers can come back to Walking Rain to go back to Richards Avenue. It would not have pedestrian access there because it would be too close. It sits high and is for a graded area with 8-10' change in elevation.

Commissioner Greene was concerned about traffic cutting through on Walking Rain and Nava Adé wouldn't be happy with that.

Mr. Siebert said allowing a left turn is not his call. It is Traffic's decision.

Mr. Smith said the Traffic Engineer is present.

Mr. James Martinez said he was not familiar with Beckner Road and didn't want to address it but John Romero is on the way.

Commissioner Hochberg asked how many places pedestrian can articulate. It could be tabled for the moment until Mr. Romero arrives.

Mr. Siebert said Fred Artman, Pulte's lead engineer is here. Mr. Siebert didn't feel comfortable answering that.

Commissioner Greene asked if Transit has plans for a bus along Beckner and if there would be a pull out in the design midblock.

Mr. Siebert said in this section there is no turnout for buses.

Commissioner Greene asked if it is wide enough for a bus stop.

Mr. Siebert said there are no plans for the south side.

Mr. Smith said there is a phased plan and transit plan being developed by Traffic.

Mr. Berke explained that when Presbyterian Hospital was approved a year ago, a bus route was planned for that area, going across Chamiso and an extension going to the Fashion Outlets, with a bus stop on Chamiso in front of the hospital. They have sized the road appropriately. This summer, the Las Soleras partners are expected to complete all the way to Richards Avenue. They understand we are working on the other connections.

Commissioner Greene said that doesn't answer the bus stop in this section or the left turn issue.

Chair Kadlubek asked if they have a sense of timing of that connection from Beckner to Richards.

Mr. Berke thought probably the connection comes first. This summer should see a connection to Richards Avenue and future phases coming in the next few months.

Commissioner Hochberg thought the answer has been given

Action of the Commission

**MOTION: Commissioner Hiatt moved to approve Case #2017-26, Estancias de Las Soleras Unit 2A Final Subdivision Plat, subject to the recommended conditions and technical corrections in Exhibit A. Commissioner Propst and Commissioner Hochberg seconded the motion.**

Chair Kadlubek noted this is the first set of projects when he first joined the Planning Commission and he was excited to see them coming to pass.

**The motion passed by unanimous roll call vote with Commissioner Greene, Commissioner Hiatt, Commissioner Propst, Commissioner Gutierrez, Commissioner Abeyta and Commissioner Hochberg voting in favor and none voting against.**

4. **Case #2017-19. The Village @ 599 General Plan Amendment.** Montoya Land Use Consulting, agent for Don Juan's Land, LLC - Carlos Garcia, requests approval of a General Plan future land use amendment to change the designation from Low Density Residential (3-7 dwellings/acre) to High Density Residential (12-29 dwellings per acre) for 19.99 acres of land located on the east side of South Meadows Road, south of SR 599 and north of Agua Fria Street. (Donna Wynant, Case Manager)

5. **Case #2017-20. The Village @ 599 Rezoning.** Montoya Land Use Consulting, agent for Don Juan's Land, LLC - Carlos Garcia, requests approval of rezoning from R-2 (2 dwelling units/acre) to R-21 (21 dwelling units per acre) for 19.99 acres of land located on the east side of South Meadows Road, south of SR 599 and north of Agua Fria Street. (Donna Wynant, Case Manager)

Staff Report

Ms. Wynant presented both cases together. A copy of the Staff report is available in the Land Use Department and on the City website. The request is to change the subject property from low density to high density residential for future development with a conceptual plan included in the packet and would provide a 355-apartment development that would come to the Planning Commission if Council approves the rezoning and General Plan amendment. She pointed out the map that show the site and nearby NM 599, Santa Fe River, Agua Fria Village and other points.

A couple of neighborhood associations attended the second ENN meeting and she received late communications from them. Staff is here for questions. She added that the street can handle the higher density. She showed the future land use map and indicated the zoning pattern in the report.

The February 1 and February 15 ENN meeting comments were included and how the applicant responded with changes in the plans. The criteria for rezoning were addressed. Staff believes they were met and infrastructure can accommodate the higher density. A fire station will be built across the street. It is a logical use near an interchange. There is some concern with the Agua Fria traditional village there.

The cases require two separate motions - one for the General Plan Amendment and another for the Rezoning.

Applicant's Presentation

Ms. Monica Montoya, 726 Gregory Lane, was sworn.

Ms. Montoya said she was accompanied by Mr. Carlos Garcia, owner and Mr. Mike Gomez of Santa Fe Engineering and Ron Witherspoon of Dekker Perrich Sabatini. They are seeking approval for the proposed land use. The project intent is to provide options and supplemental apartment housing in Santa Fe and the apartment community will adopt qualities to complement the area. They have committed to

work with the neighbors and Agua Fria Village has provided input into the design and site plan.

Ms. Montoya showed the area context diagram showing amenities and their location within a quarter mile and half-mile radius in relation to the project. Commercial zoning and the Santa Fe River was pointed out and the tract of land between the River and the project owned by BLM. The project would tie off of water and sewage of South Meadows Road and major access was shown at 599. BLM land is to the West and the location for a future fire station was noted.

El Camino Real School is anticipated to provide service for the project from pre-K to mid-high school and the commercial area previously mentioned would provide services in addition to an employment center. The east side of the tract has Romero Park which will provide opportunities for pedestrian connectivity to planned trails in the area and along the Santa Fe River Trail. Amenities are within a quarter of a mile and make a walkable, sustainable community.

Both the General Plan and the Zoning Plan recognize the C-2 commercial zoning. The General Plan outlays surrounding residential properties with varying densities. Most of the land to the west is designated R-1 to R-3, but the Commission is asked to consider it logical for high density residential to abut commercial zoning.

They propose the Southwest Santa Fe Community Master Plan adopted would support a community such as this and designates the tract in the river corridor area as a new neighborhood unit area. The area density matches those of the GP however; the MP recognizes the changing character of the area and identifies the Cottonwood Home Park as a higher density community and a more suburban pattern.

The MP further states higher density communities are likely to continue in the area based on availability of utilities north of the river. Water and sewer has been installed as well as South Meadows could service the area and the other amenities discussed.

The MP calls them the new neighborhood unit area and *"the new neighborhoods are intended to be walkable, should have a strong pedestrian orientation in street design and connections. Formal sidewalks and/or formal walking paths should be integrated into any street design.*

The conceptual landscaping site plan was shown for illustrative ideas. The apartment buildings are separated for more openness and floor plans will be a walkable community. Per the request of the city an East to West ROW is provided for potential development to the east with great opportunities to provide connections to River and pedestrian trails.

An architectural rendering was shown to the Commission showing a Spanish style building with balconies, divided lights, light colored stucco and slightly slanted roofs. Ms. Montoya said they have worked closely with the DRT from the beginning.

They have worked extensively with the area neighbors, extending north of 599 and south of Agua Fria, etc. and are committed to continue to work with the neighbors throughout the review process. Two official ENNs and one unofficial ENN were held and throughout the application process they have met with individuals. Significant changes in response to input from neighbors have been made, specifically the

project scale, which was reduced substantially. The ENN requires a careful balance to ensure compliance with all codes and policies and considers the neighbors many varied ideals, values and interpretations of what is acceptable to the community.

A table showing the comments received during the ENNs and the responses from the team was passed out (attached as Exhibit 1). The left side has the neighbors' comments and the right lists the changes to the design in response to recommendations.

-Density was reduced from 398 units to 355 units on 20-acres.

-All three-story building heights in the original design were eliminated.

-The impact concern of traffic on the intersection of South Meadows and Agua Fria and adjacent streets resulted in a traffic study. The study shows acceptable levels of service on all area roads except Agua Fria and South Meadows Roads.

- Concerns with the numbers in the traffic study resulted in a recommendation to study a similar apartment complex's project levels. The new traffic study numbers were found to be within the levels of the existing apartment communities.

-The City is working on a plan to mitigate the intersection issue of South Meadows and Agua Fria and the applicant will contribute toward funding for the project.

-Montoya Consulting met with the city facilities maintenance staff on neighborhood concerns with school overcrowding and accommodation of the additional children. The Commission's packet contains a letter from Shirley McDougall of Santa Fe Public Schools stating as the city population expands the school district boundaries are adjusted to accommodate. SPS requested and they agreed to look at a safe route for kids to walk from the project along South Meadows to school. They will also discuss and work with BLM and the County on the route.

-Public transportation and bus service was a big concern. They met with the Transportation Department and learned that services are planned in 2024, but might occur even sooner.

- Many people want commercial use and they are working to bring services. One tract has been sold to a gas station/convenience store to the north and they are working to get restaurants, grocery stores, etc.

-Broadband technology was mentioned as a benefit and the options to implement the technology will be investigated.

- Project lighting issues were a concern and to ensure no issues with adjacent properties, the project design will use low-level lighting and shorter poles placed in closer increments with glare reducing fixtures.

-Noise pollution on 599 was a concern on the north and barriers were requested. The request was out of the project's scope but their concerns will be conveyed to the appropriate officials. Some concern about the use of 599 exclusively as a bypass rather than a relief route resulted in a meeting with both the city and the state. The 599 manual states the intent is to relieve intercity traffic.

-Water was a concern and the applicant will provide the city with water rights to offset the projected water use for their project.

-The Agua Fria Traditional people provided required criteria to secure their support (**Exhibit**). Agreements include: creating a pedestrian / equestrian trail with linkage to the Romero Master Plan as allowed by city code; creating a community garden for Village residents for growing organic produce year-round; providing a plaza in the future commercial center that could be used by the Village for events such as weekly farmers markets, artist festivals, etc., designed to commemorate the Agua Fria Village and incorporate the rich history of Agua Fria. Ms. Montoya will work with the Village to create a meaningful design that may include a possible name change and a history of the development.

Ms. Montoya stood for questions.

Mr. Smith noted that staff from the city Traffic Engineering Division, the Fire Marshal, Technical Review and the Housing Planner / MPO Planner was available to answer questions. He noted the full color representation on the first page in Exhibit D showing the land use and zoning patterns. He pointed out several of the exhibits of staff and of the applicant may not clearly indicate the multi-family land-use designation/zoning for the Gerhardt project on the opposite side of South Meadows.

Public Comment

Andrea Cermanski, 5041 Agua Fria Park Road was sworn. She read a statement by her wife who could not be present:

*I am a resident homeowner of Agua Fria Park Road located within the traditional historic district. I am also an environmental engineer who frequently works with developers, land planners, and architecture and engineer professionals on land development projects across the US and nationally.*

*I am not opposed to responsible sustainable development that fulfills a real community need. In fact, I support it. Based on the information presented in the February ENN follow up meeting at the Nancy Rodriguez Community Center I am firmly in opposition to the proposed zoning change request by Mr. Carlos Garcia from R-2 to R-21.*

*This ten-fold increase in density is inappropriate for the rural fringe area where the project is located, especially since this newly annexed area is on the edge of not only Santa Fe County land, but also that of the Agua Fria Traditional Village. It has a high percentage of impermeability, especially for a property in a rural area along the Santa Fe River which carries a considerable storm water pollution and erosion risk. The proposed plot is also surrounded by R-1, R-2 and Riverfront areas with the rural low-density character.*

*A review of the city's GIS zoning map database reveals that of the R-21 areas in the city, most are not of this scale or are located within the matrix of far denser areas of the already developed city matrix.*

*Most importantly I am perturbed that the requested high-density zoning is being sought to provide more roofs or heads to drive the viability of adjacent commercial development. These "roofs or heads", both Mr. Garcia's words during the meeting, otherwise known as people, are being specifically sought by the developer so that he can have a better chance of landing commercial tenants on his own adjacent C-2 parcel.*

*That commercial parcel is currently very rural and is bound by the Agua Fria Park area and it also crosses directly behind the Agua Fria cemetery. I do not know if a market study has been completed, but a commercial development particularly of the scale and nature shown in Mr. Garcia's preliminary sketches, seems unwise and ill fitting. Such development is even more out of character with the rural setting income growths with the only remaining rural edge of the traditional historic community boundary will only increase impact to roads and highway access.*

*By his own admission at the meeting Mr. Garcia is a commercial developer, not a residential developer and will likely sell the residential development once approval is granted. So, I question whether or not he is really committed to a quality community-oriented project in the long haul. Without enough people living in the needed area few high quality commercial tenants, be that supermarket, grocery, restaurant, or otherwise, would make an investment in such a parcel.*

*I am concerned that those that are positioned to do so would not necessarily be of the local business variety, but perhaps of the national chain type. Commercial leasing in Santa Fe has certainly faced some*

*lags in development and economy in general has been anemic, but drastically increasing residential density in a rural area to try to make a commercial project viable, owned by the same developer requesting a zoning change is a big red flag.*

*If any commercial project were to proceed in the parcel I would generally want it to be successful, of high quality and with an emphasis on local business. I am concerned the current approach may not support that kind of outcome for the community in the long run.*

*The bald-faced attempt to go from R-2 to R-21 is disturbing as it comes with a risk of enabling a future commercial project that is one part urban sprawl, one part highway interchange monotony, one that is car centric, heavily parked, highly impervious and with the potential to have only limited economic impact to local businesses.*

*This is unacceptable and should be revealed for what it is. On this basis alone the R-21 zoning request should be amended, even if you are pursuing a slightly lower build-out in terms of total units.*

*In conclusion, I do not believe Mr. Garcia needs the R-21 zoning to make his residential project successful, nor does he need it to make a meaningful impact on the housing situation for Santa Feans. Justifying the R-21 density in an appropriate rural fringe location to generate more urban sprawl so he can complete a lucrative commercial development project is not a convincing argument, does not feel like it is in the spirit of community well-being, and does not meet or fill a real need or void.*

*If Mr. Garcia reduces the density to something more reasonable such as R-4, or R-8 or R-12, I would consider supporting the project, as I am in absolute support of community members like Mr. Garcia developing more quality housing for Santa Fe.*

*Best regards, Erin English and Andrea Cermanski*

Mr. Zach Taylor at 5021 Agua Fria Park Road was sworn. He just came from a high school graduation of those going off to college. He said he hoped they will return from college bringing their knowledge and see a different and growing Santa Fe. He returned to see a very different Santa Fe, especially a different south side.

He said it is inevitable and he gets that, but they don't want them to come back to a loss of the character of Santa Fe. He did not want to see a caricature of itself, i.e. a large shopping center with the name El Camino Real – turning the name into something it is not - a historically valued place. They don't want that to happen in the Traditional Village of Agua Fria. The responsibility has fallen into the Commission's laps to decide how to maintain and preserve the area.

He served on the County Open Space Lands, Trails, Parks, Advisory Committee about 3 years and watched the county spend millions to preserve land for the sake of that character, and the view the Village has had for generations. He and his neighbors received a grant from Game and Fish and spent hundreds of man hours and their own money restoring a wildlife corridor near the area that the hundreds of units would be placed. Some people are spending money and working to preserve what Santa Fe is and always had been and few things exemplify that more than the Traditional Historic Village of Agua Fria.

He works with a teacher that is developing a plan for a historical walk of the Santa Fe murals. From downtown ending at Agua Fria, without walking more than a quarter of a mile you can run into a mural with historical value and then another, and another.

Mr. Taylor said he returned from college to give back to his community and saw a whole different end of Cerrillos Road where the Super Wal-Mart is now. At first, he was taken aback, but now realizes if development needs to happen that is the place it should happen.

Mr. Taylor said for him development is not a NIMBY issue; it is let's look and preserve areas that need to be preserved and this is one of them. They know that the Santa Fe River is a dying river and this puts hundreds of units and changes the zoning tenfold near a historical village and a dying river.

He said this is the Commission's responsibility and he appreciates the work they do and the gravity of the responsibility. They have to keep Santa Fe the way it needs to be and look at development with a filter and say yes, we need these roofs and heads so where can we put them.

Mr. Taylor noted that the 65 units zoned for the area would work well. He said they have to look at the red flag when someone is putting in residential units to drive the commercial development. It should be the other way around and because the utilities and traffic reports say they can do this does not mean this should be done. There is more at stake here. He thanked the Commission for their time and for listening.

Roy McKeag, 21 Calle Enrique, was sworn. He came to ask that the Commission not increase the zoning density to R-21 based on the # 3 criterion in the GP approval. He thought this inconsistent with the prevailing use and changes the character of the area and is for the benefit of one person at the expense of the adjacent land owners and general public.

He understood that Staff said Mr. Garcia does not have to meet that criteria because he met criteria #4, but the requirement could be met by a lesser housing density and Mr. Garcia does not have to go to 21; he can go to 12, which would also help the general housing.

Mr. McKeag said he lives across 599 on the north side in Pinon Hills. He is concerned with the increased traffic and there have been several crashes and fatalities, even on his way to the meeting there was a crash. He asked that the Commission not approve the R-21 zoning.

Mr. Milagro Hernandez, 40-A Hernandez Lane was sworn. He is opposed to the high density residential project proposed. He grew up in the midst of the project and has been there for 44 years. His father had 16 kids and they had birthdays and graduations, etc. When the 599 Relief Route was done they lost a lot. They used to have wildlife, coyotes, quail, snakes, groundhogs, porcupines, etc. and it was safe to live there.

Mr. Hernandez has told his children about the place and wants them and their children to come to the same place he grew up. The project would take away part of his history where he grew up and went to Agua Fria school and swam in the river and caught fish. Memories he could not get back once the housing comes in.

He said people in that kind of housing - he is different they still have values. He thought this project would not bring the same kind of people. His father is 86 years old and he is concerned for his safety there. He does not want his children not to have that safety or watch the sunsets they see now.

Mr. Hernandez said he has been dealing with land issues for a long time. The plots were not put in the right place and he has paid taxes on property that supposedly is not his, but with all they have gone through with the land it is in his blood. Having a convenience store is nice, but would take away everything the Agua Fria is to him-a community of tight-knit people that grew up together. That will be lost once high-density apartments are put in.

Mr. Hernandez said the Commissioners have a heavy burden and he would not want to sit in their seat. He said some of his family members were supposed to come, but this made them so sick and they just couldn't. He could not go home without letting the Commission know what he, his children, his nieces and nephews would be losing; a piece of history.

Mr. Hernandez said he opposes this; he does not want it and there are other ways and other developments that are better for everybody. He asked why not just regular houses and building good communities.

Mr. Frank Valdez, 1089 Sunshine Way was sworn. Mr. Valdez said he lives in the area proposed for development since 1989. There are 250 homes established in 1985 by Walt Chapman that at the time were considered affordable housing units for families who needed a place to live.

He is speaking in favor of the project because they cannot just say *"not in my neighborhood"*. Santa Fe continues to grow and people need to live and work close by. Santa Fe cannot afford to build roads without taxes and revenues if they don't have developers who are willing to contribute. The traffic to the school is horrendous now and the roads cannot sustain 500 students and they cannot make the roads wider without someone to contribute.

Mr. Keith Meyer 9426 Rio Grande Blvd., Northwest, Albuquerque was sworn. He is in favor of the project because it benefits Santa Fe and they need more housing, more jobs, more GRT. They need to communicate to the state and to the economy that the city wants to grow and this project gives the city the opportunity to do that.

He said you'll realize driving up I-25 in the morning or down in the evening there is a need, not for affordable housing as defined by the government, but housing that people can afford. Not everyone aspires to own a one acre lot with a big home; more yard work for those getting older is the last thing they want. They like higher density, smaller yards, well-planned communities, common spaces, common gardens, walking paths they can enjoy without having to maintain. That's what this project purports to bring forward.

Mr. Meyer said he commuted to Santa Fe - 250 trips a year, two a day for the last 12 years. Commuting is wasteful in terms of fuel and hundreds of people are doing that just to work in Santa Fe. Northern Rio Rancho exists largely to provide affordable housing, again, not as the government defines it, but as the market defines it.

New construction is more desirable, more energy-efficient, water efficient and safer. They have seen four new projects built in Albuquerque that have less than 2% vacancy. Most of the apartments are over 20 years old and when there is a new opportunity with new amenities available the marketplace flocks to it.

Santa Fe can have that with this project. The project will bring new construction and sales in materials, concrete, lumber, and those dollars will circulate at least four times in the economy if the project is allowed to move forward.

Mr. Meyer said he is a commercial real estate broker and a saying in his business is that retail follows the roof tops. There is a need for more services in the northwest part of Santa Fe. He has toured the site and the city with retailers and they are looking for growth. They need to see more activity in the area so they can locate stores there and they need to see volume to know they will get the sales.

He said if Santa Fe wants growth and a place that those who graduate from college come back, this project gives the City the opportunity for that. He hoped the Commission would support it as well.

Mr. Michael Weiss, 12 Calle Francisca, President of the West Santa Fe Association was sworn. He said he represents the long-established Pinon Hills neighborhood on the northwest side of 599 in relation to the planned apartments. The local community is extremely diverse and of mixed income. They recognize the severe shortage of affordable housing in the city and welcome new neighbors and development. But, they have serious concerns about the proposed density of the project and the glaring lack of actual affordable units.

For decades prior to the annexation many good citizens put in countless hours on behalf of the EZA, EZC, the ARTF and other groups to craft sensible zoning in the area. These difficult decisions were arrived at through community consensus after careful analysis, discussion and compromise. The current zoning makes good sense and provides approximately 140 units with R-7. Radically and capriciously rezoning will invite a cascade of deadly consequences. The traffic in the area is already squeezing through failed and failing intersections and puts his family at risk daily and the adjacent school is way over capacity and WIPP trucks are already rolling next to the site.

To build a pile of market rate apartments might seem to some appealing, but creates expensive problems for the neighbors and the county. Paying a fee in lieu of instead of actual affordable units will kick the real housing problem down the road and create segregated communities and is un-neighborly. The proposed project is out of scale with the surrounding community and disrespects the legitimate needs of longtime neighbors.

Mr. Weiss said we urge the Commission to recommend a lower density of 150 units, which would still represent a dramatic rezoning. In the spirit of community and compromise they look forward to welcoming their new neighbors. He thanked the Commission for their careful consideration and service.

Ms. Susan McMurray at 7 Calle Vereda in the Puesta del Sol neighborhood was sworn. She wanted to talk about a small wedge of the issue surrounding the Village at 599 involving traffic. She lives across 599 and uses South Meadows Road and adjacent roads regularly. Coming off the traffic circle at 599 onto S. Meadows is one of her main concerns. She said looking at the numbers of homes with 20 on Katy Road, 240 with Gearhart, 350 at the Village of Santa Fe – that is 610 units that will access a two-lane road.

She invited the Commissioners to drive that road at 7:30 in the morning. There is already a failed intersection at Agua Fria and S. Meadows Rd. and a stoplight would not change the issue, because people

will turn onto 599, which has its own issues.

Ms. McMurray said if the city is behind the project she would think they would put in adequate infrastructure regarding roads, turn signals, traffic lights and medians, etc. to make the road safer with the expansion.

Ms. McMurray said on top of that, there is a school with 890 students and 106 staff / faculty and it is not safe between 8:30 and 9:00 in the morning. The city needs to put in adequate infrastructure.

She said about the WIPP route, if there was an accident at night is there an evacuation plan to get people out of a 610-unit complex. She agrees with the need for affordable apartment units. She said being impoverished does not make a bad neighbor and perhaps could make you a better neighbor.

Ms. McMurray thanked the Commission for their time and said she knew they would do the right thing.

Ms. Lena Hands, 1 Calle Enrique was sworn. She said she lives in Piñon Hills and as the city's population grows the most difficult challenge is to provide protection to quality of life to existing neighborhoods when a denser community development is planned around them. She said finding and implementing solutions to a substantial increase in traffic is a responsibility that should be shared by the project owner and the City and or the County of Santa Fe.

She said Mr. Garcia, as a business owner sees a great opportunity to develop 20 acres on the east side of S. Meadows Road. She understands that, but they want to preserve their way of life for as long as possible and hold onto their little two-lane village and a way of life that allows them to have open spaces and the "ah" moments; a coyote or a mother quail trying to get her babies across the road safely. She said they want to raise their children and grandchildren where they can still experience that and feel safe and once gone, it is gone forever. She said if [zoning] is amended, the impact on the community will be significant and possibly deadly.

Ms. Hands said El Camino Real Academy on South Meadows Road was built in 2011 to house 650 students. Enrollment is now 890 students with a staff of 106 and numbers are sure to increase as enrollment goes up each year. She asked the Commission to please consider her concerns that are real quality-of-life concerns and not amend the present land use to accommodate Mr. Garcia's request of load and city residential to high density and rezoning from R-2 to R-21 which would impact them greatly.

Ms. Helga Ancona, a member of the Western Affairs Association was sworn. She has lived in Piñon Hills for 27 years and is proud of being part of the neighborhood of Agua Fria, which is wonderful and should not change. The neighborhood only has houses and that should continue. Gerald Peters wants to build 240 apartments and Mr. Garcia wants to build 355 apartments and they do not belong in that area. This area is for houses and was not conceived for apartment buildings and it is a traditional area. She begged the Commission not to approve the project.

Ms. Tanya Story, 5030 Agua Fria Park Road was sworn. Ms. Story said she opposes the project. The roads around the project would not be able to handle the density at this point, without improvement. She said for now the current zoning should remain. She understands the need for more housing, but this is not

the type of housing or community that should go into this area. Also, she is concerned about school that is already overpopulated. She could not imagine a commercial shopping center in the area of this quality and character because it would change the area. There is an Albertsons and Sprouts and all the amenities they need down the road. She said especially with the other 240 units going in, the area cannot handle it.

Mr. Patrick Romero, 58 Paseo de Coyote was sworn. He said he got a job in Santa Fe 27 years ago and found it impossible to move to Santa Fe because of the cost. He commuted for two years before he could afford to live in Santa Fe, even with a decent job. The cost of housing is way too high in Santa Fe and he is not sure his kids will be able to live in Santa Fe and local kids often have to move out. Everybody says Santa Fe needs more housing, but so many people say we need housing somewhere else.

He said this is a location for housing and if not here, where. People complain about sprawl and when a solution is high density they don't like it. He loved playing in the river too and more kids will be able to play in the river and with this great development that could take place. The lot is barren and has tons of junk, vehicles and old shacks and yet people say they need that and don't want it to change.

Mr. Romero said when people say they don't want change, they are saying that Santa Fe has no room for your kids and your grandkids and we want to preserve this. But, when they preserve Santa Fe they are taking it from someone else and he resents that. People have said the area will be lost, but he does not see a lot to lose.

He said the developer seemed to have taken a lot of time to consider all of the neighborhood concerns. He is making a nice development that Santa Fe can be proud of and if there is a commercial development that would be great too. It will create jobs and be good for the community and reduce travel time. Less people will have to commute to Santa Fe every day and those who work in Santa Fe can be part of the community. It is win-win for everyone.

Mr. Michael Josh Johns 5001 Agua Fria Park Road was sworn. Mr. Johns said maybe they have seen the signs around town *Got Space* - that is Mr. Garcia's catchphrase. Many of them do have space. They live in the amazing rural area of Agua Fria and the Village and surroundings. That is why they are hearing from many that this is a unique and special piece of property.

He moved to Santa Fe in 1993 and has seen a lot of changes. He and his wife bought a house about as close to the river as you can get and the area between San Ysidro and Lopez Lane has been restored. The river has been running and there are coyotes and birds chirping. To the west of López Lane is where the apartments are proposed.

Mr. Johns said he understood the Commission is in a tough spot and high-density housing and places to live are needed. But Santa Fe has many assets and only one river. He proposed single family homes to keep the rural vibe. This is really a two-phased project; high density apartments of 300+, which can be another 700 people in the area, and commercial development, which scares a lot of them.

He said there is Cerrillos Road, Airport Road, Zafarano and since when are they going to do massive developments that are mostly residential by 599. He said driving Alameda to his property there are lights coming one way from the bypass, lights coming on the frontage road and now they are talking about adding

a huge commercial property. He asked if they had considered the walls and barriers that will be needed. When he turns onto his road there is an amazing view of the city, but at night he sees one thing - a red Target. Even though it is over near Rodeo Road, it is easily seen from his area.

Mr. Johns said sprawl is noticeable all over the city and he knows Mr. Garcia is a great guy. He hoped that whatever the Commission's decided, Mr. Garcia would incorporate aesthetics and the history of the community in the Village of Agua Fria and if approved Mr. Garcia would work with the neighbors on a plan that works for everyone. He said in conclusion he preferred to keep the rural zoning status.

Mr. William Mee, 2073 Camino Samuel Montoya was sworn. He is the President of Agua Fria Village Association and the Commission's packet includes a letter from the Association. He said he has attended meetings like this since 1979 and has been involved in planning issues. He was on the State Road 599 at the time called the Relief Route Study in 1985 and the Mayor's and County Commission Chairman's Affordable Housing Task Force. Agua Fria has been active in planning and had four members on the ARTF (Arterial Roads Task Force) when South Meadows was designated a limited access major arterial. The idea was to gather traffic from the southwest sector plan area and bypass Agua Fria Road, Alameda and Rufina Streets and move the traffic to and from the downtown area.

They are now putting 240 units at Gearhart, 20 at Kate Way and have told Mr. Garcia they would not mind 240 at his location; a total of 500 units on the limited access road. In addition, senior housing and apartment complexes have been approved on the west frontage road of State Road 599. There is much more traffic than contemplated in the ARTF plan in 2003-2006.

The city did away with the Regional Planning Authority, the Settlement Annexation Agreement and Extraterritorial Zoning Area, the Extraterritorial Zoning Authority, and the Extraterritorial Zoning Commission. So, what the city has done is to stop planning and the planning that had been done is being ignored.

They area needs to be planned before density this high is approved. Exhibit B in the packet on the Southwest Sector Plan, page 44, has a map that talks about the neighborhood pattern designations and River Corridor plan area and calls out a number of rural protection areas, a transition area. All are around Agua Fria Village.

A rural residential zoning of 1-3 units per acre was proposed by resolution by City Councilor Rebecca Wurzburger and County Commissioner Virginia Vigil. That called for a buffer zone and was adopted by the city in 2008. Then the city annexed 19 areas (later consolidated into 18) and committed to extending services to those areas. There is a great demand on city services, but there is no budget or revenues for that. That was documented by the Bureau of Business and Economic Research study at UNM.

Mr. Mee said there has not been adequate planning in the area and that is not the fault of Mr. Garcia. Agua Fria met with the previous developer Dickie Montoya and a commercial area was approved in 1999 because the neighborhood felt there should be services such as a mid-sized grocery store. Planning for the area has never caught up and much of that is the fault of the annexation.

Ms. Olga Greene 2829 Calle Desis was sworn. She read a letter from Felipe Marquez, a local business owner with residence at 1004 Calle Don Roberto, written May 15, 2017:

*Dear City of Santa Fe officials, I write this letter in support to create this zoning necessary for an apartment community in the vicinity of NM 599 and S. Meadows Rd. This letter comes to you as I will be out of town for the upcoming hearing on May 18, 2017 and am unable to speak to you directly.*

*I am a small business owner and I live in close proximity to the proposed project. When I learned about the project I had many questions. I met with the applicant to review the proposal and had my questions answered. After careful consideration, I would like for you to know that I welcome the opportunity the project brings for needed apartment housing in the area.*

*I believe the proposed location is ideal being that NM 599 is in close proximity for easy access and that the El Camino Real School is in walking distance for the children. I also look forward to the future commercial uses which will bring shopping conveniences to my neighborhood.*

*Thank you in advance, sincerely Felipe Marquez*

Mr. Ron Witherspoon, 2770 Wolfberry Place in Albuquerque was sworn. He said he is a project architect on the development team. He respectfully requested from the Chair and Commissioners to read into record three independent letters of support provided by persons who could not attend tonight.

This letter is dated May 18, 2017 to the City Planning Commission and City Council from Lloyd R. Abrams 907 Camino Santander, Santa Fe, NM 87505:

*Dear Council members and Planning Officials,*

*Allow this letter to serve as an expression of my strong support for the apartment development being considered this evening. As an employer of close to 100 people in Santa Fe, I am keenly aware of the shortage of affordable and quality housing. This project will certainly add to the supply of both, while providing well-paying jobs in the process.*

*The City of Santa Fe needs to support local business people that want to invest their financial resources in the community. Investment funds are extremely portable and can move to other locales with the click of a mouse. Approving a project like the one before you tonight, will have a positive ripple effect through our town's economy.*

The second letter is dated May 18, 2017 from Rod Gesten, 116 Estrellas de Tano, Santa Fe 87501 addressed to the City Planning Commission and City Council:

*Dear City Officials: the purpose of this letter is to express my support for the proposed Village@599 apartment community. I am unable to attend the public hearing due to a prior commitment; however, I wish to express my support of the project because, as statistics show, there is a lack of apartment housing in Santa Fe and the location makes sense because of egress proximity to NM 599 from which tenants could gain easy access to places of employment and schools.*

The third and final letter is from Steven R. Maurice, Architect, 25 Camino Cielo, Santa Fe 87506 and is addressed to Dear City Officials, City Planning Commission and City Council:

*Dear city officials: I am unable to attend the public hearing for the proposed Village@599 apartment community. I wanted to express my support for this important project. I have a unique perspective, as I am a practicing Architect, General Contractor and Apprentice Commercial Appraiser here in Santa Fe.*

*The availability of quality multifamily housing with amenities in Santa Fe is scarce. Occupancy levels are at record highs and this has put significant upward pressure on rents.*

*Some of my additional supportive points are:*

- *The project, being located very near one of our new schools in Santa Fe will allow for parents with children to let them walk to school*
- *Easy access to 599 to get to downtown Santa Fe*
- *Easy Access on Meadows to Airport and Cerrillos Roads*
- *The additional supply of multifamily housing has the potential to help stabilize rents. Rents are up significantly year over year.*
- *An option for teachers and administrators to live nearby*
- *A safe community as a starter place to live upon leaving home.*

*Sincerely, Steven R. Maurice, Architect*

Ms. Eloisa Hernandez, 24 Hernandez Lane was sworn. She said she has owned her property for over 35 years and her children were all born and raised on Hernandez Lane. Her concern, in addition to everything else is that Carlos Garcia was not keeping her in the loop. She wanted to be a part of everything he has been talking to her neighbors and others about. She has been nervous and stressed for a long time because she is being told that Mr. Garcia believes he can take her property from her. She wanted him to contact her and make her a part of what he is doing, because she is part of that property.

Ms. Audrey Allison 7 Calle Ventoso East was sworn. Ms. Allison said she works at Toyota of Santa Fe as the Assistant General Sales Manager and the company is proud to support 133 employees. They have a wide diversity of employees, not blue-collar, white-collar or upper echelon and the sad part is that 40% of their employees do not live in Santa Fe. They live in the surrounding areas near Las Vegas, Española and Rio Rancho.

She has been in New Mexico over 21 years and her dream is to live in Santa Fe. Toyota of Santa Fe just hired a comptroller from out of state who cannot afford the housing here and to everyone that comes to Santa Fe it is a shock. The apartment complexes in the city have been here a long time and are getting old and dilapidated and good, hard working people are not drawn to them.

Ms. Allison said Mr. Garcia is bringing new housing to the table and she thinks he will do a good job. The housing would allow some of her employees to live in Santa Fe and support the economy and not have to spend money on fuel and taxes in other areas. Santa Fe needs them here. She has been in the car business almost 40 years and is associated with Lexus of Santa Fe and on the Dealer Council. They have all expressed the same problems that their employees cannot afford to live here.

She said the car agencies here in Santa Fe have a lot of employees, probably 20 to 30 from each dealership who are living out of town and not supporting the local tax base. They do want to be a part of Santa Fe and they do want to live here.

Ms. Allison supports the project because they need more housing like this. They need newer housing that attracts more people to live here and she likes that it is close to 599 and allows people coming in and out that work in Rio Rancho or Albuquerque, or Espanola, etc., to come to that side of town and have access to housing without going through town.

She said she also had a letter from the General Manager of Toyota of Santa Fe, Buddy Espinoza who basically said the same thing. It is important to grow Santa Fe. Regarding Santa Fe economy, the city brings people here for tourism, but needs to develop other things and they need the city tax base to grow.

Ms. Allison said she appreciates the Commission's time and the job they do.

Mr. John Burnett 1653 Villa Bosque was sworn. Mr. Burnett said he has lived in Santa Fe since 1985. They have seen 599 grow over time and everything north of 599 is seen as a different part of town.

He thought looking at the structure and what is being done off of 599, it seemed a good area for the project and ties in the local base to the northern part of the community. They have the four-lane highway, the infrastructure in the new schools and based on Arizona, Texas and Colorado that are exploding and that Santa Fe is short on rental housing, the pressure will be on Santa Fe regardless of where they grow.

Mr. Burnett thought the project location was ideal for growth and it has to be somewhere. He understood trying to conserve the Agua Fria area and growth, but thought this a neutral area to have growth that had been planned to begin with.

Ms. Françoise Garcia 1223 Calle La Mejeia was sworn. She moved to Santa Fe in 1978 from Europe and lived in affordable housing because she couldn't afford the high cost of housing. In 1991, she moved to Las Acequias. She is the president of the Las Acequias Neighborhood Association. She has worked closely with the city in phases 3 and 4 of Las Acequias. She has seen a lot of growth in 20 years.

She said the city is always talking about the south side and where children are, where streets are and it is not an issue to build 300 homes in Las Acequias. She said phases 2 and 3 have about 400 homes and she thought the project a good idea and will provide jobs and apartments for families. She has a neighbor across the street that has three families living in one house and they told her they cannot afford their own homes.

Ms. Garcia said the project would be good and on behalf of all of the Las Acequias neighbors, they asked that the Commission look closely at all of the issues, but support the project. Growth is inevitable and the city needs affordable housing on the south side. The placement, because of the access points of streets, is perfect.

Mr. Rick Padilla #4 Camino de la Baca was sworn. Mr. Padilla said as a former Commissioner with the Civic Housing Authority of Santa Fe, he wanted to read a letter into public record from Edward Romero, the Executive Director of Santa Fe Civic Housing Authority.

The letter is addressed to the Planning Commission and the City Council of Santa Fe:

*Dear City of Santa Fe Officials: I write this letter in support of the proposed applications to create the zoning necessary for an apartment community near NM 599 and S. Meadows Rd. I am unable to attend the Planning Commission meeting, but I hope to share my thoughts about the state of apartment housing, or lack thereof, in Santa Fe.*

*As the Director of the Santa Fe Civic Housing Authority since 2003 I have become acutely familiar with the shortage of home and apartment rental units in both the affordable and market arenas. It is my opinion (backed by the City Affordable Housing Plan) that the need for a significant increase in market and affordable rental units is required to meet current demand.*

*While the Authority's operations center on affordable rental units, I believe we will continue to see the erosion of the affordable supply as landlords convert stock to take advantage of that demand. I further believe that newer units and those in more desirable areas will convert to market, further reducing the "choices" that our low-income clients have to live in areas where schools, jobs and transportation better meet their needs. I believe this project is an opportunity to slow that erosion down as we struggle to find ways to keep employment opportunities and families in Santa Fe.*

*Thank you very much, sincerely Ed Romero, Executive Director, Santa Fe Civic Housing Authority.*

Mr. Padilla said on a personal note and fifth generation Santa Fean, he has seen more than his share of family and friends that have to leave Santa Fe because they cannot afford to live here. He supports the project, as he would support anything that helps alleviate the shortage of affordable housing in Santa Fe.

Mr. Paul Gonzales 4513 Cedar Crest Circle Santa Fe was sworn. Mr. Gonzales said he is a father of 5 boys. His oldest works in Santa Fe but lives in Albuquerque because he can't afford to live here. His youngest son went to school next to where the project will be and his wife owns 3 businesses close to the area. He comes through the area and lives in the area and is in strong support of the project. He hoped the Commission will be too.

He said lastly, he has known Mr. Garcia for close to 40 years and he is a good man and it is easy to support a project like this with Mr. Garcia.

Commissioner Anna Hansen 2008 Kiva Road, Santa Fe was sworn. She said she just came from the Historic Santa Fe Association Awards. Santa Fe just received a *Sense of Place* award from National Geographic for respecting their authentic area. She is concerned because her constituents, some for and some against have asked her to represent the historic Village of Agua Fria. She considers the Village an important place in the community. It is over 400 years old and the bread basket of Santa Fe and without them Santa Fe would not be here. It was the first resting place.

She said the community is concerned as is she that there is no plan for all of the annexation. The reason Agua Fria decided not to be part of the city, is because they want autonomy about their lives. The county point of view is to create a plan and work with citizens and listen to them. The area was newly annexed in 2014 and has no plan. City Council had a resolution to develop a plan for the newly annexed areas. One plan, the West Santa Fe River Corridor has been before the Commission and needs work, but should not be ignored.

The process of the county is to bring the parties together and they all work to listen to the neighborhood. The people have expressed that they do not want to be in the city, but were annexed anyway and areas all around the location is county property and the roads will affect those residents. She asked and who will pay for those roads.

Ms. Hansen said in January she invited the City Council to join the County Commissioners to work on the plans together and they have set a date for June 15 to meet and she is looking forward to a dialogue with her contemporaries in the governing body.

Ms. Hansen said she wants a plan for the area and does not want an apartment row; they already have 240 apartments. The plan for years was for single-family homes, which is desperately needed. She said the area around the project should be about 140 single-family homes- possibly 150 and they need to consider that and respect the citizens. She supports local developers and wants them to build in Santa Fe, but not at a cost of the community that has been asking for a plan and for interaction.

Another issue she has is that affordable housing would be completely taken out of the project. They would move to another area and create a ghetto somewhere else for affordable housing, building low housing that does not mix with the existing housing. It is important for people of modest means to be able to live among those who have more money and for the children to have a role model beyond how they live. Also, the apartments would be $850-$1300 market rate. That is not affordable housing.

Ms. Hansen said she serves on the River Commission for the city as a city resident and is the only County Commissioner living in the city. The River runs by the property and is a greenway and she wants that Greenway Plan respected as an extremely important part of the southern community.

The project needs to be reduced in scale and the zoning is too high. She reminded the Commission that 599 was built as a nuclear highway so WIPP trucks would not drive down St. Francis Drive and expose citizens to high levels of radioactive waste. Los Alamos was supposed to clean that up and has not. She prays it will happen in her lifetime, but could not promise that and will continue to fight for that.

Ms. Hansen said traffic is an issue. The School at El Camino Real was built for children of Agua Fria Village School, which was closed. They were promised another school and are now past capacity and now they want to build an apartment row section of South Meadows, with the Gerhardt apartments across the street.

She asked what about single-family housing that backs up to the rest of the neighborhood. It would be more in harmony with the community and still allow for a small commercial center with a rural nature. She said she is not opposed to local development and understands the need for support but is requesting single-family homes, or less density.

Ms. Hansen said when talking about bus service they need to think about transportation. A big concern is that the Village of Agua Fria has a few bus stops but there is not one shelter and the rest of the city has shelters. The Village is in the county and the city does not want to provide the bus shelters.

She said López Lane is a cross traffic area and there is no bus service across the roads and down South Meadows. The roads are congested and are failed intersections and those things are important to consider when putting in over 700 units with 1,400 more cars. Those cars will go onto county roads that are maintained by the County.

Ms. Hansen asked the Commission to consider single-family homes, 140 units and lower density zoning.

There were no other speakers from the public and the Public Hearing portion of the meeting was closed.

Chair Kadlubek thanked everyone. He asked if someone from City Housing was available to answer questions.

Ms. Margaret Ambrosino, Housing Planner, Office of Affordable Housing came forward.

Chair Kadlubek asked her thoughts on fees in lieu of, and how those would support affordable housing in the city. And if it does not, to give her perspective if there is one over the other that better addresses the issues of affordable housing in Santa Fe.

Ms. Ambrosino said there were good points brought up tonight about providing affordable housing at the percentage required by the Santa Fe Homes Program when the housing proposal is approved. She thought both the community and the office of Affordable Housing preferred to have that percentage of units built, opposed to providing a fee in lieu of.

Her understanding is that mixed income housing is the preferred option and that developers are required to demonstrate if they have a financial hardship in meeting the percentage and alternatively pay the fee in lieu. Those fees go into the Affordable Housing Trust Fund to provide rental assistance. They have primarily seen the fund used to provide down payment assistance for new homeowners up to 120% of the area median income. The funds are administered through the nonprofit housing service providers.

Chair Kadlubek asked if she had updates of the report on the current inventory shortage of rental housing units and what her department used.

Ms. Ambrosino said the AHP (Affordable Housing Plan) recently referenced the shortage of rental units of all tiers affordability to market rate. The number of unit shortage is an aggregate between 2800 and 3000 units in the city. There isn't just a shortage of affordable units, there is market rate. Any apartment development would alleviate that pressure. There is analysis of how that percentage would increase and the situation will continue to get worse in the future.

Chair Kadlubek said the Commission has done a good job of approving new rental units and the number they have approved was a great improvement from the prior years. He recalled in 2013 approval of about 100 units and another 120 units approved in 2014. He wanted a reference point of what a 2800-unit shortage meant in relation to the number of units being approved annually.

Mr. Smith explained that roughly 500 multifamily units had been approved in various projects including a 90-unit affordable project in Las Soleras. An inventory of land zoned or master planned multifamily units, has been generated but the numbers have not been updated in mixed-use tracts. It includes the Re-Mike Initiative or the Santa Fe Link Initiative. Approximately land is zoned or master planned to support about 2000 to 2500 multifamily large-scale apartment projects if every tract of available land in the city was built out. The 500 units spanned 2.5 to 3 years.

Chair Kadlubeck calculated at the current rate of 500 units every two years, the city at the current rate is behind 12 years without taking the next 12 years of growth into consideration. He said he is having a hard time with the case and wants everyone to understand that.

Chair Kadlubeck asked if there were other issues on the housing. There were none.

Chair Kadlubek asked Mr. John Romero to address how the city would address the failure of South Meadows and Agua Fria Road and the status currently.

Mr. Romero explained the intersection was created without left turn lanes when the county constructed the South Meadows extension to 599 and when the school was built it changed traffic patterns. The city has programmed money for upgrades of the intersection for the upcoming fiscal year. The construction funding is programmed in the following fiscal year and the intersection should be upgraded by the time the project is occupied.

He explained that the Gerhardt project did not have to be approved and the city anticipates 100% funding and once the Gerhardt project comes in they will reimburse their portion. There are two funding mechanisms and one is impact fees. Gerhardt would give the city a onetime payment based on the number of dwelling units in the complex instead of paying impact fees and that will go directly to the intersection.

Mr. Garcia's project will also contribute a percentage of what they would contribution to traffic for the intersection of about 4% of the total project costs in addition to their impact fees.

Chair Kadlubek asked if there are other failures along Agua Fria.

Mr. Romero said currently the city is upgrading an intersection west of Agua Fria at Cottonwood because of safety. There had been a lot of crashes at there and federal safety funds were acquired and construction should start next summer. Also at Lopez and Agua Fria is another area, but he did not have information from the study standpoint.

Chair Kadlubek asked about South Meadows and if the street was meant to be a heavily trafficked commercial road.

Mr. Romero said South Meadows is classified as an arterial and is anticipated to accommodate surrounding development, as well as a connection into the city. Roundabouts were built to sustain future growth. The road and interchange was constructed for that and if the DOT had intended the Relief Route solely as a bypass, they would not have constructed access points. The document that was part of the

original 599 study specifically states all interstates were intended to serve access not only into the city, but for surrounding developments. The recent corridor study by the DOT also confirms that.

Commissioner Greene said Ms. Montoya had mentioned a request to include a connection from South Meadows through properties to the east. He asked the logic of that.

Mr. Romero said it was just to comply with code which requires a connection every 1000 feet. His opinion was that the connection would not serve a huge purpose and the existing infrastructure would be enough to sustain both proposed and future growth.

Commissioner Greene thought it appeared to be over 3000 feet and more than one connection would be needed.

Mr. Romero said that could be for the whole distance of South Meadows, but for this development, it was in compliance. He thought that portion of the code did not apply all the time and she be amended. Some situations the connectivity would apply and others it does not and in this area, it is not needed.

Commissioner Greene said he once saw a bridge from South Meadows to Agua Fria. He asked when that was removed or decided it was not needed.

Mr. Romero said it was in the plan and from Agua Fria to the bypass was removed about two revisions ago. The portion from Rufina to Agua Fria is still in the MPO Master Transportation Plan. Traffic modeling indicated another river crossing was not needed.

Commissioner Greene asked now that schools have been built if that changed the issue.

Mr. Romero did not think so because it was removed because of the construction of the Siler Road crossing. Traffic projections at South Meadows and current traffic patterns show the improvements to that intersection would be enough.

Commissioner Greene asked about a connection from Lopez to South Meadows through to the park or a secondary route.

Mr. Romero explained a proposed ROW in this development would provide that, but he could not see the benefit. He said to get on toward Lopez it would have to go through several private properties as well as Park property.

Commissioner Greene said a criterion is this should not profit just one person. He asked with the concern of the neighbors directly adjacent and whether they want to go to R-21 zoning, what kind of actions and offerings would be given to people east on Hernandez to the county line.

Ms. Montoya said the answer is complicated and Hernandez Lane is part of the subject's property. People have moved onto Mr. Garcia's property and have been living there without paying for the land or the taxes. As part of the development design, Mr. Garcia would deed a portion of the property being lived on and provide them water, sewer and access.

She explained as part of the East-West the plan was to comply with code, stopping at the east property line in the event it was ever needed. There is a question on how many east-west the code requires. The developer has frontage along South Meadows for about 1000 feet from the roundabout on 599 to the south end of the parcel where the southernmost driveway access is with the rest belonging to BLM. That would satisfy the code but they are not married to building, it if is not wanted.

Commissioner Greene said he wants more pedestrian. He was worried more about those paying their taxes and living next to the property for generations. When rezoning benefits a single owner and that should be offered to the neighbors who could benefit from up zoning so they could subdivide their property and benefit also.

Commissioner Greene said he found it lacking that the neighbors were not getting the upside the client was getting.

Ms. Montoya said they are bringing water and sewer and if they decided to develop their properties to a higher density that would save them money not to have to extend those all the way from South Meadows. Also, they could access off a city dedicated East-West ROW, so that is three ways to benefit neighbors if they desire to develop at higher densities.

Mr. Smith said a point of order is that in the staff report the Commission is voting on a rezoning and General Plan and a general finding that infrastructure is adequate or can be made adequate. A more detailed review could be done once the Commission votes on a development plan.

He said Staff's, the Traffic Engineer and the Land Use Department have all recommended there is sufficient information for a general finding that the infrastructure, roads and utilities is, or will be made adequate to support the type of development proposed.

Mr. Smith said not to dismiss or minimize the concerns of the neighbors or the Commissioners regarding those details; he just wanted to remind them they are working at a more general level tonight.

Commissioner Greene said he was trying to find a way to buffer the neighbors and create a sense of place and move forward in a way that if up against R-2 and a proposal of R-21, there could be a 100-foot buffer. There could be within the 20 acres one portion that is R-21 and a portion of R-5 and along the river it may not be appropriate to put R-21 apartments. He was trying to secure some level of comfort for the neighbors.

Chair Kadlubek said he found it difficult not to think about what the development, especially with the promises made, as related to the type of development it would be. He reminded the Commissioners they could vote tonight and if they felt the information was not sufficient to protect the neighbors at R-2, they could vote against.

Commissioner Greene said he was just trying to get his vote to yes and get guarantees now.

Ms. Montoya explained that the property was also owned by Mr. Garcia - the R-2 Commissioner Greene referred to. The property is about 100 feet wide on the east side of the tract and goes all the way from López Lane almost to the river.

Commissioner Gutierrez asked if it is in the city or the county.

Ms. Montoya replied it is part of the city limits and the county line begins at the Agua Fria Traditional Village or the Romero Park. She pointed out on the map the portion owned by Mr. Garcia, the city limit and the Romero Park Master Plan boundary line.

Commissioner Greene said the Agua Fria Association and Mr. Mee are here and they received the guidelines for approval.

Mr. Greene said he wanted commitment on specific requests in the next step of the development plan; the pedestrian/equestrian trail linkage; community gardens along the river; a Plaza in the commercial center that could be used specifically for farmers. He said essentially that is building a downtown Agua Fria Village.

He thought the criteria was not unreasonable and was nice to see a neighborhood come forward that did not say "not in my backyard" and comes with proposals to do it right. He wondered if any of those conditions could be incorporated into the next level of design and the Commission could get consensus if the aspects of the plaza and trails etc. fit within the planning of the area traditionally.

Ms. Montoya explained that the document Commissioner Greene was looking at was Mr. Garcia's response to Agua Fria Village Association. They have already committed to those conditions of a one acre plaza, a community garden, etc.

Chair Kadlubek asked Staff the appropriate way to take the promises if a development plan comes forward and translate that from this case to the next.

Mr. Smith said the Land Use Staff had not reviewed the commitments in detail and some of the proposals could restrict property, but that was not before the Commission tonight. The Commission does not have authority over the commercial development.

In general, Staff advised the Commission to be careful about imposing conditions on a rezoning case. The City Attorney's Office has been clear in their direction that the Commission not restrict the number of units or otherwise the density, regarding a rezoning case.

The Commission has a reasonable degree of latitude to impose the conditions of approval when specific development proposals are in front of them. The property owner is free to enter into private agreements as they choose with property owners and concerned neighbors with the understanding that many of those would be beyond the Commission's scope to adopt as city ordinance that require city enforcement.

Chair Kadlubek said they are not adding conditions to the up zoning. He wanted to ensure the proposals in the packet for development on the tracts, commercial or residential, would be on record. This Commission or any future Commission, would know that the agreement was taken into account on how character and sub zoning and relationship to the neighbors was viewed.

Mr. Smith said in terms of absolute enforceability, the Commission could approve a different zoning category or density instead of R-21; there are 12 zones. Staff thought it unlikely that the neighborhood would allow the Commission to forget that is part of the record.

Chair Kadlubek asked the applicant he was asking for R-21 with 355 units, but the math turns out to 420 units, so why not ask for the zoning of what 355 units would be, which more like R-18 is.

Ms. Montoya said they are willing to if requested. They started with R-21 but after neighborhood negotiations brought that down to R-18.

Commissioner Gutierrez asked if there was an R-18 zoning.

Mr. Smith said after R-12 it jumps to R-21.

Commissioner Gutierrez confirmed the Commission would just make a recommendation to the Governing Body and then everything might change. He said looking at the benefit of one or two landowners at the expense of the surrounding, answer on #4 the traffic is an issue. He understood that could change. There is infrastructure and reference talk of a fire station and schools are already there. He was leaning toward approval as presented.

Commissioner Abeyta said he is very familiar with the property and the area. The property could have been in the Traditional Village of Agua Fria, but was left out and it could have stayed in the county, but it was brought into the city. Piñon Hills assurance was that the boundary would stay at 599 and everything south of that would be within the city. Agua Fria assurance was the boundary they were given.

He said for him this is the logical next step, taking into account the northern portion was zoned commercial, in the development of this property and the property to the west of it. He supports the proposal, especially given the housing crisis with not only affordable, but market housing. That was why this was left outside of the Village and the County and brought into the City so they would have an area to accommodate future growth.

Commissioner Hochberg said he has been on the Commission over a year and has never voted against affordable housing, or housing period. He is aware of the dire need and the impact on the economy if the city does not have it and those suffering by long commutes that would be unnecessary if given affordable housing.

He always has always voted yes even when he had doubts and is very impressed with the presentation. The developer's assistant has been in tune with what has been expressed in the ENN meetings. He also is cognizant that the developer should not be punished because of other large developments that had been approved by the Commission.

Commissioner Hochberg said looking at their proposal, it is too big and an overreach to go to R-21. There is a unique area in Agua Fria and people had broken into tears when thinking about what would happen to their community. He suggested being careful because once they tamper with that they would not be able to back.

He agreed the existing zoning is too cramped and they have to be willing to expand hopefully without destroying the adjacent, which is unique to Santa Fe. He loved Commissioner Greene's idea but the Commission must vote either yes or no and he is not prepared to vote yes on R-21. He said if they come back with something sensible he would be the first to vote yes.

Commissioner Hochberg said for the record even if everyone else voted yes, he would vote no and his remarks would be in the minutes for the governing body.

Chair Kadlubek noted that the Commission could also vote for a different density.

Commissioner Hochberg replied the density would go down to R-12 and he was not sure that was viable and the density at R-21 was too much.

Commissioner Propst said this comes down to criteria 3 or 4 and she was leaning narrowly on voting yes because the need for housing is real and immediate. She would expect something more measured if it moves forward to the development plan phase. There is still a lot of work to do.

Chair Kadlubek responding to comments in public testimony. He cautioned the community to be careful of labeling the type of people who would move into the development. There are many who live in poverty or need affordable housing; it is not "a type of people". Also, it is disrespectful to call affordable housing a ghetto and those living in affordable housing do not deserve the title.

He said of course he wants more affordable housing. He has 150 employees, many are packed into houses and some commuting and it is an issue. However, he did not necessarily want the housing to be next to a gas station on an interstate and preferred that it be in the middle of town or sites like St. Mikes where a Midtown plan has been approved for high-density housing. He said St. Mike's and Siler / Rufina areas are great zones and would not have a lot of pushback.

Chair Kadlubek said they don't have the luxury of saying where this should be located and the Commission is leveraged against this because of the data. He recommended those opposed show support for other projects in areas such as St. Mike's and Siler so rural areas would not be the only places for high density housing.

Commissioner Gutierrez asked Mr. Smith the process for Mr. Garcia to put up apartments on the front property zoned commercial.

Mr. Smith said within a C-2 district it could function as a mixed use with no maximum density. The property owner could come before the Commission with a reasonable development plan for a reasonable number of units on the property and if over 10,000 ft.$^2$ would trigger the need for Commission approval.

There are standards required on setback, height limits, etc. but not for a special use finding for density.

Action of the Commission

Chair Kadlubek reminded the Commission there are two motions and two cases; one a general plan amendment and the other is a rezoning.

The general plan amendment brings from low density (3 to 7) dwellings per acre to high density (12-29) dwellings per acre. The low end of high density is R-12 and if Commissioners felt that suitable, but R-21 is not, they could still support the general plan amendment and the decision as to R-12 or more would be made in the rezoning.

Mr. Smith said there is an intermediate category in the general plan land use map and a medium density range of 7 to 12 units per acre with 12 at the high-end.

**Commissioner Abeyta moved for approval of Case #2017-19 as presented. Commissioner Gutierrez seconded the motion.**

**The motion resulted in a tie roll call vote with Commissioner Greene, Commissioner Hiatt, and Commissioner Hochberg voting against and Commissioner Gutierrez, Commissioner Propst and Commissioner Abeyta voting in the affirmative (3-3).**

Commissioner Hiatt said to Mr. Garcia that the project was just too big and the traffic is horrible. He said if the proposal comes back with reduced density he would support it.

Commissioner Greene agreed. He said if there were more details to comfort those adjacent and the neighborhood he would be in favor, but there were too many unknowns and it is too dense at this point.

**Chair Kadlubek said his recommendation to the Governing Body on the general plan amendment would be yes for 12-29 dwellings and he would recommend approval. The motion passed by majority vote (4-3)**

He did not know if that was too big, but a cap of 7-12 units too small.

Mr. Smith confirmed that the Commission meeting minutes would include the vote as part of the record forwarded to the governing body.

**Commissioner Abeyta moved in Case #2017-20 to change rezoning from R-1 to R-21 with Staff's recommended conditions and technical corrections as listed in Exhibit A. Commissioner Propst seconded the motion for discussion.**

Commissioner Abeyta said he thought that many of the details could be worked out.

**A roll call vote indicated the motion failed by (2-4) voice vote with Commissioners Greene, Hiatt, Gutierrez and Hochberg voting against. Commissioners Propst and Commissioner Abeyta voted in favor.**

Mr. Smith said Staff suggests, although not required under Roberts Rules, it would be clearer for the Commission when voting affirmatively to deny the rezoning with findings attached to the recommendation, opposed to failing to make findings.

Chair Kadlubek asked if a motion to recommend R-12 could be introduced.

**Commissioner Hiatt moved to approve a recommendation of R-12 rezoning with the same conditions and technical corrections. Commissioner Gutierrez seconded the motion.**

Commissioner Greene asked to add a friendly amendment recommendation to include a buffer along the river of only single-story buildings and embed a public open space park in the development plan.

Mr. Shandler said they have discussed that for rezoning, the motion may not have those conditions.

Commissioner Hiatt did not accept the friendly amendment.

**The motion passed by a majority roll call vote with Commissioner Hiatt, Commissioner Probst, Commissioner Gutierrez, Commissioner Abeyta and Commissioner Hochberg in favor of the motion (5-1). Commissioner Greene voted against.**

*The Commission took a recess from 9:52 p.m. until 9:59 p.m.*

6. **Case #2017-22. 185 Brownell Howland Lot Split and Variance.** James Siebert and Associates, agent for Debra Lyons, requests a lot split of 7.45± acres into two lots (Tract A-1B: 3.00± acres Tract A-1B-2: 4.45± acres). The request includes variances to Table 14-9.2-1 Design Criteria for Street Types and Subsection 14-9.2.D Access and Traffic Calming. The property is Zoned R1 (Residential, one dwelling unit per acre) and is located within the Escarpment Overlay District and within the Mountainous and Difficult Terrain Overlay. (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the staff report. A copy of the report is available at the city's website. Mr. Esquibel noted Staff's view had not changed from the previous variance in the area with respect to why they support a variance. The difference here is the acreage and location and that there was opposition; however, the applicant and neighbors were brought together and came to an agreement and based on the meeting there are conditions (Exhibit A in the packet) that was agreed to by the applicant.

Staff recommends approval of the variance with the conditions and approval of the lot split.

Mr. Esquibel stood for questions.

Questions to Staff

There were no questions to Staff.

Applicant's Presentation

Mr. Siebert (previously sworn) said he had a handout of a 1935 photograph. Brownell Howland Road and the water line have existed since 1935 and is a rural area. The request is one additional lot on a 7½ acre lot that would create a 3-acre lot and a 4-acre lot. They have met with the neighbors who are in agreement with all of the conditions provided in the Staff Report.

Mr. Siebert stood for questions.

Public Comment

Mr. Jay Feltz, 175 Brownell Howland was sworn. He said there were not many of his neighbors present tonight. He is at the boundary line of the lot change and at first had many misgivings because it drastically changed their lot and the reasons they love the neighborhood and chose to live there.

The City Staff and neighbors and everyone they met in the meetings had been great. He thought if all of the conditions added and agreed to by the applicant are made and the neighborhood finds them acceptable, although not ideal, then everything and everyone was good with the agreement.

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

Action of the Commission

Commissioner Greene said the neighbors did a good job and that is needed on every project; for everyone to sit down and find a solution that works for everyone, even though it is not perfect. He said saying "no" sometimes gets them a worse solution.

Mr. Shandler pointed out there are two separate motions.

**Commissioner Propst moved in Case #2017-22, to approve the requested variances to table 14-9.2-1 Design Criteria for Street Types and subsection 14-9.2.d Access and Traffic Calming. Commissioner Greene seconded the motion and the motion passed by unanimous voice vote. Commissioner Hochberg was not present for the vote.**

**Commissioner Propst moved in Case #2017-22, to approve the proposed lot split to create Tract A1, B1 and Tract A1, B2 subject to the conditions of approval and technical corrections**

**recommended by staff in Exhibit A. Commissioner Greene seconded the motion, which passed by unanimous voice vote.**

7. **Case #2017-24. 3501 Cerrillos Rd Special Use Permit and Development Plan.** James Siebert and Associates, Agent for Sujay Kumar Thakur, requests a Special Use Permit and Development Plan to permit Climate Controlled Storage Facilities within 32,072 square feet. The proposal includes 10,885 square feet of new construction. The property is a 1.27+/- acre tract zoned C-2 (General Commercial) and located within Zone Three of the Cerrillos Road Highway Corridor (zone 3) Overlay District. (Dan Esquibel, Case Manager)

This item was removed from the agenda.

8. **Case #2017-29. 527 Camino Tierra Alta Building Permit Appeal** of Elizabeth Houck from the March 27, 2017, Decision of the Land Use Department to Issue Building Permit No. 17-604 at 527 Camino Tierra Alta. (Zachary Shandler, Case Manager)

Commissioner Hiatt recused himself from this case and left the room

**Commissioner Abeyta moved to postpone Case # 2017-29 to June 8, 2017 while the parties work on a settlement agreement. Commissioner Propst seconded the motion, which passed by majority voice vote. Commissioner Hiatt was recused.**

Commissioner Hiatt returned to the bench after the vote was taken.

## G. STAFF COMMUNICATIONS

Mr. Smith noted the next scheduled Planning Commission meeting is June 8, 2017 and four cases are scheduled. The Summary Committee had been canceled for that night and no cases are proposed for action.

The next scheduled Planning Commission meeting is July 6, 2017 and is into the vacation season. Any advance notice that Commissioners could provide to Staff and the Chair regarding availability for the future meetings would be helpful. Staff anticipates possibly having a heavy agenda in July, but cannot be certain for a couple of weeks.

9. **Case #2015-47. 455 St. Michaels Drive Christus St. Vincent Regional Medical Center Master Plan Amendment.** Review of progress and compliance with master plan conditions of approval. (Dan Esquibel, Case Manager)

Mr. Esquibel said a condition of approval required them to return within a year. Staff has been

monitoring the progress. To meet a required City Council condition that all conditions must be in place before receiving a Certificate of Occupancy, Staff will track everything to ensure all conditions are complied with and the applicant could receive their C/O and conduct business. The applicant had provided a full list with the targeted dates of completion.

Mr. Esquibel suggested the applicant and contractor be allowed to continue at this point and could answer any questions on their schedules.

Mr. Carticello with WHR Architects was sworn. He said about 70% of the new bed unit is complete and they are progressing with the conditions of approval with a significant portion completed, and others pending completion are scheduled to be completed.

He said they have been in communication with city staff and will continue that and look to complete the project by late September or early October. They came today to ensure they are on the same page and to answer any questions.

Mr. Esquibel said there was a second component of the meetings held for the hospital and a large part was the neighborhood and the neighborhood had asked if possible to provide feedback. The hospital and the neighborhood have been talking and have worked things out. The former CEO is no longer at St. Vincent's however Rick Carboni was present to represent the hospital.

Chair Kadlubeck said they would hear from the neighbors.

Mr. Lawrence Bartie, 202 West Lupita Road, Santa Fe was sworn. He said things had been contentious during the proceedings on the hospital, but have worked out and the conditions established were needed to take care of the neighborhood concerns. The neighborhood would like an opportunity at this point to have input should a condition not be met and to discuss that. They would like staff to notify them when certain stages have been reached so they would have an opportunity to talk with the hospital. There may be no problems, but they want some assurance.

Commissioner Propst confirmed their request was to have a formal check in with staff.

Mr. Esquibel said the LUD usually requires him to work with both the applicant and the neighborhood. He has been successful in bridging gaps of what is necessary and what is reasonable and how both parties could work together to get a win-win solution. They have been pretty successful.

He thought the neighborhood had always been in contact with the hospital and he is in contact with both the hospital and the neighborhood and if something goes wrong and he has the jurisdiction they try to work everything out to meet all of the goals and approvals given by the Commission and adopted by City Council. The process is ongoing and requires continual communication.

Chair Kadlubek asked if Mr. Esquibel had the same check-in with City Council, etc. on the conditions.

Mr. Esquibel replied the condition requires them only to come to the Planning Commission. The review basically looks at the progress to ensure the Commission knows they are complying with the conditions of

approval granted. There were two meetings that went until midnight that were highly contentious and staff is ensuring both sides work together to meet the conditions and goals.

Mr. Smith said staff's understanding was the Commission's intent, reinforced by the City Council concerns about the master plan conditions from 2008, had been neglected and not enforced. The developer is now making satisfactory progress with regard to the master plan conditions as required. Staff will continue to work with the neighbors and the developer to ensure continued compliance.

Commissioner Greene asked if the water tank that was to be rebuilt was taken care of simultaneously.

Mr. Carticello said that is Tract D and is in an undeveloped area and the hospital has been given access. Construction is still underway and he was not sure the date for completion, but thought it would go beyond the October 1, completion date.

## H. MATTERS FROM THE COMMISSION

Commissioner Greene said they are working on a revision of the General Plan. He confirmed the chair would be there.

He brought this up to BTAC and two other City Councilors who were unaware of the issue. The budget does not have much for the revision of the General Plan. He recommended they talk to their Councilors to let them know the Commission is working on this and hopes to have something to present in about six months. He added that other committees in town are interested. BTAC is interested and wants the Commission at a planning and land use level, to look at things more granular.

Commissioner Propst said she would be out July 6, 2017.

## I. ADJOURNMENT

Adjourned at 10:20 p.m.

Approved by:

Vince Kadlubek, Chair

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.