



AMENDED

PLANNING COMMISSION
Thursday, July 5, 2018 - 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: June 7, 2018

FINDINGS/CONCLUSIONS:

Case #2018-45. Boies Station Condos at the Railyard Development Plan.

Case #2018-46. Acequia Lofts Development Plan.

E. OLD BUSINESS

1. **Case #2018-33. 5651 Rufina Final Subdivision.** Dolores Vigil of Liaison Planning Services, Inc., Agent for Patral Enterprises, L.L.C, Owner, requests approval of a Final Subdivision Plat for six single-family lots located at 5651 Rufina Street. The property is approximately 3.34 acres and is zoned R-2 (Residential- two dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager) **(POSTPONED FROM MAY 3, 2018 AND JUNE 21, 2018)**
2. **Case #2018-34. 5670 Rufina Street Preliminary Subdivision (Rael Subdivision).** Dolores Vigil of Liaison Planning Services, Inc., Agent for Louie and Mary Lou Rael, Owners, requests approval of a Preliminary Subdivision Plat for eight single-family lots located at 5670 Rufina Street. The property is approximately 2.984 acres and is zoned R-3(Residential- three dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager) **(POSTPONED FROM MAY 3, 2018) (TO BE POSTPONED)**

F. NEW BUSINESS

1. **Case #2018-48. Las Soleras Lot 11-B General Plan Amendment.** James Siebert and Associates, Inc., Agent, for Las Soleras Center, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 13.24 acres from Transitional Mixed Use to High Density Residential. The property is known as Lot 11-B of the Las Soleras Master Plan and is located at the intersection of Beckner Road and Rail Runner Road. (Dan Esquibel, Case Manager)

2. **Case #2018-49. Las Soleras Lot 11-B Rezoning.** James Siebert and Associates, Inc., Agent, for Las Soleras Center, LLC, Owner, requests rezoning for approximately 13.24 acres from MU (Mixed Use) to R-21 (Residential-Twenty One Dwelling Units Per Acre). The property is known as Lot 11-B of the Las Soleras Master Plan and is located at the intersection of Beckner Road and Rail Runner Road. (Dan Esquibel, Case Manager)
3. **Case #2018-50. Las Soleras Master Plan Amendment.** James Siebert and Associates, Inc., Agent, for Las Soleras Oeste, LTD, Santa Fe Housing Trust, and Las Soleras Center LLC, Owners, request a Master Plan Amendment from the 2016 Amended Master Plan, to change the zoning MU (Mixed Use) to R-21 (Residential-Twenty One Dwelling Units Per Acre) and a reduction in the 90 foot Utility, Access, and Trail Corridor to 45 feet. The property is located between Governor Miles and Interstate 25 and Cerrillos Road and Richards Avenue. (Dan Esquibel, Case Manager)
4. **Case #2018-51. Las Soleras Lots 9A-2 and 11-B Lot Line Adjustment and Vacation of 50 foot PNM Easement.** James Siebert and Associates, Inc. Agent, for Las Soleras Center, LLC, Owner, requests a Lot line Adjustment between Lot 9A-2 (15.39+/- acres) and Lot 11-B (13.24+/- acres), adding 0.58 +/- acres to Lot 9A-2 (15.97 +/- acres) from Lot 11-B (12.66 +/- acres). This request also includes a vacation of 50 foot PNM easement running Northwest between Lots 9A-2 and 11-B. The property is located at the intersection of Beckner road and Rail Runner Road. (Dan Esquibel, Case Manager)
5. **Case #2018-58. Madera Apartments Development Plan.** Monica Montoya, Agent, for Carlos Garcia of Don Juan's Land, LLC, Owner, requests approval of a Development Plan for a 355-unit multi-family development on approximately 19.99 acres. The proposed development will be in 2 Phases; Phase 1 consisting of 164 units and Phase 2 consisting of 191 units. The property is zoned R-21 (Residential- Twenty one dwelling units per acre) and is located at 2525 South Meadows Road. (Donna Wynant, AICP, Case Manager)
6. *Approval of a Planning Commission position and formal recommendation that the Land Use Director in collaboration with staff prioritize and resolve certain issues related to land use (Commissioners Faulkner and Kapin)*

G. STAFF COMMUNICATIONS

H. MATTERS FROM THE COMMISSION

I. ADJOURNMENT

NOTES:

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



Agenda

DATE 6/14/18 TIME 2:30

NOTED BY Gertrude Quintero

PREPARED BY J-SSSSQ

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SUMMARY INDEX
PLANNING COMMISSION

July 5, 2018

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PLANNING COMMISSION
Thursday, July 5, 2018
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 Commissioner Jack Hiatt, Chair, 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 John B. Hiatt, Chair
Commissioner Sarah Cottrell Propst, Vice-Chair
Commissioner Pilar Faulkner, Secretary
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Stephen Hochberg
Commissioner Piper Kapin

Members Absent/Excused

Commissioner Mark Hogan [excused]
[One vacancy]

Others Present:

Mr. Richard Word, Assistant City Attorney
Ms. Margaret Ambrosino, Planner Senior
Mr. Noah Berke, Current Planning Division Manager & Staff Liaison
Mr. Greg Smith, Current Planning Director
Mr. Dan Esquibel, 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 and available on the City's web site.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Chair Hiatt noted that the Assistant City Attorney had advised him that the Findings of Fact and Conclusions of Law were not ready to be considered by the Commission at this meeting and are postponed to the next meeting.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Kapin, to approve the agenda as amended.

VOTE: The motion passed on a voice vote with Commissioners Garcia, Gutierrez, Hochberg, Hogan, Kapin and Propst voting in the affirmative and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT MINUTES

1. Minutes: June 7, 2018

Commissioner Kapin had minor changes that she will give to the stenographer.

MOTION: Commissioner Hochberg moved, seconded by Commissioner Faulkner, to approve the minutes of June 7, 2018 as amended.

VOTE: The motion passed on a voice vote with Commissioners Garcia, Gutierrez, Hochberg, Hogan, Kapin and Propst voting in the affirmative and none voting against.

2. Findings of Fact and Conclusions of Law:

Case #2018-45. 5651 Boies Station Condos at the Railyard Development Plan.

Case #2018-46. Acequia Lofts Development Plan.

The Findings of Fact and Conclusions of Law were postponed under Approval of the Agenda.

E. OLD BUSINESS

- 1. Case #2018-33. 5651 Rufina Final Subdivision.** Dolores Vigil of Liaison Planning Services, Inc. Agent for Patral Enterprises, LLC, Owner, requests approval of a Final Subdivision Plat for six single-family lots located at 5651 Rufina Street. The property is approximately 3.34 acres and is zoned R-2 (Residential - two dwelling units per acre). (Margaret Ambrosino, AICP, Case manager) **(POSTPONED FROM MAY 3, 2018 AND JUNE 21, 2018)**

Ms. Ambrosino presented the Staff report. She said there had been considerable discussion with remaining Santa Fe Planning Commission

July 5, 2018

Page 2

issues and technical corrections and she provided an update in her Staff analysis. Many of the issues were the same.

Staff met with the Applicant after reviewing the May 3rd minutes and the audio recording of the Planning Commission meeting and has provided the Applicant with a detailed list of conditions and technical corrections specifically regarding landscaping on the lots. The Commission concerns were guest parking, accessory dwelling units, how the building envelope was delineated in relation to the footprint and the Applicant has worked diligently to address everything.

Ms. Ambrosino said there are eight conditions and Engineer, Matt O'Reilly after review and discussion of the Applicant's revisions provided additional conditions that are listed as technical corrections. Details are specified by page and written in his memo and email as conditions.

One condition carried over from the prior City Engineer was #1 - to address and finalize the maintenance responsibilities for roadway/storm water ponds and appurtenances. The Applicant worked with an attorney to develop a roadway agreement and restrictive covenants to address concerns regarding the accessory units, which they propose to restrict to one unit per property; for one home and garage; and additional guest parking as well as an easement agreement.

The owner of this property also owns the property fronting Agua Fria, which provides an emergency access easement that can be finalized.

Staff's biggest concern was for buyers to be able to maintain the drainage, appurtenances, bar ditch and ponding, etc. and now believes that the Applicant has satisfied that condition. Minor clarifications and adjustments still need to be done and will be finalized as an exhibit should the Commission approve the final subdivision.

Joe Barela, the current interim engineer reviewed the agreements and agreed the concerns were addressed with some minor corrections. The Applicant answered all five subdivision criteria and several conditions when the Commission last heard the report are now met.

Staff recommends approval. The motion is open to the Commission to approve or deny based on the concerns that have been addressed.

Chair Hiatt thanked Staff for making an effort to understand the Commission's discussion and what was done at the last meeting. He asked Ms. Ambrosino if the three documents and the additional information is satisfactory to Staff.

Ms. Ambrosino replied they are satisfactory with minor clarifications.

Chair Hiatt confirmed with Mr. Berke that a public hearing would not be needed.

Ms. Dolores Vigil with Liaison Planning Services at PO Box 1835 Santa Fe was sworn.

Ms. Vigil stated the subdivision is envisioned as a quality, affordable housing development and will provide

at least six lots and that are different than in other subdivisions and allows manufactured and stick-built homes and provides an option for the City and the residents. The vision is the subdivision will provide quality of life in the SWAP. Open space is not provided because the lots are quite large, but the Applicant has worked diligently with Staff to ensure the lots would accommodate manufactured/stick-built homes and provide open space and meet all requirements.

A parking area in back of each unit has been designated and minimum landscaping is proposed. The placement of the homes on the area will designate where ponding and trees would be located.

Ms. Vigil explained before the Commission for their review are the restrictive covenants and easements and she noted the existing conditions of change. The construction trailer and equipment have been removed and the land is vacant and an irrevocable offer to dedicate the access and utilities will be recorded with the final plat.

The Applicant will conform with the remaining correction regarding easement clarification for ponds and that will be reflected in the road maintenance agreement.

The subdivision meets all City design standards on criterion #2 and provides health by providing housing and the preservation of open space, a 5-foot walking trail as requested by Commissioner Hogan, and emergency access and a private driveway easement with no through traffic allowed. The subdivision will provide utilities not previously provided and some landscaping.

The Applicant has designed the project to allow stick-built and manufactured homes that meet City requirements and HUD standards and the criteria in the Land Use map and SW Area Plan by providing residential density that promotes diversity, affordable housing, open space and community identity.

The Applicant exceeded requirements by providing a 5-foot walking trail and purchased property to the north for emergency/utility access as well as created covenant/maintenance agreements that includes limiting the number of units to one-family affordable residences and the type of animals allowed. Signage will be designated for no parking in easements, fire turnarounds, and "no through traffic" at the front of the subdivision and there will be designated parking areas. The drainage ponds will be maintained to remove debris, the open space will be preserved and designated on the plat.

Ms. Vigil stood for questions and thanked the Commission for their consideration for the approval.

Commissioner Kapin asked to clarify that the landscaping and ponds would not be constructed until the home is on the property.

Ms. Vigil replied that was true because the size of the home will dictate the size of the pond and the owner will be responsible.

Commissioner Kapin asked Staff if the ponds would be inspected afterward.

Mr. Berke explained they are inspected as part of the conditions of approval and placement is indicated on

the plat.

Ms. Kapin asked Staff if appropriate for the technical corrections to be in both the conditions of approval and in a separate corrections page.

Ms. Ambrosino explained that was intentional and the redundancy was necessary.

MOTION: Commissioner Propst moved approval of the final subdivision plat subject to the recommended conditions of approval and all technical corrections as noted in Exhibit A. Commissioner Gutierrez seconded the motion.

VOTE: The motion to approve Case #2018-33 was approved by unanimous (6-0) roll call vote with all Commissioners voting in favor and none against.

2. **Case #2018-34. 5670 Rufina Street Preliminary Subdivision (Rael Subdivision).** Dolores Vigil of Liaison Planning Services, Inc., Agent for Louie and Mary Lou Rael, Owners, requests approval of a Preliminary Subdivision Plat for eight single-family lots located at 567 Rufina Street. The property is approximately 2.984 acres and is zoned R-3 (Residential - Three dwelling units per acre). (Margaret Ambrosino, AICP, Case Manager) (Postponed from May 3, 2018) (TO BE POSTPONED).

Mr. Berke explained the case was postponed because Staff thought they had not had enough time to produce the report. They plan to present the report in the first meeting in August.

Chair Hiatt explained they cannot go any faster than it takes for Staff and the Applicant to prepare everything for the Commission to consider.

F. NEW BUSINESS

1. **Case #2018-48. Las Soleras Lot 11-B General Plan Amendment.** James Siebert and Associates, Inc., Agent for Las Soleras Center, LLC, Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 13.24 acres from Transitional Mixed Use to High Density Residential. The property is known as Lot 11-B of the Las Soleras Master Plan and is located at the intersection of Beckner Road and Rail Runner Road. (Dan Esquibel, Case Manager).

Mr. Esquibel explained that the Staff report has combined projects 2018-48, 49, 50 and 51 and includes the Master Plan Amendment, General Plan Amendment, rezoning and a lot line adjustment with adjustments to easements within the Las Soleras area. The discussion will be about all of those as one project, but each individual project will be voted on.

Chair Hiatt thought Mr. Esquibel's mention of Mr. Seibert's representation of the Housing Trust was

Santa Fe Planning Commission July 5, 2018 Page 5

inaccurate.

Mr. Esquibel explained the Master Plan Amendment incorporates the entire Las Solaris development. The master developer does not own any of the lots and the development is still under the original Master Plan approved in the Las Soleras amendment and affects all who purchased lots within the Master Plan area.

Chair Hiatt addressed Mr. Word and stated he is on the board for the Housing Trust. He did not consider this is a conflict of interest but would excuse himself if Mr. Word or member of the Board thought it otherwise, but this is *not* a Housing Trust property.

Chair Hiatt said he talked with Mr. Esquibel earlier about that and also with Mr. Siebert in ex parte conversation having nothing to do with the merits of the application but whether he represented the Housing Trust. He does not.

Chair Hiatt said he has concluded he does not have a conflict of interest. He asked Mr. Word if he thought differently.

Mr. Word replied he did and it is a subjective determination if Chair Hiatt thought he could be fair and impartial in the matter.

Commissioner Hochberg inquired if Santa Fe Housing Trust is a nominal applicant in this, yes or no.

Mr. Word replied yes as part of an application.

Commissioner Hochberg recommended Chair Hiatt recuse himself.

Mr. Berke explained that part of the easement request required a lot line adjustment to adjust that on to the Housing Trust land. Part of the easement that would be smaller was at one point Housing Trust and a portion is still on the Housing Trust land and part of Tract 9-A1 where the Las Soleras Station housing plan is proposed. The La Rombla easement runs horizontal to that and part of the request is to adjust La Rombla which touches the Housing Trust property.

Mr. Jim Siebert at 915 Mercer, Santa Fe was sworn.

Mr. Seibert explained the actual relationship is peripheral and nothing is in the way of a property boundary or easement that has bearing on what is being considered tonight. The Housing Trust and this property will eventually share the sewer and water utility easements but there would be no adjustment of any easement or property boundary that has to do with the Las Soleras Station. They will just share utilities.

Commissioner Hochberg asked if Santa Fe Housing Trust would be more significantly impacted than the general community in this decision, yes or no and why Santa Fe Housing Trust is named.

Mr. Esquibel responded that a condition of approval would be recommended to control and mitigate dust

that affects all properties in the area. The Las Soleras Station would be affected as Mr. Berke stated, as part of the Las Soleras Master Plan and the overall Las Soleras amendment of the Master Plan as new owners.

Chair Hiatt addressed Commissioner Hochberg and stated he believed he could be fair and is not conflicted. He overruled Commissioner Hochberg's objection unless the Commission voted to overrule him.

Commissioner Hochberg withdrew his objection. He explained it is not a question of how Chair Hiatt feels however, it is how it would affect this case or another case they have not yet envisioned. There is no rule of necessity because they have enough to vote without Chair Hiatt.

Chair Hiatt replied he appreciated that.

He asked for Mr. Esquibel's report.

Mr. Esquibel said with regard to all of the captions, the Commission should recommend to the Governing Body approval of the request subject to recommendations and conditions of approval and technical corrections.

He cited the four motions required for the case to be recommended to the Governing Body:

- 1) To approve/deny the proposed Las Solaris Master Plan amendment to amend the existing General Plan future Land Use map designation for approximately 13.24 acres from transitional mixed use (MU) to high density residential and a reduction in 90-foot utility access trail corridor to 45 feet (the la Rombla previously discussed) subject to one additional conditional approval as outlined in Section 2 of the report recommendation
- 2) Recommendation that the Governing Body approve/deny the proposed General Plan amendment to amend the existing General Plan future Land Use designation for approximately 13.24 acres from traditional mixed-use to high density residential. No conditions of approval are appropriate for this case as it is a General Plan amendment.
- 3) Recommendation to the Governing Body to approve/deny the re-zoning request from mixed use to R21, one dwelling, 21 units per acre. No conditions of approval are recommended for this case as it is the zoning ordinance.
- 4) Recommend approve/deny the proposed lot line adjustment between Lot A 215.39 plus/ minus acres and Lot 11B 13.24 plus/minus acres being .58 plus or minus acres; to Lot 9-2 15.97 plus or minus acres from lot 11B 12.66 plus or minus acres and a vacation of a 50-foot PNM easement running northwest between lots 9-A2 and 11B. No conditions of approval are recommended for this case.

The conditions of approval are being recommended for the master plan and any technical requirements for any of the lot line adjustments, etc. A table has been placed that defines the Commission's authority within Chapter 14 as to final action opposed to what the Commission will be recommending to the Governing Body.

Mr. Esquibel noted he will add a 7th condition that was missed on page 6, three paragraphs down under the background information: *"The applicant will need to assess the regional park acreage appropriate*

to the number of dwellings proposed for the development on Track A2 and 11B and adjust the park and park acreage pursuant to Chapter 14 at the time of development of those lots".

They are barely marketing the lots and need to re-address whether it impacts the park size and if they will be required to contribute to that.

The Applicant has complied with all necessary requirements for the Master Plan amendment, General Plan amendment and rezoning, pursuant to what is written in the tables of the memorandum.

Mr. Esquibel stood for questions.

Chair Hiatt asked if Mr. Esquibel had discussed with Mr. Siebert the concerns regarding the regional park.

Mr. Esquibel confirmed he talked with Mr. Siebert briefly before the meeting and Mr. Siebert accepts that.

Mr. Siebert presented a PowerPoint presentation showing the amended Master Plan approved in 2016. He noted the old and new alignment of Rail Runner Road and the area that became part of the Pulte Development as a result. The area was zoned R-6 and R-12 and was developed with about 3 units per acre. The mixed use was reduced in size by the relocation of Rail Runner Road and resulted in a traffic study in 2010 based on the higher density.

Today the traffic is considerably less than estimated in the study. He noted areas on screen requested to be RM-1 and the location of the regional park. A description of current zoning was shown with mixed-use (MU) and the change with the proposed rezoning to R-21 multifamily residential.

A 50-foot PNM easement for high-voltage is no longer needed because of relocation and the lot line will be adjusted to be consistent with the proposed zoning.

A piece of the regional park that was added as part of the 2016 amended Master plan that the Planning Commission had acted on but has not been recorded yet. There is a protest with the County Assessor because they are assessing the property as commercial, instead of institutional park land. Once result that will be recorded and the lot split and the adjustment will be consistent.

Mr. Siebert showed an on-screen comparison of R-21 compared to mixed use noting that the heights are about the same; density is 14 feet per acre from MU but in addition they will get the commercial use. There can be more dense development with MU but is relatively similar in zoning.

The multifamily building permits issued from 2000-2014 and the drop in 2008 recession was shown on screen. The City stopped data analysis in 2014 of multifamily versus single-family, etc. and there is a serious deficit in apartment housing in Santa Fe.

In terms of the Rambla, in 2013 the rail stop was taken off the Metropolitan Planning Organization (MPO) 5-year plan. The idea was to have an open space where people could walk and there would be restaurants on both sides and outdoor seating and people getting off the train could walk to Beckner and all the way to

the Regional Park. The design concept is no longer valid.

Mr. Siebert said they are requesting a reduction in the corridor in that area because they still have to put utilities - a major electric line, sewer and water lines and a trail, in this case 12' wide- that extends from the Regional Park to Beckner Road. Ponds will take care of water runoff in locations along the 45' width and will supplement irrigation and landscape.

The proximity to Presbyterian Hospital was shown and the land across from this that Presbyterian purchased and anticipates construction within the next five years. And assisted living is expected to open in October, the Spectrum should open in 2019 and the dialysis clinic will be constructed. There is also commercial development related to clinics, and medical related services.

Mr. Siebert indicated where employment is high, there is demand for this type of housing and demand as a full throughout the City. Presbyterian Hospital is also looking to have apartments in the area.

There were no questions.

Public Hearing

Ms. Mary Schruben at 2119 Rancho Siringo Road was sworn.

Ms. Schruben said she was not sure which case her comment was addressed to as a volunteer of the Municipal Tree Board, they are concerned that the current code does not have a complete and accurate list of recommended trees for plantings in the future.

She asked that Staff pay close attention to the area because the Tree Board would like appropriate trees that shaped the trail for the entire length.

Another concern is the area should be wider where this trail meets Beckner Road and more of a gathering place with benches and bicycle parking, more of a transition space than a dead end.

Dennis Cicak at 4354 Laughing Crowe Lane was sworn.

Mr. Cicak received permission to show a seven-minute video. He spent the video that took him two years to make and shows scenes from his roof in Nava Adé and Beckner Road area and the problem with dust. He supports Mr. Esquibel in strengthening proposals to control the environmental dust.

Chair Hiatt recognized Mr. Cicak and asked if he had addressed the Commissioners about a year ago when they discussed the dust. He noted that the Commissioners well aware of the dust issue, but he appreciated the time he took to video the problem and share it with the Commission. It will be part of the major discussion.

Councilor Karen Heldmeyer spoke for the Neighborhood Network who has voiced concern several times about the dust issue in Las Soleras. She noted that people who are already there are at least as important as the businesses and those moving in and they should be given due consideration.

Mr. Esquibel said the applicant has addressed all concerns relevant to the standards for the Master Plan Amendment, the General Plan Amendment, rezoning and the request for lot line adjustments and easements. The only issue is the conditions of approval that will affect the Master Plan. There are no conditions for the Master Plan or Rezoning.

Seeing no other speakers from the public regarding the case, the public hearing portion was closed.

Chair Hiatt asked if the issue is dust.

Mr. Esquibel explained that the packet contains the conditions to the dust and he had added another condition: to look at the park when the development comes in for the two lots. The existing condition in the memo addresses dust and Staff will be working on the dust ordinance. He will try to blend his condition into the dust ordinance and the one most restrictive will be the one to go into effect.

Chair Hiatt asked if Staff and the Applicant would develop a plan along the trail to indicate the trees and the shade that Ms. Schruben was concerned about.

Mr. Esquibel said they will and have also agreed that Mary's idea for the bicycles was a good one and that the Applicant will be amenable to including that at the Beckner intersection.

Mr. Berke added that Staff will also look at their tree list which is outdated and drought tolerant and shade trees to accomplish that.

Mr. Siebert added that he has agreed with the additional condition added to the dust control and looks forward to working with the landscape committee on a list of trees, which has been a need in the community.

Chair Hiatt said he found it significant to hear about the dust in 2016. He lives in the area and with the wind out of control he has driven in the past few months not only past Las Solaris but other project developments. It is all over the City and not much can be done, but Councilor Heldmeyer is correct the Commission needs to concentrate on the issue.

He thought there must be other communities with the same problem and would love to know how they have addressed the issue.

Commissioner Kapin asked Mr. Siebert if he was considering using the grading process for the dust.

Mr. Siebert indicated this is just a rezoning exercise. The next step is the development plan for the property and anticipates that will be 6 to 8 months from now and there may be other ways of dealing with the dust universally by then.

He indicated Pulte has devised a system to break down the dust to smaller areas and they have put up a six-foot fence next to the trail which seems to be an effective tool in addition to segregating areas and use

tackifiers on what is not being disturbed. They have to stay off of the area until it is ready to be developed.

Commissioner Kapin said she has seen videos and photos even after those plans were put in place that are still problematic, but that seems like a good start. They have not solved the issue and additional steps need to be proposed when this comes back.

Chair Hiatt said everyone understands the problem, however if Mr. Cicak could document going forward with the issues remain and if so how bad, that would be helpful.

Commissioner Faulkner asked for someone to explain the tackifier.

Mr. Siebert described it as a polymer that provides a crust on the surface that remains effective as long as the crust is not disturbed. It is only good for 9 months to a year and then has to be re-applied. The polymer breaks down into the soil and is inert and does cause damage.

Commissioner Kapin stated there is a desperate need for residential and apartments close by, but she remained concerned about giving up MU in the area. One reason is the potential to provide amenities for people who work at the hospitals and surrounding commercial area. Mixed-use is often an opportunity for small businesses to get a start in an area where people live and work and tend to be local businesses.

She said she is conflicted because they are shrinking mixed-use in Las Soleras to almost the minimum, but she supports housing and knows the City is desperate for it. There is not a lot of MU and this is the buffer from a giant hospital to residential that is been down zoned considerably for density. She felt like they were giving up the buffer for transition.

Commissioner Kapin also felt loss regarding the shrinkage in mixed-use in Las Soleras, because it was planned as they mixed-use development with businesses etc. there is a lot of residential that could go into the mixed use.

She indicated the letter to her about the rail stop did not state that the rail stop would never happen, just right now it is off the list. She thought the stop should be considered as Las Soleras is built up and Rancho Viejo happens and possibly the stop could get put back on the radar.

Commissioner Faulkner noted her only other concern is with the park and mentioned in the Parks Master Plan and talked about at City Council was not to build or expand parks until some of the parks are brought to standard. That goes back to the developers who put in big parks and then turn them over to the City, who does not have the ability to maintain them.

She lives in Tierra Contenta and the development did not like that the master plan was sold to the public with amenities and mixed-use and a great little community, but as projects ran out of money or anchor stores couldn't be found they become residential and people are packed into areas that have no amenities.

In addition Santa Fe wants to be a City of walkability but is putting in tons of houses that are far from where people can get amenities.

Commissioner Propst said she appreciated her fellow Commissioner's comments but wanted to hear Mr. Siebert's response. She had similar notes on the Master Plan changes and the response to the need for affordable houses and apartments that is now the number one issue. She agreed the buffer zone could be important and said she has heard about cases with St. Vincent's Hospital expansion where there have been neighbor issues between the neighborhood and the hospital.

She asked Mr. Siebert to talk about what they would be losing or giving up on mixed-use and if the Commission does not approve the change if the project would still be viable.

Mr. Siebert agreed it is a valid point and pointed out there still remains 19 acres of mixed-use within the Master plan on the south side of Beckner. The area, as it develops, has a vacant parcel of about 30 acres on the north side of Arroyos los Chamisos that is an opportunity for a variety of commercial uses. The idea is to create an area with a half mile walking radius from residential to commercial and there will be commercial uses within that.

On the south side is C-1 and C-2 and eventually there will be restaurants and hotels as well. It seems logical in this case to have apartments in the area rather than force mixed-use at the very south end.

Commissioner Hochberg said his frustration has already been explicated by the Commissioners who spoke before him. He stressed that the Commission should focus on what is before them and the fact that the housing is desperately needed, especially near the hospital.

If people object to the fact when they move in that they do not have amenities like walking into an eatery, they would ask the Commission to rezone for mixed-use. For now they have to face the growing housing emergency and if they cannot solve that it will kill the City completely.

Commissioner Hochberg stated that Mr. Siebert and his clients seem reliable and are cognizant of the needs of the community and are continually working on building in the City. He said he is willing to vote in favor of the four resolutions.

MOTION: Commissioner Hochberg moved, seconded by Commissioner Faulkner, in Case #2018-48, to recommend to the Governing Body the approval of the proposed Las Soleras Lot 11-B General Plan Amendment and the General Plan future Land Use land designation on the Rambla, subject to conditions of approval #2 as presented.

VOTE: The motion passed by majority (5-1) roll call vote with Commissioners Faulkner, Propst, Gutierrez, Hochberg and Garcia voting in favor and Commissioner Kapin voting against.

2. Case #2018-49. Las Soleras Lot 11-B Rezoning. James Siebert and Associates, Inc., Agent, for Las Soleras Center, LLC, Owner, requests rezoning for approximately 13.24 acres from NU (Mixed Use) to R-21 (Residential - Twenty-One Dwelling Units Per Acre). The property is known as Lot 11-B of the Las Soleras Master Plan and is located at the intersection of Beckner Road and Rail Runner Road. (Dan Esquibel, Case Manager)

MOTION: Commissioner Propst moved, seconded by Commissioner Hochberg, in Case #2018-49, Las Soleras Lot 11-B rezoning, to recommend to the Governing Body approval of the Las Soleras Lot 11-B Rezoning request from mixed-use to R-21 with no conditions of approval.

VOTE: The motion passed by majority roll (5-1) call vote with Commissioners Propst , Hochberg, Garcia, Gutierrez and Faulkner voting in favor and Commissioner Kapin voting against.

3. **Case #2018-50. Las Soleras Master Plan Amendment.** James Siebert and Associates, Inc. Agent, for Las Soleras Oeste, LTD, Santa Fe Housing Trust, and Las Soleras Center LLC, Owners, requires a Master Plan Amendment from the 2016 Amended Master Plan, to change the zoning MU (Mixed Use) to R-21 (Residential - Twenty-One Dwelling Units Per Acre) and a reduction in the 90-foot Utility, Access, and Trail Corridor to 45 feet. The property is located between Governor Miles and Interstate 25 and Cerrillos Road and Richards Avenue. (Dan Esquibel, Case Manager)

MOTION: Commissioner Propst moved, seconded by Commissioner Hochberg, in Case #2018-50, Las Soleras Master Plan Amendment, to recommend the Governing Body approve the proposed Master Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 13.24 acres from transitional mixed-use to high density residential. No conditions of approval are appropriate for this case.

VOTE: The motion passed (5-1) by majority roll call vote with Commissioners Propst, Hochberg, Garcia, Gutierrez, Faulkner voting in favor and Commissioner Kapin voting against.

4. **Case #2018-51. Las Soleras Lots 9A-2 and 11-B Lot Line Adjustment and Vacation of 50-foot PNM Easement.** James Siebert and Associates, Inc. Agent, for Las Soleras Center, LLC, Owner, requests a Lot Line Adjustment between Lot 9A-2 (15.39± acres) and Lot 11-B (13.24± acres), adding 0.58± acres to Lot 9A -2 (15.9± acres from Lot 11-B (12.66± acres). This request also includes a vacation of 5-foot PNM easement running Northwest between Lots 9A-2 and 11-B. The property is located at the intersection of Beckner Road and Rail Runner Road. (Dan Esquibel, Case Manager)

MOTION: Commissioner Propst moved, seconded by Commissioner Hochberg, in Case #2018-51 Las Soleras Lots 9A-2 and 11-B Lot Line Adjustment and Vacation of 50-foot PNM Easement to approve as presented.

VOTE: The motion passed by unanimous roll call vote (6-0) with Commissioners Propst, Hochberg, Garcia, Gutierrez, Faulkner and Kapin voting in favor and none against.

5. **Case #2018-58. Madera Apartments Development Plan.** Monica Montoya, Agent, for Carlos Garcia of Don Juan's Land, LLC, Owner, requests approval of a Development Plan for a 355-unit multi-family Santa Fe Planning Commission

development on approximately 19.99 acres. The proposed development will be in two phases; Phase 1 consisting of 164 units and Phase 2 consisting of 191 units. The property is zoned R-21 (residential - Twenty-One Dwelling Units Per Acre) and is located at 2525 South Meadows Road. (Donna Wynant, AICP, Case Manager).

Ms. Wynant presented the Staff report and read the information regarding the request.

This has gone through rezoning and General Plan Amendment and was approved by the Governing Body last year. The conceptual plan provided at the time first was for more than 198 units but has been decreased from a three-story building down to two stories and a total of 355 units for the site.

The density of the 19.99 acres is well within what is allowed at 17.76 dui/ac. A development plan is required.

The details in the report include an evaluation of height and density and the utilities are available with access. Concerns that have been raised at the earlier ENNs have been addressed and although not included in her report, are included in the packet from the Applicant.

The Applicant will do a thorough presentation this evening.

Staff recommends approval.

Mr. Karl Sommer PO Box 2476, Santa Fe was sworn.

Mr. Sommer explained he came with Monica Montoya, the Chief Planner who prepared the application and submitted the reports in the Commission's packet.

In addition he had with him Carlos and Sylvia Garcia, a local family who had owned Don Juan's Body Shop for 28 years and a stalwart member of the community who is invested in Santa Fe. Mr. Garcia has brought the project from inception to this point and what is before the Commission bears up that Mr. Garcia has lived up to his word.

Mr. Sommer explained that Mr. Garcia has presented a plan that indicates he does not plan to go to R-21 even though the City's designation did not have anything lower to allow for the appropriate density. The Applicant has presented a conceptual plan that has been distilled down to a development plan with all of the aspects of the plan, height, density, style and uses included in the plan.

The Applicant has also made a serious representation to the Commission and City Council that living on the property is Mr. Eloi Hernandez and his son Salvador Hernandez. The Hernandez family does not own the property but has been living on the property for some time. Mr. Eloi Hernandez is in his 80's and there was a question of what would become of Mr. Hernandez and his family.

Mr. Sommer explained that Mr. Garcia will give the Hernandez family the property they are living on and do

the division of the land and deed that and there is an agreement to that. The agreement has not yet been signed as they are waiting on the plat of survey to create the lot.

Representation was made that the two Mr. Hernandez's would not be dispossessed, and the Garcia's have lived up to their promise. The Hernandez family is represented by a very able attorney Paula Cook who currently is out of town, but everyone has agreed to all terms in the agreement that has been prepared.

Mr. Sommer indicated Staff has attested that the application has complied with all of the City's requirements for a multifamily project of this nature.

The Commission has seen the need for this type of housing and this is the kind of housing Santa Fe has a shortage of and this project fill a need. And importantly that will be done by a local family who is invested in the community and living up to its commitments to the community and this body.

Mr. Sommer indicated the Commission would not need a detail by detail report of the project as they have the Staff report and graphics are included in their packet. He noted that Ms. Montoya and the architect Dan Murphy were present to answer any questions.

Mr. Sommer said architecturally they are asking the Commission to consider a special finding of two additional feet that would not impact neighboring views but would significantly impact the feasibility of the project. The allowable height is 24 feet and with the special finding can go up to 30 feet and the Applicant is asking for 24' to raise the parapets for more flexibility. The project is below density and meets open space, traffic, fire, etc.

Mr. Sommer stood for questions unless more detail was required.

Public Hearing

Mr. Paul Garcia, 5145 Agua Fria Street, was sworn.

Mr. Garcia explained he was just annexed into the City and has a concern with the traffic problems on Meadows Avenue and Aqua Fria. When he calls about the problem he is told "the City is working on it". When school is open traffic backs up all the way to Cottonwood on Agua Fria.

If they build more there they need the infrastructure first. The street light has an arrow to turn left in the morning and at 5 o'clock the traffic backs up to Cottonwood. He and his wife have been calling for years; *"we're working on it; it's in progress; there's no funding"* is what they are told. When the apartments are built they say it is single families, but multiple families are living in one apartment. Instead of two cars there are six cars and if they need a fire truck or emergency vehicle there is no way to get them in.

He said the City is putting the cart before the horse and is not building the infrastructure needed. They count the cars every year, but no one does anything about the traffic - *"we're working on it"* - but it's been 10 years.

Mr. Paul Garcia said Carlos Garcia is a personal friend and he does not oppose the development and it is

good for the neighborhood, but they need to do the infrastructure first.

Irene Garcia, Paul's wife was sworn and said a couple of years ago when there was construction on Agua Fria Paul had an accident. She was across town and beat the ambulance to her home. The traffic lines up even further than Cottonwood and she cannot get out of her driveway at 7 a.m. when traffic on Meadows is backed up beyond the roundabout.

She understood there will be 30 homes built on Agua Fria about a quarter of a mile from the light and that will also add to the traffic and is their biggest concern. They need turn lanes, and something done before the apartments come in and there will be another 300 more apartments in the future. Something needs to be done on the corner first before anything else goes in.

Ms. Cheryl Odom 1152 Vuelta de las Acequias was sworn. She said the Commission did not approve the application last year, but City Council did approve it. The issues remain the same; nothing has changed. Originally the people of Agua Fria Village were promised a buffer zone, but nothing has happened.

Ms. Odom indicated she also had a personal concern having grown up in Affordable Housing. She said there is a stigma attached to that and she knows what it feels like to be told by another kid that they cannot play with her because of where she lives and to not be invited to events because of that.

She said a general concern is that every single developer wants to pay the *fee in lieu* instead of providing Affordable Housing. Blue Buffalo was going to build Affordable but wanted to stick it behind a fence, so they could not use the swimming pool. Something has to be done about that. She said people who cannot afford to live there now will be pushed further out of town.

Ms. François Garcia at 1223 Calle la Madera was sworn. She said as a former President of Las Acequias Neighborhood Association they started with 300 homes in Phase 1 and Phase 2 and had discussed Phase 3 and 4 with a number 300-400 homes. Everybody was concerned about traffic and the schools and people were saying, "Not in backyard" with so many things happening.

She suggested looking at the growth of the south side, which is going at the speed of light. City Council built Power Line Road and Rufina Road and a couple of schools and there is a way to get all of the people in. The apartments are needed for the growing population on the south side. Her kids still live at home because they do not have a place to go.

Ms. Garcia pointed out that not everyone drives in traffic at the same time and going up 599 there are exits everywhere and Jaguar Drive is open. In the past they only had Cerrillos Road and now there is Alameda, Aqua Fria and many other roads.

The development is very nice and affordable and would in bring small stores and would be a good development and she wanted the Commission to approve the plan for Mr. Eloi Garcia.

Ms. Eloisa Hernandez at 24 Hernandez Lane was sworn. She said her concern is that where she has been living since 1980, which she calls her property, is part of the development. Her father is Eloi and her brother

Salvador Hernandez have been working with the developer, but she has been told to get off the property. She cannot just get off without getting something because she has paid property taxes for the property all along until Mr. Montoya came around.

She said she met once with Carlos Garcia and would like to see if the City would talk with her about things.

Ms. Karen Heldmeyer, representing the Neighborhood Network was sworn. She said she heard from those in surrounding neighborhoods that the #1 issue is traffic. There will be a fire station and an elementary school and at least 300 units clustered together at the end of a road. People are concerned not just about traffic but the safety issues that result from the traffic.

The Network also hears from people asking how a development this dense does not have Affordable Housing. The buzzword is *workforce housing*, which this is supposed to be, but this is not just a few units, it is a huge development.

Councilor Heldmeyer said the development will have an impact on the people in the area and getting Affordable Housing in return would be a tradeoff, a quid pro quo.

The biggest issue is the traffic and whether it is adequate for the number of people in this small area.

Mr. Patrick Romero at 58 Paseo del Coyote, was sworn. She said his grandfather was a builder in Santa Fe from 1930s to 1970s. When he got a job and move back to Santa Fe he realized he could not afford to live here and had to commute for a couple of years. He finally pooled his money with his brother and bought a house, but many people are locked out of Santa Fe and just increases the commuter traffic.

Mr. Romero noted that developing more housing like this would naturally cause the price of housing to go down because of the law of supply and demand. That would be one way to address the housing crisis in Santa Fe and he encouraged the Commission to approve the project. He would like for his three sons to be able to live in Santa Fe if they choose.

He said he has known Carlos and Sylvia for over 20 years and Carlos is a man of integrity and will develop a nice project.

Irene Garcia spoke again to say that she had talked with people at the last meeting and they told her there will be 1.7 parking spaces per unit and the schools are overpacked by about 200 kids. The concern is the parking and schools.

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

Questions from the Commissioners:

Chair Hiatt asked Ms. Alexandra Ladd to tell the Commission why the idea of *fee in lieu* is good.

Ms. Ladd explained this is an option that developers can choose versus having to demonstrate it was the only option for them to receive Governing Body approval. It is a temporary relaxation of the regulation that was meant to do two things. One is to generate multi-family development and along with the use of the sunset clause was used to light the fire. That has been successful in adding a considerable number of units to the market inventory, which is currently constrained.

Very few new units have been added over the last ten years resulting in costs being raised for the cost of units. A situation was created where people who have no problem affording housing are competing for units with people who do, and the winner is the people who can pay more.

Ms. Ladd explained the other side of the issue is that there is little reliable revenue for the Affordable Housing Trust Fund. One of the quickest ways to stabilize people in housing situations is to provide rental assistance and if local sources are used the assistance can pay for rental arrears, utilities, deposits, etc. and does not have too many stringent requirements on who would qualify for assistance.

They know from talking with their nonprofit partners, that paying for someone for a couple of months of housing allows people to get to a stable situation and pay for their own housing. The Federal funds are very constricted and requires reporting the use and using local funds is preferred for many reasons.

Chair Hiatt asked if Ms. Ladd's testimony was that the *fees in lieu of* contribute toward the development of specific affordable housing units.

Ms. Ladd said they can, but the fees are subject to the New Mexico Affordable Housing Act and City Code ordinance 26-3 documents the City's compliance. Uses are very specific and can only be used to construct, preserve or provide direct financial assistance to beneficiaries for Affordable Housing.

Chair Hiatt asked if there is a sunset for the fee in lieu of program.

Ms. Ladd said sunset is scheduled in January 2020 and developers pulling permits before then can exercise that right. They have heard that the time line is so lengthy that developers are pulling back from moving new projects forward out of fear they will not be approved in time. She thought there might be a modification of the requirements and a menu of options created.

Commissioner Kapin asked how many residents Ms. Ladd is providing assistance for in rental units.

Ms. Ladd replied they currently do not provide assistance for renters because there is no funding for the assistance program. The City had partnered with LifeLink to do a rental assistance program a few years ago and that was successful but the recent commitments to support Affordable Housing is through donation of land.

Commissioner Kapin asked how many units are anticipated of the projects that will bring units to town.

Ms. Ladd responded she would need to consult with her colleagues at Land Use. She noted that Katherine Mortimer in Land Use conducted a pipeline report showing over 1000 units could conceivably come online.

James Martinez and Sandra Kassens came forward for the Traffic Division Staff.

Chair Hiatt said every time this comes up the intersection at South Meadows and Agua Fria is discussed and the Commission asks when they will see re-engineering. He asked again – when.

Mr. James Martinez the choice of a consultant is in the hands of Purchasing and will be before City Council for approval in a couple of weeks. Construction is anticipated to be completed in 2020.

Chair Hiatt noted the project is recommended as one that should be approved here based on current numbers. He asked how Traffic could rectify their recommendation with the number of projects and people that would be coming into the South Meadows area. He asked if they took that into consideration.

Mr. Martinez said they are considering that and know that has been a failing. They will be working with the consultant to find alternatives and to acquire right of ways for the improvements.

Regarding the development, the developer is assisting Traffic by making financial contributions which will also assist with the improvements.

Chair Hiatt replied he was certain of that but was looking for a better solution. He asked if there was anything that could be recommended to the developer to make this less of a traffic nightmare.

Mr. Martinez replied, "No." They have not looked at phasing the construction or the developer's schedule or financial plans but could possibly negotiate for the developer to do roadway improvements on their portion of the frontage road.

Ms. Kassens said the developer will do deceleration lanes and widen South Meadows Road at their property front and will improve between the roundabout to the curve in the road away from their property. Traffic has been involved with approving their design since zoning in every step and the work was completed once Traffic gave approval.

One of the intersections will be a right in / right out and the other will be full access and all aspects of the additional traffic has been looked at, but that will still not address the traffic at the intersection. The hope is that the intersection will be completed at South Meadows by the time the building is full.

Chair Hiatt said he travels the area two or three times a week and if not timed right, he could sit there for a long time and this project is just going to make it worse.

He commended Staff and thanked them for their efforts. He was not sure this would take care of the issue.

Mr. Sommer pointed out the development is scheduled for two phases and the first will not be occupied until 2021. There is a lot of work on the Applicant's end and the first phase is 164 units, which is less than half the overall 355 units. The project will not be occupied until traffic construction is slated to be underway.

Chair Hiatt confirmed that the Planning Commission had not approved the project, but City Council did.

Ms. Monica Montoya was sworn.

Ms. Montoya explained that the Planning Commission had recommended approval density of 12 and City Council had approved R-21.

Commissioner Hochberg said the project was approved to R-21 but the Applicant represented he would not use to that amount.

Mr. Sommer responded there is no City zoning between 12 and 21, but despite approval for R-21 the development will not exceed R-17 units per acre.

Commissioner Kapin asked Traffic if anything could be done to expedite the process and get the work done. They have been talking about the intersection since she first came onto the Commission and it seems to be a priority spot.

Mr. Martinez explained that funding has to follow the STIP which has a program for design in 2019 and comes down to money and costs would increase if they expedited the design process.

Commissioner Kapin asked if that could be discussed with the developers coming into the neighborhood and if the cost to expedite had been explored.

Mr. Martinez said it was not looked at and City Council approval would be needed as well.

Chair Hiatt asked Mr. Martinez to inform his department director about the Commission's disappointment this is not moving faster.

Commissioner Faulkner asked if the number of LANL commuters using South Meadows to 599 had been considered and if it was possible to divert them to use another road.

Chair Hiatt asked Mr. Martinez to also take that into consideration.

Commissioner Gutierrez asked Traffic the timeline slated for the roundabout for Cottonwood.

Mr. Martinez said the design is about 60% and will be on-line with development in that area around the same time and will run simultaneously. Developers have agreed to work with City Traffic Control.

Commissioner Gutierrez asked if they had looked at the possibility of exiting all of the traffic from the complex to the roundabout rather than having them go Aqua Fria and South Meadows.

Mr. Martinez replied they could possibly review and impose that when the developer comes in with their street permit and traffic control plan.

Commissioner Gutierrez asked if the Traffic Department had the authority to impose that, with the Santa Fe Planning Commission

understanding that as soon as South Meadows is resolved, there could be an opportunity to exit the facility as originally planned.

Ms. Kassens answered the question regarding authority. The analysis was done through the traffic study and a left out of the main entrance would affect South Meadows some and should be taken care of at South Meadows and Aqua Fria. If everyone were forced to go to the roundabout some would just use that to make a U-turn and she was not sure that would do any good.

Commissioner Gutierrez added they had also discussed the speed on that road and the school children that are crossing and even if one car is taken off South Meadows at Aqua Fria it would be a win for him. He asked if the Commission should do something or should action be taken at the Traffic level.

Ms. Kassens offered to talk with John Romero about that.

Commissioner Hiatt noticed Mr. Berke.

Mr. Berke indicated the questions and points raised are valid and boil down to the head of Traffic Division and his willingness to seek alternative routes on the freeway. He noted that many of the questions belong with MPO and their plans and funding for intersections. The MPO allocates State and Federal funding for the project and fair share contributions funding such as the Gerhart project.

Mr. Berke continued that there is a stipulated process they need to follow, and the process is not quick. They could try to expedite certain things and take the recommendations forward. He suggested it would be good to have John Romero and the traffic engineering team discuss the issues as well as the MPO to discuss their plans for future intersections. There are upwards of 1500 multifamily units coming on board and the issue will be a reoccurring theme in the future.

Chair Hiatt agreed. He thanked Mr. Berke.

Ms. Kassens noted that the Cottonwood process is farther along on design and should be in construction sooner than Agua Fria at South Meadows, which is a more detailed process. There is a lot to analyze whether a roundabout or more turn lanes or more signals is the best and the process takes time. Then they have to buy the right of ways. The right of way at Cottonwood was mostly donated so will be completed, not under construction at the same time.

Mr. Sommer noted that Mr. and Mrs. Garcia have every interest that traffic at the intersection functions better and that it needs funding because it is currently failing. Their development will pay their fair share of that improvement. The approval of this project is slated to use the intersection after it is built. The timing of the development and phasing does not exacerbate the existing failing solution, it will accelerate the solution. The Garcia's do not want to develop where people complain about the ability to get to work and back home. They want to pay their fair share of contributions and the phasing will be a complement.

Chair Hiatt replied he did not want to make it a condition of but is concerned about the safety of children in the area. They are adding 600 units with the school across the street and the street is very busy.

He asked that Mr. Sommer and the Garcia's and Ms. Montoya meet with other developers to find a solution. In addition he is concerned about the overcrowding of the school and has talked with the head of the public school district and has a concern that the solutions are not coming as fast as the people.

Commissioner Kapin said this is the second development on pedestrian safety around a school. If the Commission could develop a condition that leaves the solution to the area the issue would begin to be addressed.

Chair Hiatt indicated hesitancy to bring up a condition so late in the meeting. He trusted that the parties present correct come to some resolution with the other developers and that the solution could be spread throughout the developers.

Ms. Montoya explained they share the same concern regarding getting kids to school and have had several meetings with the public schools on the issue. One suggestion from the schools was to provide a pedestrian connection to the Santa Fe River and kids could get on the Greenway and have a crosswalk and be able to walk to school. They are currently working on finding a solution.

Commissioner Faulkner suggested on future projects when a school is involved there should be conditions of approval and a safety mechanism in place that is a condition from the start.

Commissioner Garcia pointed out that when discussing apartment complexes the last time, he thought a cross walk would not suffice on that road and that should be a main concern for the community in that area. He mentioned hearing also a possible gasoline station/truck stop would go in across the street and they were petitioning for a liquor license.

His concern with the future congestion and school overcrowding created hesitation about going forward with the project. He appreciated the need for the housing and thought this would be a great development.

Commissioner Kapin said she was looking for direction. She wanted a condition whereby the developer agrees to participate in a solution, including their fair share of funding of the solution.

Chair Hiatt presented a scenario if a project cost \$5 million and said asking the developer to commit to a fair share could tank their project.

He added it had been made clear to Staff as they bring projects forward to bring conditions of approval and that the Commission was not satisfied about the safety of the children. He was willing to rely on their good faith to work with other developers and find a solution, even if expensive, but did not agree with putting a condition of approval for now.

Mr. Berke added he has a seat on the MPO Advisory Committee and would bring this up at their next meeting and that might get traction and funding.

Ms. Kassens added they have looked at this project and the area of the driveway for the gas station at the second entrance on the north end and determined it is not a good place to cross. Sidewalks will go down to

the roundabout and people will be able to cross safely there and the pedestrian crosswalk in the area of the school is being addressed by the Gerhart Development. A cross walk there would have to have a curved median with a pedestrian refuge and kids would only have to cross half the distance.

The school does provide crossing guards at South Meadows and Aqua Fria and would probably consider providing them there as well if there is a crossing.

Commissioner Faulkner urged Staff to make this a priority and make MPO aware of the seriousness of the issue. She thought everyone agreed this should be a condition in future projects, and there must be a solution, so they do not keep kicking the can down the street.

Action of the Board

MOTION: Commissioner Propst moved, seconded by Commissioner Faulkner, in Case #2018-58 Madera Apartments Development Plan, to approve the Plan subject to required conditions and special findings.

DISCUSSION ON THE MOTION:

Commissioner Kapin asked Staff to clarify on page 7 in the Staff report, under Open Spaces the statement that applicants are required to dedicate land for either neighborhood parks, regional parks or both, or pay park impact fees. She asked which option the Applicant would do.

Ms. Montoya explained there is the minimum open space requirements for the development which the Applicant exceeds, but if there is a fee in lieu or a fee due as a result of park dedication, the Applicant will work with Staff where applicable.

Commissioner Kapin asked if the Applicant would be making that request.

Mr. Sommer clarified that Code allows on-site, private/public and the option of how you deal with park dedication for regional or paying a fee in lieu. The purpose is to get compliance for the City's overall park and the Applicant will comply with the Code and with the requirements on-site, and in fact exceed that. The Applicant has the option to do one of the two. A regional park would not work in this site because there is no regional park in the area, so there would be a fee in lieu.

VOTE: The motion to approve #2018-58 passed by unanimous (6-0) roll call vote with all Commissioners voting in favor and none against.

6. *Approval of a Planning Commission position and formal recommendation that the Land Use Director, in collaboration with Staff prioritize and resolve certain issues related to land use. (Commissioners Faulkner and Kapin)*

Chair Hiatt said they have beat this horse to death and he is trying to get to a point where they can move something along.

Commissioner Faulkner said to approve this would move it along. She has talked with the Mayor's office and with cosponsors. What is important to her and Commissioner Kapin is to start a practice of making recommendations and why they are making them. The Mayor liked the idea and Matt Brown with Land Use gave the green light as well. This is not a resolution.

Chair Hiatt asked if anyone from the general public wanted to address the issues.

Mary Schruben and Karen Heldmeyer came forward and were previously sworn.

Councilor Heldmeyer said after the discussion at the last meeting she brought this up with the Neighborhood Network where it was also discussed as well as today with the Action and Advocacy Committee with the League of Women Voters.

She indicated they were not able to comment because they did not know the direction of these things or anything about them. They thought it would be fine if the Commission wants to take a more proactive role. They agreed on the four things identified as critical issues are critical but thought they were other critical issues as well.

On the Commission sending a message through Land Use or as a group, she thought the information should go through the Governing Body because they do not know what is happening in the Commission. Ms. Heldmeyer noted that for the Commission to say, "*We really need to give this particular corner priority*", the Governing Body is the one who sets those priorities and does not hear that. There should be a more open line of communication between the Commission and the Governing Body and not just with the Mayor or the Traffic Department. Many of the things the Commission discusses the City Council could do something about, but do not know about the situation until it is far down the pipeline.

The Neighborhood Network agreed on the high priority issues and had more they would like considered. They hear repeatedly from neighborhoods about how short-term rentals (STR) are destroying neighborhoods and people are kicked out of long-range rental agreements and living on streets where no one else lives anymore.

Short Term Rental was treated the last time around as a tourism issue but is a land use issue. The Neighborhood Network would like the issue to be a higher priority. Housing as a priority is fine but STRs is part of that.

Ms. Heldmeyer noted that lack of coordination between departments can be seen in every meeting and who gets that information-communication is another high priority she would add.

Chair Hiatt asked during the two and half years she served on the Planning Commission if anyone had tried to exercise better communication with the Governing Body.

Councilor Heldmeyer said they did not. She knew about the Planning Commission and tried to keep up with what they were doing because she knew about things in the pipeline after she left the Commission. She

strongly recommended the Commission having a more proactive role if they want that and the City would benefit.

Chair Hiatt suggested if the Neighborhood Network wants the Planning Commission to consider STRs, they should do that in a more formal way.

Councilor Heldmeyer said the Commission should make that more public that they are looking for that and they will receive more input. She added that communicating with the Governing Body could move things forward more quickly.

Commissioner Faulkner commented the intent was to get the ball rolling. Some things would have to be ordinances, but they need to get the dialogue started and if they are too specific it would not move forward.

Councilor Heldmeyer agreed but said this has to be open to the public. Their request for input should be designed to prevent people with nebulous ideas like getting rid of zoning coming forward.

Chair Hiatt indicated the new Land Use Director will start in about 10 days and they plan to invite her to the next meeting and he thought she would review the document first, assuming it passes.

Ms. Schruben said she would echo Councilor Heldmeyer but in addition she found the first two pages of the write up pretty unintelligible. She "bit into" the wording in Exhibit B, subsection 14- 2- 3 and thought it is not just the Planning Commission but all of the commissions of volunteers in talking about issues.

Ms. Schruben added she had attended the Bicycle Trails Advisory Committee (BTAC) and they had the same issues. There should be written recommendations to the Governing Body to consider. She has been trying to find a way for the League to do that, but the City Council agenda does not have a way for boards / commissions to regularly submit requests and concerns that should be investigated.

She invited the Staff to take that forward so the dialogue could be opened up. She added that putting that at the end of the 7 p.m. agenda is not appropriate - it needs to go in the front of the agenda.

Ms. Schruben said she has been volunteering at the Tree Board and they have never had a place, or even thought about, coming before anyone to make a presentation and so much of their work languishes. And it is the same with the Sustainable Santa Fe Commission and for a number of years the Long-Range Planning Commission seemed to churn and churn and not move forward.

She thought the idea of the Planning Commission making recommendations in whatever way that needs to go forward, could be an opportunity to push the plan in a different direction and she would appreciate the Planning Commission taking the lead on that. There is a lot of work to do and this may be the new way to get some of that done without putting a burden on Staff.

Chair Hiatt encouraged Staff to think out of the box and invite groups like Neighborhood Network, etc. to do limited presentations. The Commission does well in considering information brought forward by Staff regarding the applicants and their recommendations, but he was not sure the Commission catches all of the important issues they should hear about.

He asked that Staff think about ways to do that.

Commissioner Hochberg said he's given a lot of thought and both speakers brought up aspects of what he has been thinking - organizational structure. He suggested recommending to the Governing Body in a petition or letter, etc. as a way to make them aware that the Commission hears things that have general applicability and the Commission wants to share that with the Governing Body.

In another structure, the City Council could invite the Commission to explain issues or have a way to work on the issues. They came up with two recurring issues today, both of which have general applicability. One is the traffic on a particular street and with a particular school. That information should be brought officially to the attention of the Governing Body and they should be required to respond institutionally.

The second issue was the dust. The dust in a specific area that has become worse and has exacerbated and how that would be dealt with. That issue has taken a long time and might have been resolved sooner if the powers that be were aware of the number of people impacted.

Commissioner Hochberg added the Commission is also getting complaints from people who went to ENNs. Everyone who went to the ENN on the first set of cases had an issue – the dust. The Commission can alert the Governing Body that it is a major problem and the dust needs to be addressed.

He said they could not just rely on Applicants, even if diligent and the City must come up with a solution. He was fine with moving this along but stressed the Commission needs an organizational chart. The Mayor understands that and several on the City Council are trained in organizational charts.

Commissioner Hochberg continued there is a fine line to be too general or specific but here they have two clear issues; Las Solaris and the dust issues. Revenue is coming in too slowly to address an intersection and that impacts the safety of children and the Commission can take a stand.

The second set of organizational suggestion is that the Commission create a circumstance to invite the public and Staff could send a list to Chair Hiatt regarding the issues to discuss. The Commission could then determine what issues they could do something about and invite the public for input and determine if worthwhile to present the issue to the Governing Body.

Commissioner Hochberg said they waste a lot of energy and have valuable and intelligent people. They should hone the issues down to what could be effectively accomplished by the Commission and that needs to be through an institutional structure.

Chair Hiatt asked Staff to consider how to determine which questions would be put out to the public without having a formal application. He could see that could be a valuable tool but was not sure how that could be done in terms of the agenda.

Mr. Smith assured Chair Hiatt that Staff would work on that. Also there is the possibility the Governing Body would adopt a protocol for a quarterly report. He was not aware of an existing regular reporting protocol but

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saw no reason why that could not be established.

Chair Hiatt said after reviewing Section 14.-2 he did not feel constrained about making those recommendations but struggled with the first effort. He did not want to send a memo from him to the Mayor and City Councilors about repeated issues that come before them, but the issues are self-evident.

Mr. Smith said he had been reminded that there had been two members of the Public Works subcommittee who did that as a formal process, but after discussing with the acting director he was to send recommendations to the director who would then exercise his authority.

Mr. Burke explained the Public Works and Land Use Committee has City Councilors on it and Staff sometimes struggles with the fact that there is no clear path to get something to the Governing Body. The acting department director felt the appropriate path tonight was to make a recommendation to him and he would execute that through his authority.

Commissioner Faulkner wanted the commission to be taken seriously and thought a letter seemed weak. She suggested creating a document that could be tracked because she had concerns about trying to track information from the different commissions and boards. The Commission should have a position, which is more than what they think and give their recommendation and how they arrived at that.

Chair Hiatt indicated for now he would name the document the *Planning Commission Position Formal Recommendation 2018-01*.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Kapin, to approve the Planning Commission Position Formal Recommendation 2018-01.

VOTE: The motion to approve 2018-01 passed by unanimous (6-0) roll call with all Commissioners voting in favor and none against.

Chair Hiatt asked that the formal recommendation be forwarded to Matt Brown and Ms. Johnson, the new Land Use Director. He thanked everyone for their help and thought this an opportunity to make something happen.

G. STAFF COMMUNICATIONS

Mr. Berke noted there would be a second meeting on July 19 and will be the new LUD Director's third day and she will be invited.

Chair Hiatt said he would be in Colorado that day. Commissioners were polled for their availability and four of the Commissioners would be present. Mr. Hogan would be alerted regarding the need to be present.

Chair Hiatt noted the new Land Use Director would be introduced and she will be attending meetings routinely.

H. MATTERS FROM THE COMMISSION

Commissioner Faulkner asked who would be responsible for the landscaping maintenance on Herrera Drive. She was told it was Martine Gabaldon.

She pointed out pointed out that almost all of the trees are dead on the street and people in the area are irritated and do not understand how that could happen.

Chair Hiatt asked that Mr. Burke communicate that to the those responsible and copy Commissioner Faulkner.

Commissioner Kapin indicated also behind her house off of Potencia suffers from dead trees. She had called City Hall and the claim is sent to correct departments and she heard back. The contact person provided her with information including the date things would be taken care of and a follow-up.

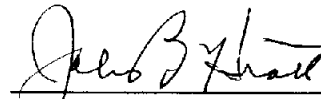
Commissioner Faulkner thanked Mr. Word and Staff and their feedback was very helpful and she appreciated their time and patience and putting up with her.

I. ADJOURNMENT

Commissioner Faulkner moved, seconded by Commissioner Kapin to adjourn the Planning Commission meeting.


The meeting was adjourned at 9:09 p.m.

Approved by:



John B. Hiatt

Submitted by:



Carl G. Boaz for Carl G. Boaz, Inc.