



# Agenda

## AMENDED

### PLANNING COMMISSION

Thursday, April 4, 2019 - 6:00pm

City Council Chambers

City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

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

**MINUTES:** March 21, 2019

**FINDINGS/CONCLUSIONS:** None

Case #2018-82. 1616 Agua Fria Rezone and Development Plan.

Case #2018-83. 1616 Agua Fria Preliminary Subdivision.

**E. OLD BUSINESS**

**F. NEW BUSINESS**

1. An Ordinance Amending Section 14-12 to Add a Definition for Banner; and Amending Section 14-8.10(A) to Remove Reference to the 400<sup>th</sup> Anniversary Celebration as it Relates to the Display of Banners. (Councilor Ives) (Liz Camacho, Economic Development and Communication Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 955-6042)
2. An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-6.3(D)(1) to Permit On-Street Parking to Meet Parking Requirements for Accessory Dwelling Units, to Impose Limits on Height and Setbacks for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Primary Dwelling Unit and Accessory Dwelling Unit Except as a Short Term Rental Unit; and Making Other Such Stylistic or Grammatical Changes as are Necessary. (Councilors Ives and Vigil Coppler) (Carol Johnson, Land Use Department Director, [crjohnson@santafenm.gov](mailto:crjohnson@santafenm.gov), 955-6617)
3. **Case #2018-114. Fiesta Nissan/Hyundai Development Plan.** Wayne Lloyd of Lloyd & Associates Architects, Agent, for Jamie Dick DBA 2015 Cerrillos Road Properties, LLC, Owner, requests Development Plan approval for the Fiesta Nissan/Hyundai Dealership on 11.99 acres of land. The property is zoned C-2 (General Commercial) and in the Cerrillos Road Corridor Overlay/Zone 4 and is located at 4994 and 6590 Cerrillos Road. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325). **(POSTPONED FROM MARCH 21, 2019)**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: March 26, 2019

TIME: 2:35 PM

4. **Case #2019-21. Rael Tract 2 Preliminary 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 5620 Rufina Street. The property is approximately 4.08 acres and is zoned R-3 (Residential- three dwelling units per acre. (Margaret Ambrosino, Case Manager, [mkambrosino@santafenm.gov](mailto:mkambrosino@santafenm.gov), 955-6656)
5. **Case #2018-83. 1616 Agua Fria Preliminary Subdivision AMENDED.** James Siebert and Associates, Agent, for Dos Acequias, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 68 single-family lots. The property is zoned R-5 (Residential- five dwelling units per acre). The application includes a property located at 1616 Agua Fria Street and two adjoining parcels (2.686 acres and 7.4 acres) with unassigned addresses, totaling approximately 12.49 acres. (Lee Logston, Case Manager, [lrlogston@santafenm.gov](mailto:lrlogston@santafenm.gov), 955-6136)

#### **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

**PLANNING COMMISSION**  
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**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:**
  - MINUTES: March 21, 2019**
  - FINDINGS/CONCLUSIONS: None**

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

1. An Ordinance Amending Section 14-12 to Add a Definition for Banner; and Amending Section 14-8.10(A) to Remove Reference to the 400<sup>th</sup> Anniversary Celebration as it Relates to the Display of Banners. (Councilor Ives) (Liz Camacho, Economic Development and Communication Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 955-6042)
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**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: March 14, 2019**  
**TIME: 11:32 AM**

4. **Case #2019-21, Rael Tract 2 Preliminary 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 5620 Rufina Street. The property is approximately 4.08 acres and is zoned R-3 (Residential-three dwelling units per acre. (Margaret Ambrosino, Case Manager, [mkambrosino@santafenm.gov](mailto:mkambrosino@santafenm.gov), 955-6656)
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#### **G. STAFF COMMUNICATIONS**

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

#### **I. ADJOURNMENT**

#### **NOTES:**

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**SUMMARY INDEX**  
**PLANNING COMMISSION**  
**April 4, 2019**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	1-2
D. Approval of Minutes, Findings & Conclusions		
1. MINUTES:		
January 3, 2019	Approved	2
January 17, 2019	Approved	2
2. FINDINGS OF FACT/CONCLUSIONS OF LAW		
<u>Case #2018-82</u> 1616 Agua Fria Rezone and Development Plan	Approved	2-3
<u>Case #2018-83</u> 1616 Agua Fria Preliminary Subdivision	Approved	3
E. Old Business	None	3
F. New Business		
1. Ordinance Definition for Banner	Recommended approval	3-6
2. Ordinance On-Street Parking/ ADU		
3. <u>Case #2018-114</u> Fiesta Nissan/Hyundai Development Plan	Portions Forwarded	6-19
4. <u>Case #2019-21</u> Rael Tract 2 Preliminary Subdivision	Approved with conditions	19-21
5. <u>Case #2018-83</u> 1616 Agua Fria Preliminary Subdivision Amended	Approved as amended	21-39
G. Staff Communications	None	39
H. Matters from the Commission	None	49
I. Adjournment	Adjourned at 11:55 p.m.	40

**PLANNING COMMISSION**  
**Thursday, April 4, 2019 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Hiatt 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 Mark Hogan, Vice Chair  
Commissioner Pilar Faulkner, Secretary  
Commissioner Janet Clow  
Commissioner Lee Garcia  
Commissioner Brian Patrick Gutierrez  
Commissioner Jessica Eaton Lawrence  
Commissioner Dominic Sategna

**Members Absent**

Commissioner John B. (Jack) Hiatt, Chair [Excused]  
(One Vacancy)

**Others Present:**

Ms. Carol Johnson, Land Use Department Director  
Mr. Noah Berke, Current Planning Division Supervisor and Staff Liaison  
Ms. Sally Paez, Assistant City Attorney  
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**

Ms. Johnson requested to change the order of the business to place item #1 as item #5; move #3 to #2; move #4 to be #3 and put #2 as #4.

Commissioner Gutierrez asked that the Dos Acequias case at 1616 Agua Fria, be kept as the last case because he needed to recuse himself from that case and could leave at that time.

Ms. Paez noted that the Agua Fria case is listed as a separate case.

**MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez to approve the agenda as published. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.**

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

##### **1. MINUTES:**

###### **a. March 21, 2019**

Mr. Boaz was notified that exhibits from that meeting were not included on the web page and he agreed to get those included.

**MOTION: Commissioner Faulkner moved, seconded by Commissioner Sategna, to approve the minutes of March 21, 2019 as amended. The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.**

##### **2. Findings of Fact and Conclusions of Law:**

###### **a. Case #2018-82. 1616 Agua Fria Rezone and Development Plan.**

Mr. Berke asked the Commission to please use the revised findings that were handed out. He listed the changes.

*A copy was not provided to include as an exhibit to these minutes.*

**MOTION: Commissioner Sategna moved, seconded by Commissioner Faulkner, to approve the Findings of Fact and Conclusions of Law for Case**

**#2018-82 at amended. The motion passed on a voice vote with Commissioners Clow, Faulkner, Garcia, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez abstained.**

**b. Case #2018-83. 1616 Agua Fria Preliminary Subdivision**

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Garcia, to approve the Findings and Conclusions for Case #2018-83 as presented. The motion passed on a voice vote with Commissioners Clow, Faulkner, Garcia, Lawrence and Sategna voting in favor and none voting against. Commissioner Garcia abstained.

**E. OLD BUSINESS: None**

There was no Old Business.

**F. NEW BUSINESS**

1. An Ordinance Amending Section 14-12 to Add a Definition for Banner; and Amending Section 14-8.10(A) to Remove Reference to the 400<sup>th</sup> Anniversary Celebration as it Relates to the Display of Banners. (Councilor Ives) (Liz Camacho, Economic Development and Communication Administrator, [excamacho@santafenm.gov](mailto:excamacho@santafenm.gov), 9556042)

Director Johnson explained the order for this hearing, includes public comment without being sworn and the action is to be a recommendation to the Governing Body.

Vice-Chair Hogan said he would give each speaker two minutes to speak and allowed the public to cede time to another speaker. He reminded the public that a concise argument is more effective than repetitive statements.

Commissioner Sategna requested that speakers refrain from making points that already have been made by a previous speaker.

Mr. Berke asked people to be respectful and not clap or boo the speakers.

Commissioner Faulkner asked those in the audience to let the Commission know if they could not hear.

Staff Report



Ms. Camacho presented the Staff Report for this case. She indicated that in the City, banners are prohibited except for those that were for the 400<sup>th</sup> anniversary. Although that is now past history, the infrastructure for the 400<sup>th</sup> banners are still in place on City poles.

Ms. Camacho said we are here to ask that there could be some banners allowed to be displayed beyond that 400<sup>th</sup> anniversary time. At present, the proposed policy is an experimental process on a case-by-case basis and the City will review details for each.

She said this proposal is a way to provide for incremental steps for re-entry. It is not just an application to fill out but a way to foster good will. To change the City Code requires time and effort so this is an interim solution.

She explained that this matter has gone to the Public Works Committee. She repeated some of the questions that were asked there. They included what the number of banners would be displayed and where they would be displayed, and she could not answer that question because that was not outlined. Another question was about the cost and that will vary on case-by-case basis. Another question was about safety. She said that during the 400<sup>th</sup> anniversary celebration, they had tested them for strong winds and the City would endorse that being done. Whoever puts the banners up must have insurance, so the City is covered.

She further clarified that the permits for banners would come from the Public Works Department.

At the Finance Committee, other questions arose and primarily dealt with the issue of free speech and whether it would be a burden on the Governing Body to regulate free speech. Another issue was on topics that would be permitted. The Governing Body felt that too many resolutions might come forward to have a resolution on each one.

Ms. Camacho thanked the Commission for hearing this proposal and said she would stand for questions.

Commissioner Sategna asked, if approved by the Commission, if it must be approved by the Governing Body.

Ms. Camacho agreed. The ordinance would allow for banners, but a resolution would also be required for each request and be approved by Governing Body. She added that the Veterans also wanted to put banners in the streets. This ordinance, if approved, would allow for holiday celebrations such as by a group of businesses who might want to decorate Guadalupe Street, or the City might want to do that and all of it would need to be approved by the Governing Body. This one is temporary in nature and once we develop the procedures, we could have a better, more improved process among all the departments. We think this is a good way to have businesses designate

different neighborhoods.

Vice-Chair Hogan assumed that businesses could advertise or sponsor the banners.

Ms. Camacho said the banners would not be advertising per se but all businesses on Canyon Road, for example, could advertise generally for shopping on Canyon Road.

Commissioner Faulkner asked how long it would be experimental.

Ms. Camacho said it would probably be for about one year.

Commissioner Gutierrez recalled seeing a picture of the 400<sup>th</sup> Anniversary banners and asked where they were placed.

Ms. Camacho said the City did not have a clear idea where they were put up.

Commissioner Gutierrez thought it would be nice to have one of those banners put up to see what they looked like. He suggested having Staff set the time limits for having a set of banners displayed.

Commissioner Clow saw that the purpose was stated on page 1 - "to allow business groups, neighborhood associations and community groups to erect street banners in the public rights of way to market their identity and communicate important civic milestones, activities and holidays and bring a sense of place and community to Santa Fe." But in Section one it doesn't say that. She suggested the language on page one should include that language for the purpose - to market their identity. Otherwise, it is too broad.

Commissioner Sategna asked, when it says "holidays" if there might be a potential problem that would arise when advertising religious holidays.

Ms. Camacho said that was discussed and it is a part of free speech.

Vice-Chair Hogan remembered the banners from the 400<sup>th</sup> anniversary and he felt like it was a positive experience.

Mr. Berke clarified again that this is a recommendation to the Governing Body.

Vice-Chair Hogan opened the public hearing.

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

**MOTION: Commissioner Clow moved, seconded by Commissioner Faulkner, to recommend approval to the Governing Body of the ordinance**

**amending Section 14-12 to add a definition for Banner; and Amending Section 14-8.10(A) to remove reference to the 400<sup>th</sup> Anniversary Celebration as it relates to the display of banners with the amendment in Section one, “to allow business groups, neighborhood associations and community groups to erect street banners in the public rights of way to market their identity and communicate important civic milestones, activities and holidays and bring a sense of place and community to Santa Fe.”**

**VOTE: The motion passed on a unanimous (6-0) roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.**

2. An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-6.3(D)(1) to Permit On-Street Parking to Meet Parking Requirements for Accessory Dwelling Units, to Impose Limits on Height and Setbacks for Accessory Dwelling Units, to Permit Accessory Dwelling Units to be Built in Compliance with Underlying Design Requirements, to Permit the Rental of Both the Primary Dwelling Unit and Accessory Dwelling Unit Except as a Short Term Rental Unit; and Making Other Such Stylistic or Grammatical Changes as are Necessary. (Councilors Ives and Vigil Coppler) (Director Carol Johnson, Land Use Department Director, crjohnson@santafenm.gov, 955-6617)

Director Johnson gave the report and requested four typographic corrections:

On Line 17, the word should be “principal,” not “primary;”

On line 19 - insert the word, “??”

On Line 13 on page 2- clarify that nonconforming restrictions refers to parking;

On page 3, line 10, “principle” should be “principal.”

Those are the errors and those corrections should be included in the recommendation.

The amendment contains a number of changes which can be complicated for structure. Typically, accessory dwelling units (ADU) are detached from the principal dwelling unit. In the historic districts, it includes greenhouses or sheds. The ordinance as it exists now would limit it to one ADU per lot and limit the size to lot coverage limits of not more than 1,500 square feet and limit heights per Code. Where on-site parking is required, a structure less than 1,000 square feet would require one parking space and over 1,000 would require two parking spaces. An ADU may not be rented separately unless the land owner occupies the primary unit and the covenant runs with the land.

Those are all existing code requirements.

The proposed amendment for parking would allow one on-street parking space if there is legal on-street parking there and it cannot be reserved for the user. Nothing would prevent the public use of that space.

Rather than using lot coverage, it would restrict by gross square foot area with 1,500 square feet maximum. But that is only if the primary dwelling is that size or larger. So an accessory dwelling unit cannot exceed the size of the primary dwelling unit.

Height is difficult because we are allowing the accessory unit to be built anywhere on the lot, subject to the setback requirements, which are seven feet from the front, fifteen feet from the back, and five feet from each side. The ADU must conform to design, primarily in historic districts where they have to meet design requirements of the site.

A property owner must reside on the property to allow this and the ADU can become a long-term rental.

Director Johnson provided a brief history regarding ADU's, beginning with 1962, which provided for servant's quarters or guest units but not rentals and provided restrictions on size and height and later expanded use as affordable housing rentals.

Director Johnson clarified that this amendment is sponsored by several councilors and indicated that Councilor Lindell, who had been a co-sponsor, has removed herself as a co-sponsor.

#### Questions from the Commissioners

Commissioner Clow asked Director Johnson to explain the change from lot coverage to square footage.

Director Johnson said it was changed because lot coverage only covers the first floor and is a more limited calculation.

Commissioner Clow asked if it would then be possible to exceed 40% lot coverage.

Director Johnson said no - the lot coverage limits would still be applied.

Commissioner Sategna asked how the City will enforce this in the future.

Director Johnson said the covenant which had been used would become void. The Planning Commission can recommend approval or denial or amendments. The removal of the covenant is only part of it if the Commission supports it. But if not, the Commission would recommend the covenant be retained.

Public Hearing:

Ms. Jamie Durkee, native of Santa Fe, said she struggled with the affordable housing crisis. She described moving into a home in October 2017 with a long-term lease. But on last month on Tuesday, March 6, 2019, she was notified that she was in violation of a City ordinance and told she must vacate by the end of March. The reason was because the landlord did not occupy the property. "So I am being evicted by the City. With that enforcement and the Affordable Housing crisis, this reduces affordable housing for young professionals. I work at Descartes Lab and moved here to work there. So who benefits from the ordinance?"

Ms. Karen Heldmeyer said she had written testimony from someone who could not be here.

*A copy of the written testimony is incorporated herewith to these minutes as Exhibit 1.*

Mr. Pen LaFarge, President of OSFA, and speaking on behalf of the OSFA Board, said, "The Old Santa Fe Association supports this effort, recognizing the importance of small-scale, low-density rental housing in contributing a solution to our city's critical housing shortage, while discouraging their use as short-term rentals. In all districts of Santa Fe, and for many who would like to live and work in our city, accessory dwelling units can offer a welcome alternative to large-scale apartment complexes. It has been estimated that, presently, at least 2,000 city apartment units are either being built or have been permitted to be built. And close to the current maximum of 1,000 short-term rentals are being utilized. Fundamentally, we welcome efforts such as this Ordinance that will encourage and give incentives to the alternative of additional long-term rental units in our neighborhoods with the accompanying restrictive actions on short-term rentals.

"A key concern is the need for increased and consistent enforcement of this or any ordinance, which has always proven a challenge for the City and could well continue to be so. We recommend including a review within an appropriate time period. Our Board also questions this ordinance's proposed use of on-street parking as well as other matters of concern to residents of the neighborhoods. Parking may prove problematic, particularly on some of the city's narrow residential streets which already have parking problems."

*A copy of the full written statement of Mr. La Farge is incorporated herewith to these minutes as Exhibit 2.*

Mr. Larry Wakeman spoke on behalf of the Canyon Road Association and himself. He said their members responded and he found that of 19 responses, 18 were against

this revision. Specifically, he read all of the responses and summarized a conclusion of support for continuing the requirement for an on-site owner to be maintained. Also, the parking rules should not be changed. Parking is already stretched and one month should not be the minimum. There are better alternatives to improve housing in Santa Fe than this ordinance proposes. If passed, this will increase incentives for out-of-state ownership as an investment.

Mr. James Dyke spoke for himself and Southeast Neighborhood Association. He said they are opposed to the ordinance and might repeat comments on why. He pointed out that this ordinance, in one fell swoop, would supersede the zoning and immediately double the density allowed on the lots. The current ordinance allows accessory units but only when the property owner occupies one of them. So the person has an interest in Santa Fe. And this opens and invites out-of-state ownership of people who don't really care about the neighborhood or about Santa Fe. We are opposed.

Mr. Richard Ellenberg spoke next and described how the ordinance is appropriate in some city areas. On Canyon Road, rentals are for tourists, and people may live there some of the time who own their property. But this is an issue for neighborhoods where short-term rentals are located because that is where the profit is. Otherwise, people cannot make money on their property.

He said, "Regarding infrastructure, parking puts more stress than the area was ever built for. It is not reasonably calculated in neighborhoods flooded with short-term rentals. It works in other parts of town and this would just increase rental sales.

Riaffie VP of Historic Guadalupe Neighborhood Association but speaking personally now. Everyone wants to solve the housing crisis in our community. This looks good but has issues for historic neighborhoods. We have small streets and used to have long term rentals and owners with people living there at least six months of the year. Air BnB has changed our neighborhood and has affected the affordability and availability of long-term rentals in our neighborhood. On the parking issue, it looks good on paper, but no one can park on our street. Any visitor has to park on Alto Street. So that is how it affects our historic neighborhood.

Ron said he is 30 years old and a manager here in Santa Fe. I don't know why it exists in the first place. I live in a neighborhood association area. As I was working for the Mayor and am a professional, but I couldn't afford to live here. We need this portion of the population in Santa Fe to have a healthy economy. I understand the neighborhood wants a quiet place to live but that should be in other ordinances. In the last ten years, the number of those paying more than 30% of their income has doubled. These ordinances are detrimental to the long-term health of the community. When we don't refer back to empirical studies, we make poor decisions.

Jerry Richardson, Historic Guadalupe Neighborhood Association, said, "While I am sympathetic to Affordable Housing needs here, a lot of the problem is created by the

city when creating short-term rentals. A lot of the problems here for lack of Affordable Housing was exacerbated with increasing the number of short-term rental licenses. We have very narrow streets. We already have parking issues, and this will only exacerbate them. It is important for owners to live on premises when renting out to others.

Paul Cochrane said he works for a large construction company and found a rare opportunity to live in a great neighborhood but may have to leave soon. I talked to Commissioner Romero-Wirth and told her the problem is short-term rentals. I understand why people have a problem with it. There is a lot of cars parking in the streets and there are NIMBY issues. And the Air BnB users also have cars. We can see what is happening. The City needs to limit STRs because it has a huge impact on these neighborhoods. The people who can rent in these neighborhoods are working professionals who contribute to the community and takes into account all of these needs. They don't have a place in our community.

Mary Lynn Schuyler, Executive Director of Youthworks spoke to promote the ADU initiative which promotes young people being able to live here. It won't cost new infrastructure dollars and helps infill in the community. When we hear from people who don't want change, they are not thinking about young people out on the street who are shoved to the edges of society. Even the \$11.33 minimum wage is not enough for rent. About 37% of our young people are homeless and they are earning money but there is nowhere to live. They need a safe place to live. Making other living situations together will help. Make it a possibility

Vice-Chair Hogan said, "Thanks for what you do."

Bill Roth was in support of the ordinance. He said, "I am building a 600 square foot ADU. This is a fantastic opportunity to have several pre-approved designs that are ready to go. We have lots of great architects and could get those designs pre-approved for people. It is fantastic to have accessory dwelling units. They are already legal and not just for owner-occupied requirements. The concept of deterioration without the owner present is specious."

Beth Stees, President of the Santa Fe Realtors Association said the Association has 800 realtors and affiliated organizations. "I speak in favor of the ordinance. There is great demand for housing throughout the City and allowing accessory dwelling units is important for that. We feel it has a good balance for housing and protecting the neighborhoods."

Kim Shanahan was in support of the ordinance. He commended Director Johnson and her staff for drafting this ordinance. "It is as good as we can imagine. It is specifically for Affordable Housing and enforcement of Short-Term Rentals. We can be more aggressive about registration."

Mr. Shanahan described his experience of protesting an illegal situation and when

complaining to the City, was told the family living there was connected politically. There was no neighborhood association to blow the whistle on them. This has been a scofflaw for years.

Karen Peterson said she is in opposition to dropping the resident owner requirement and described what happens when the owner is not resident with a short-term rental permit. The most problematic part is where no owner is on the premises. All available parking is taken on both sides. So owner residing there would alleviate that problem.

Chris Ford said he has a house on Cerro Gordo and moved here as a retiree and paid a lot of money for the house. It is surrounded by 4-5 single unit dwellings and got to know the owners. "The most valuable asset is to have them here. I am in favor of the thrust of the ordinance and not sure all details are worked out. I found it a relief to have younger people nearby."

Ted Swisher said, "We need Affordable Housing and Mike Loftin came up with it and it is urgently needed."

A person who spoke next may have said a name but was inaudible, lives on Gildersleeve Street, and spoke about the police department giving advice to keep an eye out for strangers in the neighborhood. "I was blindsided hearing about this ordinance to loosen all requirements for renting. There are three empty houses near me, and maintenance needed for them all. You are not enforcing the ordinances you have. The overall point of Affordable Housing is not being served by these rentals. I have not heard of any of them under \$1,000. I got the whole report from the City - 40 pages full of the same old thing. The City has got to provide Affordable Housing and has quite a bit of need."

Mike Loftin, working with Civic Housing, said, "It is a modest sensible proposal. We paid a lot of attention to neighborhood associations. On parking, it only allows on-street parking if parking is available. It is the Joni Mitchell provision. On the concern about short-term rentals, it restricts short-term rentals to owner occupied properties. So it should mitigate some problems and allows for long-term rentals without the owner residing there. What is wrong with being able to rent out my unit to a family with kids - or a young professional? They only need a bedroom."

Katherine, native Santa Fean, walks Santa Fe and works as a residential loan officer and every day, she sees those who qualify. There are better ways to solve the housing crisis. The average is over \$200,000. She asked how many options there are for those who can afford only \$1000 or less per month when the average rent is over \$1200 not including utilities. And there are always a plethora of out-of-state buyers. There will always be people who have multiple cars and off-street parking where permitted. Most people don't have attics or basements, so they use their garage for storage."

Another person's name was not heard who said, "I opposed it before. I've seen



development after development, housing after housing - more people want to come and live here. It is supply and demand. It is admirable but this has unintended consequences. With additional rental units it will take some for sale off the market. You will gain one and lose the other. How many units will be put on the market? It must be done one or two guest houses at a time."

Pat Lewis was opposed and said this is premature and addresses multiple issues. Short-term rental - Cities across the country are changing short-term rentals. Santa Fe needs regulation reform and get long-term rentals back on the market. How many will be available - 10?, 20?, 30? And encouraging on-street parking and speculators will have bad consequences. It is investment for personal gain. It is discriminating - with some people as members of neighborhood associations with restrictive covenants - It won't affect them at all. But others depend on the city with ordinances. It changes zoning through the back door. It targets some groups and not others. We need more Affordable Housing.

Simon Brackley, Santa Fe Chamber of Commerce, said, "We support the proposed ordinance. I am also a member of the Mayor's Task Force and have dealt with the Affordable Housing issue for hours. Our City lacks housing for our workforce. We are about 5,000 units short, and this is creating a solution to address our housing shortage. We need to live here to be prosperous and successful.

Toni, a resident of 33 years, a business owner and resident on the west side spoke next. She said, "We've heard a lot of opposition in historic and tourists' areas which I can understand. I speak in support because we need to find solution for long-term housing. For about 15 years, I worked until I was able to buy a house. And then bought a second with my mom and I am renting it out and been investing and improving it. If this passes, I would like to build a small guest house in back for others to live here. I would like to help others be able to own a home. The remodeling is not even done with a single mom and child moving in to protect the character of our neighborhood.

Barbara Chatterjee lives on Alta Vista. She said, "Thanks for the discussion. Staff has much to gain for people to live here but I urge you to make the discussions not rushed so we can document what we have been working with and we need time to digest them. Please add more public meetings so you can work in those considerations embedded in this ordinance. Right now, I have three questions. Does it need to be one size fits all or are there different parts? Are the added units limited to one ADU that can be placed on any property? Third is on-street parking and is a key question. How many parking spots does the ADU get? If it is one, make it clear. And how does that affect the permission?

Joan Blythe has lived here 20 years on Canyon Road. She wrote a letter to the Mayor. Most people don't even know about this proposal and most who do would not vote for it. I'm surprised that Rosemary Romero and Peter Ives support it. There are absentee owners who don't even live in New Mexico. Just because current rental laws

are not being followed, doesn't mean they shouldn't be. Transients and absentee owners don't care about schools or police and are insidious viruses feeding off a healthy boy. I'm aware that Affordable Housing needs to be addressed and needs to be helping young people afford to live here.

*A copy of her written email is incorporated herewith to these minutes as Exhibit 3.*

Commissioner Faulkner asked the public to keep it civil.

Rick Martínez said he was part of the Mayor's Task Force and is bringing the first recommendation for this. Every time apartment units come up, not one of them turns out to be affordable. Please get rid of the provision for fee in lieu of building affordable dwelling units. I'm worried that if we start doing this and start losing single-family homes and turn them into apartments that is a loss. Santa Fe is short in both apartments and single-family homes. There are bad apples among the renters, those who park on the street and those who mess up the house. Enforcement is key. They are not cheap to build. They cost about \$100,000 to \$120,000 to construct.

Janey Foster, Director of the New Mexico Art Institute and also a member on the Task Force, said she is in support of the proposed ordinance. "This is not about short-term rentals; I hope all of you understand that. There is nothing about this ordinance that impacts short-term rentals. There is nothing to prevent long-term rentals and it is about Affordable Housing. The National Institute recommends Affordable Housing as the number one thing for cities - affordability. It is about wealth creation in addition. We need to help low-income families to add income and alleviate displacement. I really hope the voices of fear of change who are against the ordinance don't prevail. I think they are mostly from wealthy places in Santa Fe. I urge you to make your decision tonight.

Larry Martínez, a member of the Affordable Housing Coalition and in health care for young children, spoke next. Lots of young people would like to work in that area but cannot find affordable housing and Santa Fe is losing out on a lot of great talent in support.

Barbara Fix said she has lived for three decades on the west side in the Baca Railyard area. "Our neighborhood has dealt with PNM and contaminated land there. We found against Smiths in the Baca railyard. It is a lovely neighborhood and people who sell are in their 40s and 50s. My neighbor is gone. She talked about her house. She was a domestic worker with two kids and paid \$300 per month to the person who built her house. She didn't even have a car. So she built an ADU and now our neighborhoods are going through stresses. Second story is a big issue."

Jim Lotus said he has an MA in City Planning. "I bought in an R-1 zone relying on the City zoning to protect the nature of that property. But this will change the nature of my neighborhood and no neighbors anticipated that change in our homes. One

neighbor is thinking about building an ADU for renting. He is connected with a hospital and proposing to rent it to one or more of the nurses who rotate through. What has stopped him is the need for more parking. It would be like a dorm room that in college you would share with others. But each nurse is an individual renter. There is nothing in the ordinance that would restrict the number in the buildings, and he would generate three to four of them.

Ms. Mason, representing ACSyL and herself, said ACSyL is against this ordinance because it is not supported for parking. It is overriding the zoning asked that more clauses be put into it to make it work. Silicon Valley was formerly her home and there were converted garages, etc similar to this and it did not work. Prices were still unaffordable. "So I really caution you."

Roberto said, "Over the last couple of days, I've shown a rental unit I have and after six hours, I had a dozen excellent applications of professionals looking for a place. Some were very nervous without a house. Whatever we can do to alleviate the problem would be wonderful. My kids are moving away. It will be fine. Taking care of your rental property is good business and decent to do. And won't help if you are not living here. So don't sell your house to an out-of-state person. The idea of an umbrella rule to restrict something - remove the umbrella rule and we can work it out with each neighborhood.

Sandra said, "I am here to speak for myself and many generations before me. I support this. Change is always difficult, and people are scared. A house is your asset and you have a right to use your asset. We get so protective of our neighborhood. But we ought to get together. Get to know your neighbor and change things. I took care of my property to have it and still live on the same property. We are all getting old. Housing is not just a privilege but a right to have shelter. We have to become neighborly and responsible to live in it.

Nate Downey said he was speaking in support. "I ran for City Council from District 2 and disagree with Joan Blythe about opposition in District 2. They need housing too. Everyone should want a police officer and a teacher in the neighborhood. NIMBYism shoots down building on the east side. Wouldn't it be wonderful to get this passed so everyone might have a resident in their back yard? I think it would be wrong to just give the rights to property owners. I'm also a cyclist."

Elizabeth West said, "I'm in District 2 and have an ADU. I actually rent a very small casita which is very plain but only a 20-minute walk to the Plaza and I rent it for \$700 per month, which I think is a lot. It is a jab in the right direction, and I agree with OSFA that we are moderately positive but in support. I appreciate you as the Planning Commission. And what is ridiculous - what a joke - is the business of Short-term rental vs long-term. What is long term? about 31.5 days?"

Ray Herrera said his main concern is Affordable Housing. "We need to get rid of

impact fees here in Santa Fe. For people who just pay an impact fee for Affordable Housing, we are losing out. My main concern is enforcement. I've seen things come and go for 30 years at City Hall."

Stefanie Beninato said, "I'm not Short-term rental but rent a long-term rental. I know we need more housing. And I think there will be unintended consequences with this ordinance. You don't have to be a resident for Short-term rental and I once managed one for an out-of-state owner. I am in favor of getting rid of 'owner on the property' so there would be more opportunity for rentals. I am concerned about parking. Delgado has no on-street parking. I see in the ordinance that on-street parking would allow another unit. A gallery on Canyon Road was turned back to a residence and they put orange cones out to preserve their on-street parking. I could see people putting garbage cans and chairs out there.

Karen Heldmeyer said, "There are over 30,000 apartments this body approved that are not built. ADUs will lead to increased density and is a question if they can absorb it. Nothing in the ordinance speaks to Affordable Housing. I live in a neighborhood that is very mixed. It is the Don Gaspar neighborhood. I've seen people kicked out of long-term rentals because they were turned into short-term rentals and second homes. People are all talking about whether the city will really enforce this. The city has an abysmal record on enforcement and no guarantee that it will change with time. We need to slow down the process. This was going to be pushed through committees before coming here. The Land Use Division changes come from the community talking about how to fix the problems and should be addressed first."

Mary Schruben referred to Exhibit C to consider retaining. They are paragraphs that address the attraction of people that do not evolve the structures and keeping single-family homes. For the paragraph to prohibit mobile homes, I would encourage the Land Use Division to look at the rest of the Land Institute's record and read about how a neighborhood character can't be preserved and protected. In neither of the neighborhoods are locals listed. Everyone spoke for themselves.

The LUD needs to commit to monitoring this in whatever shape in order to track rent prices and where landlords are moving to - to prevent these neighborhoods from being destroyed. Will wells be allowed?

Gayla Bechtol, architect and urban designer. She said "This ordinance is for easing of existing rules and those neighborhoods will still exist. It doesn't make it possible to build more than what is allowed. I'm on the Casa Alegre Neighborhood Association and it is now mostly filled with houses with single people living in them. I would love to see ADUs on all of them. Hardly any families are there, and they have access to the Acequia Madre Trail. I support this ordinance."

Daniel Werwath said he worked for nonprofits and helped form the housing coalition and created the white paper for most of these recommendations. "I want to speak for

those who are not here. 600 people rent and pay more than they can afford. They earn less than \$50,000 per year and pay most for housing. The irony is that we are changing something drastically - something that goes back for hundreds of years. It is not a fix everything solution but starts today and means your neighbor can be in charge of housing in our city. There are so many reasons why this is important."

Peggy Keller is a long-term renter and single mom living here for 26 years as a long-term renter. She said, "Specifically, the proposal to allow for the owners to not live on the property is, in itself, a huge opening for long-term renters who care about their property. All of that which I care about is written in my lease and they are all enforceable."

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

### Commission Discussion

Commissioner Faulkner asked if long-term rental is 31 days or more.

Director Johnson agreed. She explained that short-term rental is less than 30 days and long term is anything more than that.

Commissioner Gutierrez asked if when building a casita that is 990 square feet, they will not have to provide any parking.

Director Johnson said it requires one parking space and they could do it on the property.

Commissioner Lawrence asked if the City has any idea how many would be impacted by this.

Director Johnson said since they would be built by an owner, it is hard to estimate that for low interest loans, etc. The City would have to have an in-depth GIS analysis to determine if they could meet all requirements. Friends of Architecture is doing a survey from different perspectives and would have results in about 2-3 weeks.

Commissioner Sategna was trying to understand if a garage could have an ADU built on top.

Director Johnson said it would have to meet the setback requirements 10 feet on the side and 15 from back. But they could convert a garage to become a living unit.

Commissioner Sategna asked her to elaborate on parking that requires two spaces or whether it could be 3 or 4 spaces required.

Director Johnson said it could. She said if the square footage is over 1,000 it would require two spaces plus two spaces for the primary unit.

Commissioner Sategna thought only one space qualifies for on-street parking.

Director Johnson agreed. The rest would need to be on the property.

Commissioner Sategna asked if bike trails along existing homes would qualify as existing parking space.

Director Johnson said if not allowed, they could not count it as a parking space, and it cannot be across the street.

Commissioner Sategna saw no parking for emergency access. In his area, those have disappeared, and people are parking illegally when a no-parking sign is no longer there.

Director Johnson said LUD has an inventory to indicate where they are allowed or restricted.

Commissioner Gutierrez said he drove here in a 2-ton truck and had to walk over here. There are streets you cannot maneuver where you have to back up and find another way. This ordinance has great potential but still has a lot to address, especially parking.

Another big thing is enforcement. He did not think anyone invested in Santa Fe will let that go by. He hoped everyone would take pride in this city. There is not enough enforcement for the ADUs. "I live on Velarde Street which is a challenge. My grandfather was a Velarde." He spoke about Charles who will inherit the property there and would become an absentee owner. Commissioner Gutierrez was in favor of that. It is a good ordinance but needs more work and needs to be slowed down.

Commissioner Faulkner asked if it was possible to address some components of it.

Director Johnson agreed. If some parts are well worked out, the Commission could recommend those parts to the Governing Body for approval.

Commissioner Faulkner agreed with Commissioner Gutierrez. "I live in Tierra Contenta and the HOA was abandoned. It has narrow streets. I would support most of this, but the parking is a concern. No ambulance could get through there. We can estimate what the parking should be, but it is not realistic. I would support all but the parking."

Commissioner Garcia asked how the Commission got this without addressing the

parking component. We already have similar issues, as were mentioned. He asked how the Commission can address that issue. He agreed that people should be able to develop their property within the rules and build on it and provide for another person to live there from their family or rent it out. He asked again how many units would be provided. Hopefully, if we look at economics and supply and demand, that would help with the pricing. He thought that needs to be looked at.

Director Johnson said they might think about pulling back the parking piece and we could use a count of those within a half mile of a transit stop to use, versus areas that are more remote. Staff could study that further.

Vice-Chair Hogan wanted to move toward a motion, so he recommended they take it piece by piece. It sounds like the cost of infill is not the concern but management of off-street parking and perhaps absentee landlords. He asked members to speak to any others.

Commissioner Sategna asked if there was a proposal to remove the permission for absent landlords. Having local homeowners who are involved is important. While they might not have to be required on the subject property but be required to reside in Santa Fe or close to the City.

Ms. Paez thought there might be some other method, but it would be hard to track without a covenant.

Commissioner Sategna said they would still be invested in the community.

Commissioner Clow opined that this ordinance is only viable if there is an exception on the parking requirements. It doesn't seem many property owners could do that if off-street parking had to be provided. But maybe one additional on-street space could make it work.

Commissioner Lawrence understood the concerns to really be about enforcement and especially about enforcement of street parking. With a very narrow street and short-term rentals there, it is about enforcement of the short-term rental regulations. Perhaps one route is to clearly say we support the ordinance and that enforcement needs to be a strong part of it.

Commissioner Clow believed the need for housing is outweighed by the parking issues and the Commission needs to wait to see how that works out. Clearly there is a need for more housing, and she encouraged support for it.

Commissioner Gutierrez said Director Johnson should ride around with him for one day. Enforcement is a big deal. He asked what the average residential street width is.

Mr. Berke said it is 28'.

Commissioner Gutierrez pointed out that Santa Fe built the streets for burros and carts. He couldn't support it as proposed, knowing that the ordinance would affect different parts of the city differently. He believed most casitas would be rented out as affordable, but it might affect the market with more options.

Commissioner Faulkner said the streets were narrow because they could stack the houses in there without consideration of street width. She felt the Commission should add something to be recommended for more work on the parking part of the ordinance. The Commission should recommend moving it forward with a closer look at parking and enforcement.

**MOTION: Commissioner Faulkner moved, seconded by Commissioner Gutierrez, to move forward this ordinance amendment to the Governing Body, with the exception of the sections on enforcement and parking, which need more attention for how it would affect different neighborhoods.**

**VOTE: The motion passed on a unanimous (6-0) roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.**

Vice-Chair Hogan thanked those who came and those who spoke.

The Planning Commission recessed from 8:39 to 8:48 p.m.

3. **Case #2018-114. Fiesta Nissan/Hyundai Development Plan.** Wayne Lloyd of Lloyd & Associates Architects, Agent, for Jamie Dick DBA 2015 Cerrillos Road Properties, LLC, Owner, requests Development Plan approval for the Fiesta Nissan/Hyundai Dealership on 11.99 acres of land. The property is zoned C-2 (General Commercial) and in the Cerrillos Road Corridor Overlay/Zone 4 and is located at 4994 and 6590 Cerrillos Road. (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325). **(POSTPONED FROM MARCH 21, 2019)**

Donna Wynant presented the staff report for this case. She referred to the report in the packet which listed the conditions of approval and technical corrections recommended by Staff and stated that the Land Use Department recommended approval with those conditions outlined in her report.

Ms. Wynant added that the archaeology review was shown in the packet also. That reconnaissance was completed in 1999 to determine that no significant archaeological resources, trails, or other historic resources exist on the property as shown in Exhibit E.

On page three, she pointed out an incorrect statement saying all stormwater would



be retained in a large underground cistern for both of the dealerships. She briefly described the mitigation that included detention ponds and, as shown in the packet, would have minimal runoff.

She noted that Exhibit A has several corrections and overall, the application met the requirements. The last four pages are reflected in the March 18 binder and those corrections are already reflected in that plan set.

### Applicant's Presentation

Mr. Wayne Lloyd, 321 W. San Francisco, was sworn. He said they agreed with all staff conditions. This is under 30,000 square feet, but because of R-2 zoning, that puts the application through this procedure. He pointed out the adjacent Pulte Subdivision. They had an ENN meeting and only two people showed up and they had no concerns. He stood for questions.

### Public Hearing

Ms. Mary Schruben was sworn. She said she was not opposed but had questions about what they are vacating. She asked how many acres and are they all in Midtown Link and are they near and new and existing.

Vice-Chair Hogan explained that her questions dealt with something that was not noticed in this case, so we don't have liberty to respond to those.

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

### Commission Discussion

Commissioner Gutierrez noticed in the packet it says they will install some gates to lock off the property at night. He asked if that would be at both entrances.

Ms. Wynant agreed. She said that is pretty common at dealerships to secure it when they close after hours. It has fire department access from Cerrillos Road in a manner based on NMDOT requirements and likewise at the gate at Governor Miles.

Commissioner Gutierrez requested consideration of moving those gates further into the property at both the Governor Miles and Cerrillos Road gates, so a fire truck doesn't have to find parking somewhere else. It would also help the first employee in the morning to find a way to get in without impeding any traffic.

Ms. Wynant also confirmed there will be a left out on Cerrillos heading south.

Commissioner Gutierrez asked if there would be a place for a vehicle to safely stop in the middle median area.

Ms. Wynant thought there was space but referred that to the traffic engineer.

Mr. John Romero there was enough room there for a vehicle to be safe.

Mr. Lloyd said they have not experienced a problem on Cerrillos Road with the planned gate location. But they want to make sure there is someone there in the morning. Mike Gomez designed that and the decel lane gives enough room for the truck to fit in there.

Commissioner Gutierrez asked if that would allow them to unload vehicles on the property.

Mr. Lloyd agreed.

Commissioner Sategna asked where it is in relation to residents nearby who might be concerned with noise.

Mr. Lloyd said the property is almost 12 acres in size and a good portion of it is the arroyo.

Commissioner Sategna assumed there was plenty of distance from residents.

Mr. Lloyd agreed.

#### Action of the Commission

**MOTION:** Commissioner Sategna moved, seconded by Commissioner Gutierrez to approve Case #2018-114. Fiesta Nissan/Hyundai Development Plan, subject to conditions of approval and technical corrections by Staff.

**VOTE:** The motion passed on a unanimous (6-0) roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

4. **Case #2019-21. Rael Tract 2 Preliminary 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 5620 Rufina Street. The property is approximately 4.08 acres and is zoned R-3

(Residential-three dwelling units per acre. (Margaret Ambrosino, Case Manager, [mkambrosino@santafenm.gov](mailto:mkambrosino@santafenm.gov), 955-6656)

Ms. Ambrosino presented the staff report for this case. She said this is a preliminary subdivision plat for eight single-family residential lots at 5620 Rufina Street on approximately 4.08 acres in an R-3 zone. She pointed out the bar ditches shown in Exhibit E-2 that showed the drainage into open space. So there were no conditions but there are technical corrections that need to be included on the final plat. She handed out a copy of the layout that showed the open space in green.

Ms. Ambrosino said an archaeology study was completed and the Applicant drafted protective covenants to be imposed upon the final subdivision. The idea is that owners would maintain parking space, access driveway, walking path and drainage.

Emergency access and turn-around is at Tract 1 to the south and was illustrated at the bottom of page 4 of the Staff Report.

She requested striking the recommendation #2 by staff. She explained that it relates to the Homes Program which is not applicable until final. But the conditions #1 and #3 she was still recommending. She recommended approval with those two conditions and the technical corrections.

#### Applicant's Presentation

Ms. Dolores Vigil, Liaison Planning, was sworn. She said they reviewed the report with the applicant, and they agreed with all conditions and corrections. She had nothing else to add and stood for questions.

#### Public Hearing

Mr. Daniel Romero was sworn. He said he lived on Placita Real Loop which is southeast of this proposal. He indicated he was not against this application but he wanted to be assured that at the loop of the 19 homes, that there would be no access from the loop out to the new development and that, if it goes all the way to the loop, there would be a barrier to divide the two locations. He had heard that the access is strictly for Rufina, but he also heard there would be a turnaround for emergency vehicles and did not know where the turnaround would be located.

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

### Commission Questions and Discussion

Commissioner Faulkner said she knew that for this development, there should be a buffer of some kind with the adjacent property.

Mr. Berke explained that there are usually landscape buffers of commercial property adjacent to residential property but not usually with residential adjacent to residential.

Commissioner Gutierrez asked from where the emergency access would be.

Ms. Ambrosino said that access will come off of Rufina. She referred to page 4 of the report, where she tried to put it in graphically for E-W access. It is owned by the Rael family and it would allow a perpendicular turn and will not go through Airport Road.

Commissioner Gutierrez assumed it would be a hammerhead turn around.

Ms. Ambrosino agreed. The hammerhead would be between lots 7 and 8 at the southern boundary will be accessible only for emergency fire access.

Commissioner Gutierrez asked if Staff was requiring an easement to show for fire only, in case that lot gets sold.

Ms. Ambrosino agreed. The emergency access easement is on lot 1 and 2. That is also in the packet.

Commissioner Gutierrez asked if there was no wall or fence on Rufina.

Ms. Ambrosino said there is a fence and landscaping there, and also a masonry wall.

There were no other questions.

### Action of the Commission

**MOTION:** Commissioner Sategna moved, seconded by Commissioner Garcia, to approve Case #2019-21. Rael Tract 2 Preliminary Subdivision, subject to Staff conditions #1 and #3 but excluding #2 and subject to technical corrections recommended by Staff.

**VOTE:** The motion passed on a unanimous (6-0) roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

5. **Case #2018-83. 1616 Agua Fria Preliminary Subdivision AMENDED.** James Siebert and Associates, Agent, for Dos Acequias, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 68 single-family lots. The property is zoned R-5 (Residential- five dwelling units per acre). The application includes a property located at 1616 Agua Fria Street and two adjoining parcels (2.686 acres and 7.4 acres) with unassigned addresses, totaling approximately 12.49 acres. (Lee Logston, Case Manager, [llogston@santafenm.gov](mailto:llogston@santafenm.gov), 955-6136)

Commissioner Gutierrez recused himself and left the room.

#### Staff Report

Mr. Logston presented the staff report for this case. He indicated this is an amended application for Dos Acequias and now revised for 68 single family lots in the R-5 zone and includes three off Agua Fria. The Commission heard his application on January 3 as a rezoning case and preliminary subdivision. And the Commission denied the subdivision and tabled the rezoning. The revised plan reduced lots from 80 to 68 and provides new emergency access in agreement with the school. It also eliminates the rezoning request.

The primary concerns involve drainage and traffic. Drainage was thoroughly reviewed, and it exceeds requirements. Traffic was thoroughly reviewed with a revised TIR that determined that Agua Fria will continue to operate without further enhancement. The fire code requirements are exceeded. And while the new gated fire access complies, the code still requires two access points. No variance from road standards are required for this development as the plan meets Chapter 14 standards and Staff recommends approval. One motion would be needed to approve or deny the preliminary subdivision plat. He provided a handout for the transition.

Mr. Logston stated that Staff got consensus on the conditions of applicant with Mr. Herdman and they are amenable to residents and applicant, but the document arrived too late to include in the packet. We already know what the main condition is - that they don't support it. I certainly respect the process Mr. Herdman took and it will be up to the Planning Commission to consider, but it was too late for Staff to take a position.

*A copy of the consensus agreement is incorporated herewith to these minutes as Exhibit 4.*

Vice-Chair Hogan said he saw the resolutions on the Montoya connection.

Mr. Berke explained that these conditions of approval are presented by Mr. Herdman. Staff does not agree with #1 but the others are more like covenants, in terms of Mr. Logston's analysis about how Staff view the connection resolution. The subdivision standards require accesses for ingress, egress and emergency access.

Vice-Chair Hogan asked if there is anything here that would prevent that access later on. He understood it was a heated discussion that took place.

Mr. Logston said the idea of connecting through school property was raised years ago but it is not on the table right now. City Staff supports a connection like that in the future. We think this resolution is in direct conflict with several provisions in the Code. So right now it is a statement. That is what the General Plan is without an ordinance, but we do have resolutions on access.

### Applicant's Presentation

Mr. Nicolas Laric was sworn. He thanked the Planning Commission for hearing their case. He said, "We have revised it to comply with the underlying zoning. We heard the concerns of neighbors and the Planning Commission last time and we will comply with R-5 zoning. We are reducing total lots from 80 to 68. We consulted with the City Affordable Housing Office and we all understand we are facing a severe housing shortage. With their input, we decided to build smaller, less expensive homes. We made concessions to make it more acceptable with neighbors.

"We have had eleven meetings since April 23, including three informal meetings at the library. We also had several meetings with neighbors and with Frank Herdman. They are all costly for us. The construction of alleyways will cost several hundred thousand dollars, alone. Rain gardens are not inexpensive. I don't think other developers would have done this much with the neighbors. But the additional conditions proposed by neighborhood have our support. We expect approval but we are not required to do some of them by code.

He added that someone asked for the intent of the original plan. "We are still planning on smaller, energy-efficient homes that are appropriate for the neighborhood. We want them to be affordable to working families and will make them the least expensive in this location and this close to town. I went to research the salaries at the City and found that a police cadet would be paid at \$28 per hour and, with down payment, a police cadet could afford a home here, and teachers, as well. So this is a real opportunity for real people. We will be partnering with groups like Habitat to build 14 Affordable Housing. We never sought land swaps or other tricks to avoid our responsibility.

"We want to respectfully ask your consideration of the neighbors' conditions and, although it will cost us a lot of money, we will accept them to make this development safer by providing the secondary access that meets all codes and which was approved 20 years ago.

Mr. Eric Cornelius, engineering consultant, Mr. Joseph Karnes, as well as Mr. Jim Siebert, were also sworn.

Vice-Chair Hogan asked about recent negotiations with neighbors and if Mr. Frank Herdman was an agent for the neighbors.

Mr. Laric said yes. He said he met with them and agreed to the height restrictions, rain cisterns, rain gardens, etc.

Mr. Jim Siebert, 915 Mercer, was sworn. He used a PowerPoint presentation for his part in this application.

*A copy of his presentation is incorporated herewith to these minutes as Exhibit 5.*

Mr. Siebert showed a map that included this development for the Commission. He said, "Basically, the roadway out is the same as it was under R-7. What happened is that the lots got larger. The alleyways are still in the back of the lots with garages at the rear. Driving on the streets, you would only see the dwelling units, themselves,

He said Mr. Cornelius would talk about the drainage plan. "It remains the same as with 80 lots. Locations are the same, so we have some surplus for surface. The Affordable Housing units proposed are 14, not 16. On-street parking has 50 spaces. The requirement for this type of development is less, so we exceed the requirements of code. The analysis of traffic was revised and submitted to the Traffic Division and they are in agreement. The level of service (LOS) originally was rated E for 80 units at Agua Fria and is now rated at D with 68 units."

"This is a density of 5.4 units per acre. The R-5 density is met because we have the Affordable Housing Bonus that added 15% to the density. That would allow 71 units but with the size concerns at intersections, we reduced the total to 68 units."

"The emergency access is being finalized with the Santa Fe Public School Board for the easement at the Mandela School. The easement is from our property through Mandela School and the requirement is that we have an opticon (a rolling gate activator) and a mechanical device that we would modify for it. The fire trucks have a sensor that is recognized by the opticon and opens the gate. So we would put one in that location and also agreed to put one at the other access location."

"On southside of the property, it will require a small improvement off the roadway. It would connect with an alley way on the project. The review took place by two engineers from the City and both approved it. Joe Barela said we needed a reservation for the future for a decel lane. We reserved that, and as property next door develops, they would provide an extension of it. The ROW designation is for a future right turn decel lane."

Mr. Siebert said it was a neighbor's concern. Regarding the secondary access, there was an allegation by the attorney that Velarde is less than 20' wide, so it doesn't qualify to serve as a secondary access. Staff said that was not supported by any law or practice. He named several places that had substandard roads throughout the east side and north side of the City. It is not a part of the code and the staff documented why it does not apply. Neither is the one for emergency access.

Mr. Siebert spoke about the International Fire code and provided a copy for the record.

*A copy of the International Fire Code is incorporated herewith to these minutes as Exhibit 6.*

They have one access on Agua Fria and one on Montaña Street. The gate is 20' wide which they will provide. It will be a sliding type gate that will allow manual operation too. It will be maintained at all times for operation by the Fire Department and it will satisfy every element of the international fire code at this site.

Regarding the detention ponds, Mr. Siebert said, "We have the proper size ponds to accommodate the property. We are just discussing facts. We checked with the City on reports from flooding, but the City has no report for this area. However, the City engineers both reviewed the report and found it sufficient to accommodate the potential storms. They provided additional mitigation with rain barrels and rain gardens that the developer is willing to construct in the subdivision.

He said, "There have been some fatalities, so we looked at crash data from 2014 to 2018, including one by the police department and found no evidence but felt it was imperative to provide the data.

*A copy of the crash data is incorporated herewith in these minutes as Exhibit 7.*

Mr. Siebert had a neighborhood meeting and discussed the proposed density. Although there was a lot of emotion during the meeting, it is part of the process. "What we are asking you to do is set some of that emotion aside and ask why to approve it. First, it complies with all city codes, including the fire code and easement requirements. We talked with Rey Gonzales about the 14 Affordable Housing units that will result. This satisfies the code. The density complies with underlying zoning, and that is factual. This plan satisfies the need for affordable housing. It is close to downtown. It is consistent with the General Plan policies. It is supported by all City departments, including fire and traffic, etc."

Mr. Siebert invited Mr. Cornelius to speak.

Mr. Eric Cornelius, 1500 St. Francis, was sworn. He talked more about drainage and the concerns of neighbors. "We did extensive off-site analyses. There is a substantial



sized drainage basin which we tracked upstream and found that most of the structures are lacking in capacity to carry the 100-year runoff. Just up from our property to the east is a limiting point from off-site. The rate of 200 ft/sec would be flowing in a hundred-year event just before entering our site and culverts from the school are undersized and would overrun the roadway. Roughly half the water entering our site would be from the school driveway. Last July 23, we had a huge event well in excess of a 100-year storm. All the water from that storm ran over that channel and damage was reported. Everything in our math is good and we are satisfied with the drainage there. The drainage goes to three areas which he showed on the map. All water-reducing peak flow is handled. While the arroyo handles existing flows now, this would handle the rest."

He explained that they are not building large ponds but a series of smaller ponds to increase filtration and the last one flows into the street and goes west where it drops into the channels. On the north side is a small basin along Agua Fria that will slow down the flow.

Mr. Cornelius said, "We answered the City Engineer how they function, and our ponds will slow down the flow with one on the northwest and one on the south that allows filtration. Those ponds would drain in 24 hours which is a special requirement for this property.

There were additional concerns on Nicole Place that our Stormwater plan would have stormwater be directed to their property." He pointed out how that was not the case. "The depth of flow would be about 2 inches. We also calculated what would cause flooding of the alleyway. The calculation showed it would take a 9" rain to exceed that.

"To summarize, we have aggressively met city code compliance and exceed the requirements with buffers to delay the flow and adequate ponding capacity. And we are willing to build rain barrels and rain gardens on-site, so it is adequate protection.

Mr. Joseph Karnes, 300 West Marcy, was sworn and said he was here on behalf of the Sandoval family and Nadine, Charmaine and Barbara Ortiz, the other property owners.

He said he would focus on the consensus issues, but first made a couple of points. "This application is of a completely different nature than the one on January 3. We respect the decision you made that night. This application is in compliance with the code. It is not a question of density. It meets that density requirement and, as you heard, I won't rehash what has been said, but in assessment of the facts in evidence. The application meets all code requirements.

"We have a 128-page traffic analysis and it is in evidence and carries weight about levels of traffic on Agua Fria and Velarde Street and is heart-felt by residents but does

meet all city code requirements.

"Velarde Street is a substandard street and the traffic engineer did a proper analysis of traffic for the worst-case scenario. Last time, Commissioner Faulkner asked the percentage from the development. The traffic engineer is to look at the worst-case scenario and determine if that intersection would be affected. That is what Terry Brown did in analyzing if traffic went down Velarde, even though that is unrealistic. We ask that you approve this project tonight. We all know this City encourages neighborhood outreach. We had an informal meeting at the South Side Library. And we have done our best to reach consensus and we have done that.

"The primary concern was on Nicole Place and that Dos Acequias would use Velarde. We also understand the General Plan policy encourages connectivity - to look at the specific facts on the ground for this application.

We have old Santa Fe and here a new application. That presents challenges and what the General Plan is trying to do is spread out traffic and give people options for getting from point A to point B. In this case, it is constrained by facts on the ground. Montañó Street doesn't go through, and there is only one gate by the school. So now there will be two gates on one side. So it is not connectivity on Montañó Street. Will it affect the goals of the General Plan? I suggest it would not. It would only affect Velarde Street and they don't want this. We understand they are passionate about not allowing traffic up Velarde Street. The access on Montañó would not provide general access but only emergency access.

You have a solution before you tonight. Staff cannot recommend that solution. But the Planning Commission can. Mr. Herdman will present a petition that residents of Velarde will ask for that gate. And there is already discussion of the resolution that calls for no other access on Montañó Street.

Mr.?? will talk about some of the codes implicated there one requires connections - we have two - one controlled by gate.

The project is 12.5 acres, but we have open space requirements. We have about 6.4 acres of development (exhibit with green on it).

The other policy implicated requires one through street. I'm not sure what every thousand feet of development. This is more than a thousand feet long - But we have a primary street going through there. That requirement is met as well.

We are willing to accept a third gate on the west side. You have the power to satisfy the development. We have come a long way and made every effort to come to you with a solution. We agree with all the conditions recommended by Staff. One that was not required is single-story homes along Nicole Place, but we agreed to that as a condition.

We have support by most signers of the petition. We ask you to approve as Staff recommended and if you do, I fully expect there will be an appeal to Council, causing more delay. We started meeting in April 2018. So we will be delayed again with an appeal. You have a chance to end it tonight with the two gates to the east and an access to the west. If Montañó was a through street, we wouldn't be here appealing a west access.

We hope you accept the solution offered, with conditions. I'd like to reserve a little time at the end. Good fences make good neighbors. In this case, a good gate makes good neighbors.

#### Questions to the Applicant

The Commission had no questions to ask the applicant.

#### Commission Discussion

Commissioner Clow said she heard Staff object to condition #1.

Mr. Berke agreed. He explained that it violates City Code. Fire and Traffic and Land Use are all "on the same page" for unobstructed connection.

Mr. Logston said that would require a variance. It might be an elegant solution but came late in the process. In order for us to approve that gate, it would require a variance.

Vice-Chair Hogan asked what the variance would specifically be.

Mr. Logston said it would address two provisions in the code. In one section (14.9 D 3), a thousand-foot road through the development is required. Obviously, there will be a road through the whole development and that does meet the code.

The other one is the requirement that two access points be provided. You would need to approve a variance for both of those. It should be the most normal, day-to-day meaning. What is the point of a connection if it is not through? That is implied.

Commissioner Faulkner asked if this application has to come before the Planning Commission again

Mr. Logston agreed. It is required to come back for final subdivision approval.

Commissioner Faulkner asked if the Commission could approve it now and have a variance come forward for final.

Mr. Berke explained the variance has to be in the application and the applicants have not requested that. And it might set a precedent with a ripple effect for other subdivisions. There could be an amendment to this application, heard at a later date with a variance. But this is without a variance.

Director Johnson commented on scheduling. To meet public hearing notice requirements, it would be heard on June 6 but that would be shorter than an appeal.

Commissioner Sategna asked if these conditions have not been reviewed by Staff.

Mr. Logston said it has been. They came in Friday and said it is the gate they were considering, and we got together on that. Staff has talked about them and we agreed it was all coming too late. It was too late to take a stance on it. The setback works for me and additional water retention. The gate is something talked about at length that we cannot endorse for code requirements.

In addition, our City Engineer is out of town and has not seen these. But he is unlikely to object to them. So we have a stance on the first condition.

Commissioner Sategna noted there are actually six conditions. The second one is the set back.

Mr. Logston said #6 is just procedural so it is the middle four conditions that Staff is not taking a stance on - setbacks, rain barrels, etc.

Mr. Berke added that Staff does not dispute or have any objection to conditions 2-6. There was a meeting between the two parties on that, but no City Staff members were present. It was distributed on Friday which is a very short time frame. Staff does not support condition #1.

Vice-Chair Hogan was pondering if they could proceed.

Commissioner Garcia was in favor of continuing the public hearing.

Vice-Chair Hogan said Mr. Herdman is speaking for a number of people and asked for a show of hands from the public for whom he would speak. Several people raised their hands.

Vice-Chair Hogan allowed Mr. Herdman more time to speak.

Mr. Herdman asked that he just be allowed to make his presentation. He thanked Mr. Karnes for his presentation that mirrored his on the consensus. He would not repeat what Mr. Karnes said. He pointed out that the Planning Commission does have the

power to approve all six conditions. He said, "I understood that it has been a long process. It takes time to meet with the people I represent. And then there are initial discussions and people go back to determine if the neighborhood supports that. So they have taken over two weeks to come to a good compromise.

"I have a petition signed by 31 individuals." He read the petition which was in support of the development with 68 single-family lots, only if the Planning Commission adopts the consensus conditions of approval and if not, we ask ... (interrupted). We are pressed for time, so I don't have copies of the petition."

On page 4 of the staff memo you can see the two code provisions - the first from Chapter 14.9 D-3. There is at least one through street for each thousand feet. The subdivision complies with that on the through street. But Staff is insisting on a literal compliance with the code. One through street is required for each thousand feet. One acre has 43,000 square feet so with that interpretation, the code requires 430 through streets with that literal interpretation, which is impossible. This provision, if it needed a connection, would say that.

Secondly, the code says at least two access points for every ten acres. Mr. Karnes subtracted the open space in the development in order to say it doesn't apply to this development.

On page 3, at the first bullet point, Staff told you that with the emergency access, the fire code requirements are met or exceeded. That qualifies as a connection. You get to be the interpreters that they either apply or not or are satisfied or not.

"I cannot recall a hearing where the issue of precedence did not come up. This is distinguishable from all others because there is only one Velarde Street. You can say another case is not the same as this one. So it is not precedential. Precedent is not a concern.

He said, "Mr. Karnes communicated with me three weeks ago, saying that the applicant has no strong concerns about access. I talked with the Fire Marshal about a possible compromise and asked if he would support the access. He preferred a padlock as his idea because it could be cut with a bolt cutter."

Mr. Herdman said, "Mr. Siebert talked about regulation and went through conditions 1-5. Number 6 was read and what is contemplated by this condition is that it satisfies international fire code and satisfies the fire marshal, so we have his concurrence. I represent to you that my conversation with him is true. We also have the resolution regarding continuation of Montano Street. We have a declaration of the Governing Body that relates to this specific condition. We cannot ignore it. We also had a document adopted by the Governing Body in 2005 to establish a neighborhood bill of rights. You cannot find it on the website, but it is still in force."

"It contains a nine-point bill of rights. He quoted one point from it - that a neighborhood has a right to determine the character of the neighborhood. Mr. Karnes have been very open with us and we came to consensus on this bill of rights."

He summarized that, "We have been true to the mandate and we request that you approve the consensus conditions of approval. He stood for questions.

Commissioner Clow commented to Mr. Herdman, "In looking at the statute you cited, that doesn't just relate to the fire department for the two ingress and egress. It is for protection of homeowners in case one egress is blocked.

Mr. Herdman responded that if that is the concept you just articulated, we would hope to find it in there, but it isn't. And to read it in the context that I referred to in the prior hearing, it deals with roadways and it states clearly in 14-9 about an adjacent street that is substandard that an additional access point shall be added. And without that, there is no choice but to deny this application. This code has never been a model of clarity, but the result is confusion and lack of certainty. It is capable of more than one interpretation. These provisions, taken as a whole, do allow for a consensus of approval. So we respectfully request you adopt all conditions of consensus.

Mr. Logston explained there was a snafu with the card system that was being used to call up those who wished to testify, and he asked for them to use the honor system.

#### Public Comment

Mary Schruben (previously sworn) said, "I want them to explain that the plat designation gives an easement through the school property on both their plat and the school plat so when the school district changes the use, it [the easement] is still there.

Daniel Werwath, 1726 Agua Fria Street, was sworn. He said it was his first home and speaking as a neighbor. "We have to figure out how to do these developments. It is overcrowding the schools and is de facto discrimination. This is one of the biggest and we have to figure out how to do it. I ride my bike up Velarde and almost got hit there. It is not conforming, and it is a danger for bikers and pedestrians. Montañó Street should connect and become a through street to create safety. The 14 Affordable Housing would have no other option to buy a home and everyone should do that with the rest of the developments.

Joseph said, "Our board of directors supports this property [development] and certainly the seven tier-one units. How they are able to do this is building by volunteers and the home is financed with a no-interest mortgage. Escrow and taxes add to it but principal and interest is about \$300-\$400 and we put solar on the roof and not a swamp cooler. Our homes use 15% of a normal well-built home use. We are excited about this proposal and hope you will support it.

Rey Domenico said, "I spent all week preparing documents based on everything on line and feel I am in alternative. We made all of our evaluations on things available on line and this is totally new, so we won't submit our document into the record. The information is what we now need to digest. Everything the developer said is new and not what was available. We were not privy with those negotiations of the developer with Mr. Herdman. We definitely don't agree with them. This is the first we are hearing it and we need more time. It would be irresponsible to make any decision tonight but put it on hold so we can figure out what is going on here. If this development is so ideal for our community it would make sense, but it does not."

Shavon was sworn. She said, "We researched and studied and have met since last May for a solution with the developers and land owners. We support best practices when it is in context with the neighborhood. This doesn't define infill adequately and did not exist when the General Plan was written. And for those who must access Agua Fria, we respectfully disagree with Mr. Romero, traffic engineer. It is a U-turn of 150 feet and over 20 Dos Acequias residents going to Velarde is approximately 20 cars and we disagree with the Fire Marshal - the traffic will increase."

Rick Martínez was sworn and said, "The neighbors have been talking together and the City should support that. We look forward to a resolution. There is nothing being done with Velarde Street. Last time, Jack Hiatt asked the traffic engineer if there would ever be a problem on Agua Fria and the answer was no. But people are backing out onto Agua Fria, and we need to make sure they are protected, as well. I hope you take the advice of our resolution."

Julie DiGiorgio, 915 López, was sworn. She said, "I don't envy all of you in this position you are in. I'm here as a representative of the Santa Fe community. I've been here over 10 years and it is hard to find affordable homes. Over the past year or so, I'm seeing companies trying to provide opportunities. But housing is not affordable. In addition to 14 Affordable Housing units, the market homes will be open to all professionals. It is a problem that we cannot allow neighborhoods to derail development of homes. Without the rules, no development would take place. The neighbors have worked hard to find a solution and they should come together. They deserve your support as well. Hopefully we can continue to grow."

Anna, 836 Nicole Place, was sworn and said, "Thanks for letting us speak. I live on the other side of En Rio Medio. At the last meeting, I expressed my statement on the record tonight. I appreciate the neighbors and don't support the development as presented. I support Affordable Housing but also configurations for neighbors in such a high-density project of R-5. The neighbors don't have that higher density."

Julia Meyers was sworn but her statement was inaudible.

Nancy Howley was sworn and said she lives right across from Frenchy's Park. "The

traffic is so bad, and I can't imagine this development moving forward. It is unsafe for pedestrians and people riding their bike. I live on Agua Fria and experience the development. It will be a problem."

Reyes Martínez was sworn and said this issue not only affects Velarde Street but also our street. I work at 1602 Palomino Court where the intersection is oddly angled as a three-way street intersection. Every car will have to go through this intersection. Most of those cars will likely connect through Baca Street. The Montaña Street intersection is dangerous and has already reached its capacity. You will be playing a shuffle game. I ask you to consider not approving it. And I ask that the resolution be approved as an ordinance.

Mary Charlotte was sworn. She said, "We were here three months ago. Since then, the applicant went with the existing R-5 zoning and instead of fighting, we got together to achieve consensus - to have conversations and come to consensus - a lot of people here do read, and it was not a surprise. We believe that we have done the job in finding consensus for the whole neighborhood and ask you to approve it as conditioned. We worked hard on Velarde Street. It could not serve as egress for this development and I think the Planning Commission agreed with that from the last meeting. This consensus solves a lot of problems. With the emergency gate, it would solve the emergency access and traffic issue. Connectivity is thrown around as a mantra. There is good and bad connectivity. Velarde Street is at the new development and meets no standards for connectivity as a through street. It is good for bikes and pedestrians. This specific case is not good for connectivity and Agua Fria is already stretched as an artery. As neighbors, we want to participate in good connectivity and ask you to approve this development with all consensus conditions.

Taylor Pardue was sworn and said, "Everyone is just doing their job - neighbors and developer, by providing housing. I still find the process hard, but I support the consensus of Herdman and Karnes. It will be hard because it is already unusual, but the project should not be dismissed because of traffic. The plans for Mandela include new construction to go from 220 students to 400 students and that needs better connectivity. The only added connection is Montaña to Velarde. And 220 students would need to get to the school. What real connectivity is provided by adding traffic on Velarde? It might be for an entrance at the school. It is a long shot and I hope the City would consider legal turning options at the school and more east-west on Agua Fria. By using the existing road west of the school, as shown on the map, it would provide a separate developed entrance less than 100 feet from the school entrance. So it would provide turning lanes for both the school and Dos Acequias. Could we look at it as a possible solution? The school is currently under enrolled, despite structural costs. And the City does not assume responsibility for the infrastructure or what it would look like. We can help and find safe outcomes. So please think outside the box for this."

Don Warman on Palomino Street was sworn. He said "Staff don't support that ordinance; these policies are done by people who don't live in the neighborhood. These



policies become disruptive and diminish our quality of life and not living there, they don't see that. We ask for the conditions for extension of Montañó. The residents on both sides of the proposed subdivision recognize cut-through traffic resulting on the extension of Montañó. People cutting through Palomino to get to Baca Street through the new subdivision will just aggravate that situation on already overloaded Baca Street. So we ask that there be an ordinance to prevent the extension of Montañó. It won't decrease the quality of life but would also decrease the trail system viability."

Tony Ortiz on Velarde Street was sworn. He said, "This is my birthday, but this is important to me. We should put a light on that intersection. A fatality happened in front of my house. It was there that a gentleman died.

There are teenagers behind the wheel and people late to get to work.

We've been discussing this and trying to find consensus. My concern is traffic. I'm also heavily concerned about the stormwater management plan. It is basically without detail. It talks about drainage and the responsibility of us as a City to do the project. I've experienced a lot of flooding and there is some access, but culverts are too small." He showed pictures on his cell phone to the Commissioners.

Suzanne Forman, on Palomino Street, was sworn. She said, "As a parent, I ask you to respect the existing neighborhood now with increased water drainage and traffic. My daughter asked me to attend to speak up for the children who walk there. I know she would be here if she could, but she should be sleeping now. I ask for further study of Montañó Street connecting with Palomino. Affordable Housing should be thoughtful in long-range planning for the neighborhood. The Staff don't have to live with the outcomes from decisions made here for the project so there are long-term consequences. Please think about children's safety.

The next person's name was not audible but was sworn and said, "I came here to support this project, the neighborhood, and the developers. I support Frank Herdman. We heard earlier that emotions are part of the process, but we need to rely on the facts. I invite all of you to come look at Velarde Street or listen to us. The main idea of connecting Velarde with something will be better if you listen to us. I urge you to support the compromise and look forward to welcoming sixty some neighbors to a neighborhood where people can enter through different entrances and walk to the park. We do walk in this neighborhood - thank you.

Michael Hurlocker was sworn. He said, "In my day I went to a lot of Planning Commission meetings and don't think I ever heard as crisp a presentation. It was well laid out and gives you the opportunity to approve this project with the consensus points. It also had an emotional side. I'm a builder and have built here for over 30 years. I have a crew who can't afford to live here. This is a price range they could afford and suggest you approve it. They live in Pecos, Española and Rio Rancho now.

Louie Baca, on Agua Fria, was sworn. He said, "Someone mentioned fatalities. I have witnessed five deaths within one tenth of a mile. I've lived there all my life. I know out of the five, two were friends and neighbors. Velarde Street is too small of a road to have it used as an entrance or exit for this development. It is way too small to add more traffic. My house is only two driveways from Cristobal Colon, and it is hell getting out of my driveway. I have to turn to Potencia and do a U turn to go down Agua Fria. It is a longer traffic. Bringing the development down from 80 to 68 - what is the big deal with that?

Nancy Fay, 628 Mesilla Road, was sworn. She said, "The people who found the grace and courage to sit down together are my neighbors and I'm proud of them. They have done something worth applauding. I support their spirit to find solutions. Help them memorialize their findings and hard work.

Raymond Herrera, 378 Hillside Avenue, was sworn. He said, "Santa Fe is my community not just my neighborhood. I was on the Commission 30 years ago. The developer and neighborhood could get together and work it out like they did tonight. I'm concerned about traffic and the health and safety and welfare of the kids there. The drainage issue - They spoke about the ponds but who will maintain those ponds? Vista Primera can remember the nightmare still. They couldn't find a French drain. So in this situation, who will maintain the ponds? The City won't and most homeowners don't know what is going on. Is it permissible for the drainage to go into the Acequia Madre? I don't think so."

Anita López, 306 Palomino, was sworn and said she was born and raised in Santa Fe and lived in her house on Palomino for 50 years. She said, "I have experienced living on Palomino when the rainstorms come. That acequia or arroyo, we cannot cross, and it brings lots of debris down. I agree with the Affordable Housing. It is badly needed, and people cannot afford it here. So sixty homes and 14 affordable homes is a little help. The traffic today on Agua Fria is horrendous. You cannot make a left-hand turn. So the traffic there is big numbers. Older homes don't have a driveway to turn around and have to back up. My own family - we start to slow down and car behind you gets on your bumper.

Lyle, at 619 Velarde Street, was sworn. He said "People have different motives here - homeowners, developers - and you - with this consensus - the developers are willing to give more, and the neighborhood gave a little. All of us, if we are honest, would not like to see it built. But we are trying to work together and be reasonable and flex from what our natural position would be. Specifically with Velarde - it is too small and various things were cited here. The street is there so we will use it. There really isn't any tangible benefit for this. They are accessed from Agua Fria Street and it should be the same amount of traffic through both."

Paul Cracos was sworn. He said, "I'm one of the owners of Geo Sites and Water consulting firm. We employ 17 people. It is difficult to bring in professionals to Santa Fe

for a number of reasons, especially the high cost of living and housing. Some end up commuting from Bernalillo. The Dos Acequias development offers affordable housing close to town. It is in range of young professionals and based on that, we support the project and urge you to approve it.”

Kim Shanahan was sworn. He said, “I cannot help but feel sorry for our Staff. They are not wrong about the need for variance but have to go with something so unique with the developer and neighbors agreeing on what needs to be done. We rarely hear Staff say no, because they usually work out the problems and they actually supported a higher density, but you said no and overruled the Staff. And you have that right tonight. Even though they might say no gate, the people say put it in. This time, you should respect the process that occurred and support the gate for emergency access. It satisfies everyone except maybe Mr. Berke.”

Juan Montaña, 1615 Agua Fria, across from the subdivision, was sworn. He said, “I’m concerned with traffic. We have to back out every day and my neighbor also. It has been a hassle and friends are complaining about it. I have lived there 70 years. What can we do? And now the added cars from this development. I hope you can do something about the traffic. If you come to my house, I would have to stop traffic on Agua Fria to help you get in and to help my neighbors get out.”

Karen Heldmeyer was sworn. She said, “I had not intended to speak. But discussion about the General Plan came up. I worked on the General Plan ten years ago. It was not intended to be taken literally. It is aspirational. And now, it is a joke that you can find anything in the General Plan to support what you want to do. It does not have the force of law. That is how we have used it.”

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

A number of letters were provided regarding this case and are attached to these minutes as Exhibit 8.

#### Action of the Commission.

Commissioner Clow said she was in total favor of people getting what they have wanted when these two groups get to consensus. “But I see the code requires two ingress/egress locations for this. And the fire access is separate. So, I feel we cannot agree with that condition. It needs to be a variance. On the issue of resolution, even if it was something more than a resolution, I don’t think the way it was written was not to have a thoroughfare. So in looking at the City report, it meets all conditions of the code. I can’t think of anyone who would use Velarde as an entrance or exit and only if in an emergency. So I see no choice but to approve it.”

Commissioner Faulkner said it was a conundrum to her. The community getting

together and working with the developer. I did that kind of work before. But we are bound by following what is legal. I'm not concerned about precedent. But I am concerned about the process of agreeing with the first condition. I almost wished we could get it where it needs to be legally to support this incredible work. I don't know if I'm comfortable with this.

Vice-Chair Hogan noted that the Commission has been told by several attorneys that we have authority, but we have a City Attorney here. Can you tell us if we need a variance?

Ms. Paez said, "I think that Mr. Berke gave a good explanation why an open connection is needed to a through street. I think they gave a good interpretation of the code that it should connect through. As usual, there is wiggle in code interpretation but if you agree with staff's interpretation that a gated connection is insufficient to satisfy the code, then, you should not approve a gated connection without a variance. But it is within your power to interpret the code differently than staff."

Commissioner Garcia said he was not in favor of blocking streets. "If the Commission were to say Cerrillos Road and the main thoroughfares are too busy and would have to use Agua Fria, that would not solve anything. I do commend both parties for coming together with the gates, but I have a problem with the gates. I know the neighborhood very well. I worked there as a contractor and saw how difficult it is out there. Who is going to go through Velarde Street anyway?

Taking a step back on access to Montañño Street, we would block off another street. And people would still have to get around. I'm not sure where to go with this. But I am not in favor of blocking the other one."

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Sategna, to approve this preliminary subdivision plat with all conditions except condition #1.

**VOTE:** The motion passed on a unanimous (5-0) roll call vote with Commissioners Clow, Faulkner, Garcia, Lawrence and Sategna voting in favor and none voting against. Commissioner Gutierrez was not present for the vote, having recused himself.

Vice-Chair Hogan thanked everyone for coming.

## **G. STAFF COMMUNICATIONS**

Director Johnson had no other communications.

Ms. Paez had no communications.

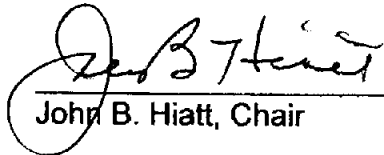
## **H. MATTERS FROM THE COMMISSION**

There were no matters from the Commission.

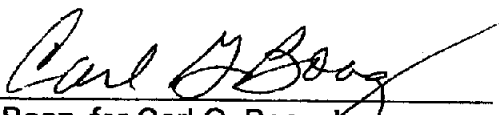
## **I. ADJOURNMENT**

Upon motion by Commissioner Lawrence and second by Commissioner Garcia, the meeting of the Planning Commission was adjourned at 11:55 p.m.

Approved by:

  
John B. Hiatt, Chair

Submitted by:

  
Carl Boaz, for Carl G. Boaz, Inc.

April 5, 2019

Planning Department  
City Hall  
Santa Fe, N.M. 87505

Members,

While housing is a major priority in this city, it should not be at the cost of ruining stable neighborhoods.

In-fill of vacant lots is needed and acceptable, but continued exploitation of homes with garages, sheds, or other “extra spaces” cannot continue. To now allow even looser standards by opening sales up to “investors”, many times from out of town, invites even less control of local properties.

The visible lack of enforcement of many town ordinances (sidewalks, tree maintenance, wall/fence repairs), shows how little attention is paid to properties even owner-occupied. The rental owner is even less likely to be concerned with such details. There are, of course, some exceptions, but they are by far in the minority,

Allowing endless rentals (by town and banks) increases the sales to buyers who don't meet the basic income standards and need the rentals to meet their payments. As the country learned a few years ago, this is a recipe for disaster.

This city needs younger families to continue to thrive. It needs decent housing in good neighborhoods with stable occupants who will support the area, not transient tenants who come and go on regular basis.

It also needs to support the police who are being called out regularly for all kinds of questionable activities. It is hard to know who actually belongs in an area when the tenants change so regularly. A good sign of rental overloads is all the cars and trucks parked on the street when there is no room in driveways giving even good neighborhoods a “used car lot” image.

Please exercise good judgement in considering the effects of poor land use planning on the both the City and its occupants. Build housing in appropriate places.

Sincerely,  
Kathie Emery

**OSFA COMMENTS ON A PROPOSED ORDINANCE**  
**AMENDING THE STANDARDS FOR ACCESSORY DWELLING UNITS**

- The Old Santa Fe Association supports this effort recognizing the importance of small-scale, low density rental housing in contributing a solution to our city's critical housing shortage, while discouraging their use as short-term rentals.
  - In all districts of Santa Fe, and for many who would like to live and work in our city, accessory dwelling units can offer a welcome alternative to large-scale apartment complexes. It has been estimated that, presently, at least 2,000 city apartment units are either being built or have been permitted to be built, and close to the current maximum of 1,000 short term rentals are being utilized. Fundamentally, we welcome efforts, such as this Ordinance, that will encourage - and <sup>give</sup> ~~incentivize~~ <sup>to</sup> - the alternative of additional long-term rental units in our neighborhoods, with the accompanying restrictive actions on short-term rentals.
  - ~~As always, a~~ <sup>key</sup> concern is the need for increased and constant enforcement of this or any Ordinance, which has always proven a challenge for the city, and could well continue to be so. We ~~would~~ recommend including a review within an appropriate time period.
  - Our Board also questions this Ordinance's proposed use of on-street parking as well as other matters of concern to residents of the neighborhoods. Parking may prove problematic, particularly on some of the city's narrow residential streets, which already have parking problems. A successful process would include further public discussion on this and other important issues, including neighborhood stability, second stories and sustainable building practices.
  - We applaud Mike Loftin of Homewise for reaching out to our organization for our concerns and comments on the problem of housing in Santa Fe and to Alexandra Ladd of the City and Tarrie Burnette of Homewise for their presentations to our board. Our thanks as well to the Mayor's Affordable Housing Taskforce with its thoughtful and wide-ranging Recommendations, and to the Santa Fe Housing Action Coalition for sharing its ADU Recommendations.
  - We believe this process is a step in the right direction in meeting Santa Fe's affordable housing challenges.
-

**Subject:** Rental of Primary and Guesthouse on Same Property-NO

**From:** Mindy J Paul <mindyjpaul@comcast.net>

**Date:** 4/3/19, 10:25 AM

**To:** mayor@santafenm.gov, "VILLARREAL, RENEE D."

<rdvillarreal@santafenm.gov>, "LINDELL, SIGNE I." <silindell@ci.santa-fe.nm.us>, pnives@santafenm.gov, cromero-wirth@santafenm.gov, cmrivera@santafenm.gov, rrabeyta@santafenm.gov, maharris@santafenm.gov, jvcoppler@santafenm.gov, "LITZENBERG, ERIK J." <ejlitzenberg@ci.santa-fe.nm.us>

**CC:** Eric Gent <eric.gent.lmt@gmail.com>, Lisa Law <lisalaw@cybermesa.com>, tonyor68 Ortega <tonyor68@comcast.net>, geraldinesalazar@comcast.net, "gs@santafelaw.com" <gs@santafelaw.com>, Deborah Parker <dap@studiodap.com>, Rick Martinez <morgmartinez@yahoo.com>, Karen Heldmeyer <kheld@earthlink.net>, Suby Bowden <suby@sb-associates.net>, Rosemary S Minard <RSMinard@Earthlink.net>, Rey Montez <santafeheaven@peoplepc.com>, Anna Llobet <annallobet@gmail.com>, ruby-jean@comcast.net, "lucygent@gmail.com" <lucygent@gmail.com>

Good Morning,

I was deeply concerned this morning to read in the New Mexican of yet another effort to add incentives that will increase out of state property ownership in Santa Fe, create more pressure on older neighborhoods with increased parking and traffic issues, and further destroy the quality of life in existing neighborhoods.

Out of state property ownership/speculation is driving up real estate prices beyond the reach of many people who earn a living in Santa Fe and were born and raised in our community. Allowing short term rentals to expand in 2016 has very poorly served our community already, and adding more financial incentives for out of state ownership sends rental and capital gain money out of Santa Fe, drives up real estate prices, and leaves vacant holes in our neighborhoods with property ownership focused solely on profit, with no concern for quality of life for our residents.

In Santa Fe's railyard where I have lived going on 25 years, we have struggled with unmanaged growth, out of state ownership, and parking/traffic issues. Out of state ownership on the property next to mine resulted in a tenant having parties in the middle of the night and obviously selling drugs from the property. After three years of contacting the property owner in Montana, calling the police, and attempting to use the city's non-functional Public Nuisance Ordinance and Constituent Services, we simply gave up. Last year at 3am we woke to a SWAT team demanding that the tenant come out with his hands up. The SWAT team climbed up on my roof when the tenant refused to surrender while firing a gun back at the police in a standoff that lasted 8 hours.

Parking and traffic issues in the railyard are profound and the city has demonstrated an indifference to the concerns of my neighborhood. For years we have asked the city to improve the enforcement of residential parking permits, only to have our high paid parking division director turn up for a week or so when residents complained, and then disappear. The Railyard Flats apartment density was significantly increased against concerns of



## Rental of Primary and Guesthouse on Same Prope...

residents with parking/traffic issues and no affordable units. The project, which is primarily an out of state pied-a-terre, was slammed in anyway with commitments from district 1 councilors and the city's parking division that permit parking would be enforced full time in the railyard. The city has not enforced permit parking as promised, and frankly we can't even get appropriate residential permit signage in our neighborhood.

In the face of having so many issues with the growth of neighboring business La Choza's overflow parking from tourists, building permits were issued for even more expansion of the restaurant in the midst of obvious problems, completely overwhelming our neighborhood. Remarkably, another building expansion is in process now! When contacting our new high paid department head for Land Use with concerns about zoning that would allow continued expansion in the future, I received a snarky reply that indicated I was wasting her time, as it would seem that the departments only goal is to slam in more problems in our old neighborhoods, rather than working for the people of this community who pay her salary, and actually solving problems for residents.

With the recent traffic fatalities, with more likely coming in my neighborhood, the notion that more density in our older neighborhoods is helpful is absolutely shocking and leaves one wondering how people engaged in running our city can be so out of touch with the problems facing the survival of Santa Fe's older neighborhoods and why all the city's resources are expended to create more problems, rather than actually listening to the residents and solving existing issues. It would seem that the city is being run as a money maker for out of state investors and developers rather than supporting the residents of our community.

Please do not proceed in "solving" affordability by destroying our older neighborhoods that are already at a breaking point.

Best Regards,

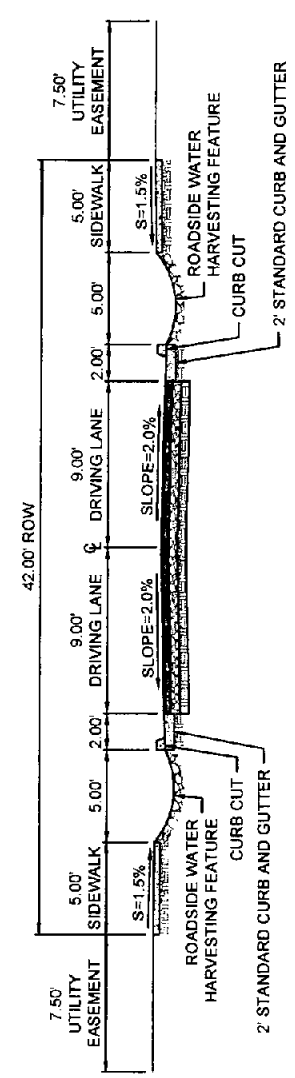
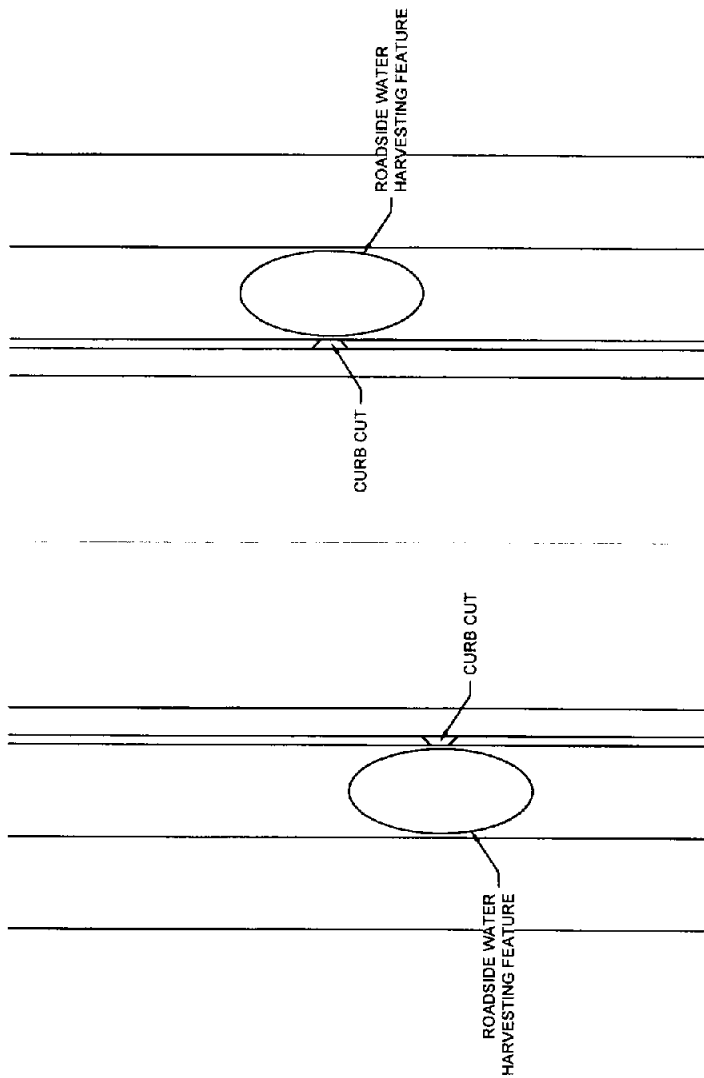
Mindy Paul  
Board Member Ferrocarril Neighborhood Association

## **PROPOSED "CONSENSUS" CONDITIONS OF APPROVAL**

1. A gate with a padlock or Knox Lock shall be permanently installed at the southwest corner of the proposed Dos Acequias subdivision where the subdivision would connect to Montano Street in order to restrict vehicular ingress and egress to and from the subdivision at such location to emergency vehicles only. Such gate shall be installed and maintained by the developer of the Dos Acequias subdivision at its expense.
2. The width of the alley along the western-most border of the Dos Acequias subdivision, which alley runs parallel to and is approximately the same length as Nicole Place, shall be reduced to seventeen (17) feet to create a buffer that is five feet wide between the lots on Nicole Place and the curb and gutter to be installed along the western edge of said alley. Said buffer area shall be shown as open space on the final recorded version of the subdivision plat. This condition is subject to Fire Marshal approval.
3. The residences (including their garages) located along the western-most street of the subdivision, which street runs parallel to and is approximately the same length as Nicole Place, shall be limited to one story.
4. The residences (including their garages) located along the western-most street of the subdivision, which street runs parallel to and is approximately the same length as Nicole Place, shall be set back at least thirty-seven (37) feet from the eastern boundary of the lots on Nicole Place. Said 37-foot set back area shall be shown on the final recorded version of the subdivision plat.
5. Rain barrels shall be installed on each lot, and a rainwater catchment system in the medians as shown on the attached drawing shall be installed in the subdivision.
6. Any amendment to the foregoing five (5) conditions of approval shall constitute an amendment to the conditions of preliminary and final subdivision plat approval for the Dos Acequias subdivision and shall require a public hearing before the Planning Commission with notification to be provided in the same manner that was required for the original subdivision application submitted for the Dos Acequias subdivision.

The foregoing six (6) conditions of approval are adopted for the preliminary subdivision plat approval for the Dos Acequias subdivision and shall be adopted as conditions of approval for final subdivision plat approval. The foregoing six (6) conditions of approval shall be stated on the final recorded version of the subdivision plat for the Dos Acequias subdivision.

Exhibit "4"



TYPICAL ROADSIDE WATER HARVESTING FEATURE

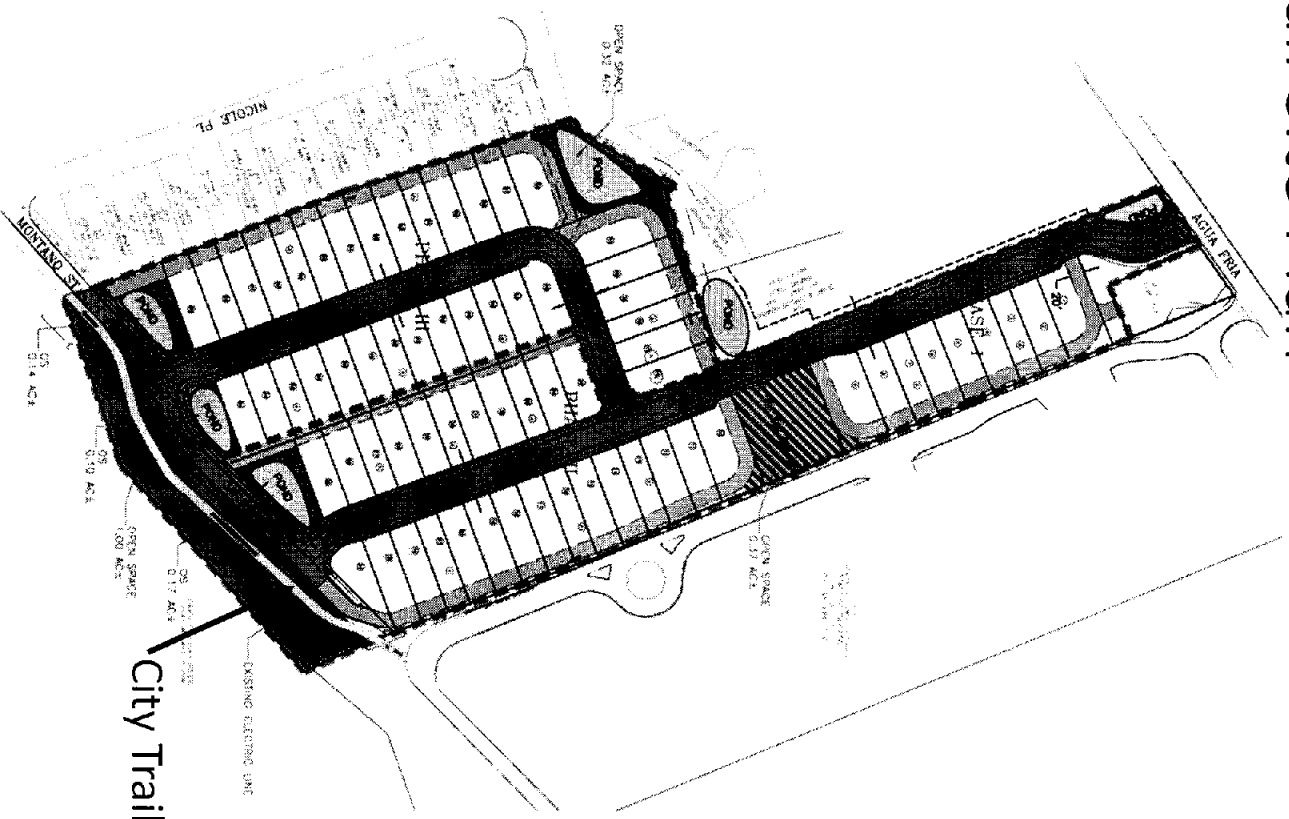
**DRAFT**  
 SUBJECT TO APPROVAL BY  
 THE SANTA FE PUBLIC  
 WORKS DEPARTMENT

# Dos Acequias Subdivision

Preliminary Plat

Exhibit "5"

# Overall Site Plan



## Site Data:

Total Area:	12.49 act
Density:	5.4 DU/AC
Dwelling units:	68
Affordable Units:	16
Off lot parking:	52 spaces
Open space:	2.10 act

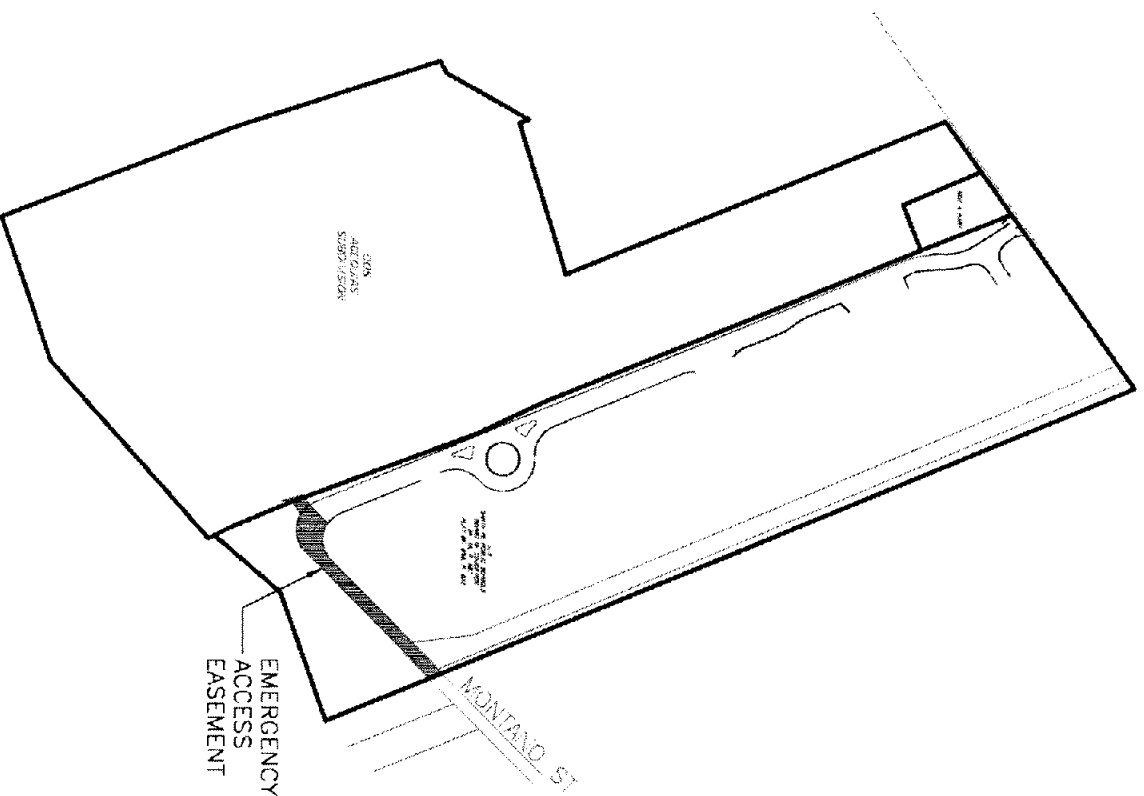
# Density

R-5 Density:	$12.49 \times 5 = 62.45$ rounded to <b>62 units</b>
Density Bonus:	$1.15 \times 62 = 71.3$ rounded to <b>71 units</b>

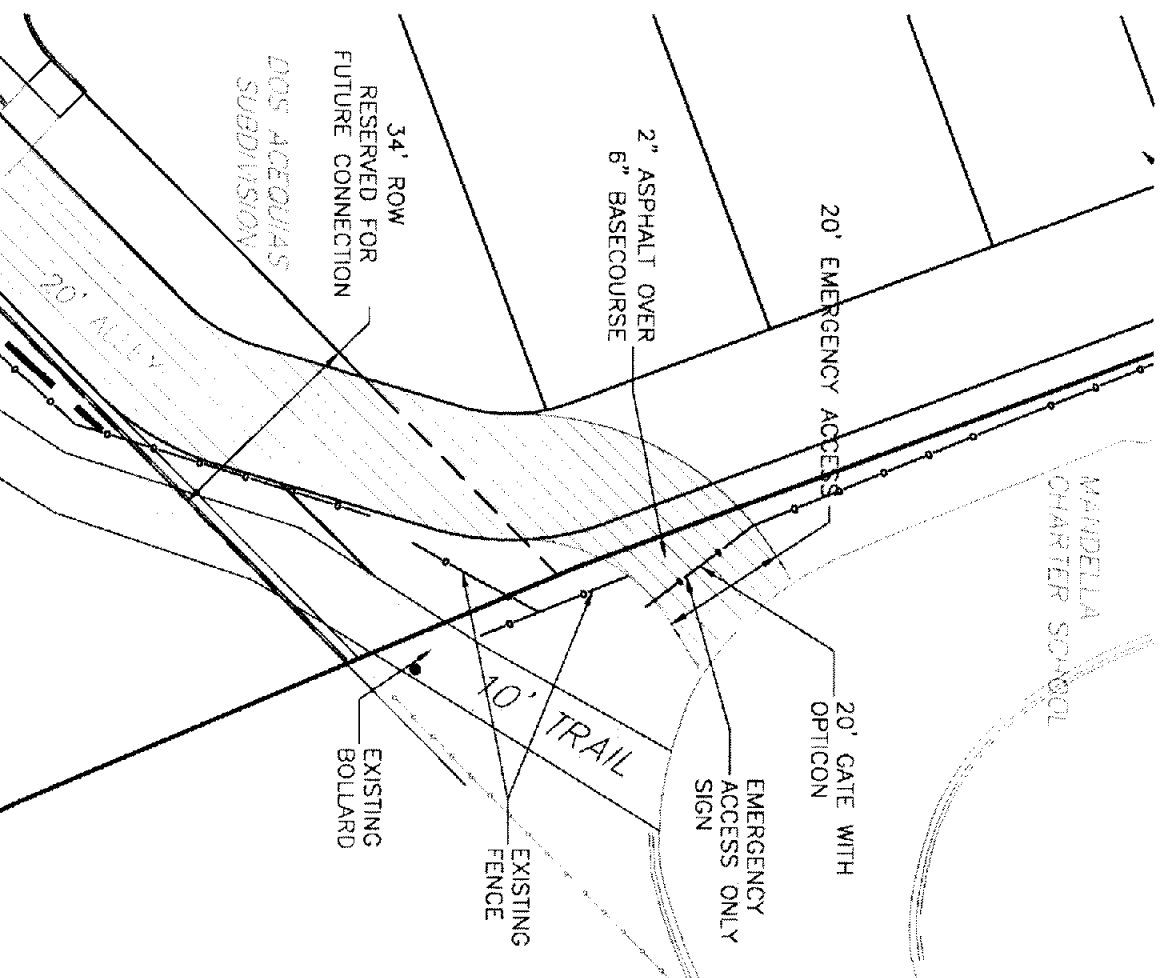
71 maximum units allowed

68 units proposed

# Emergency Access Easement

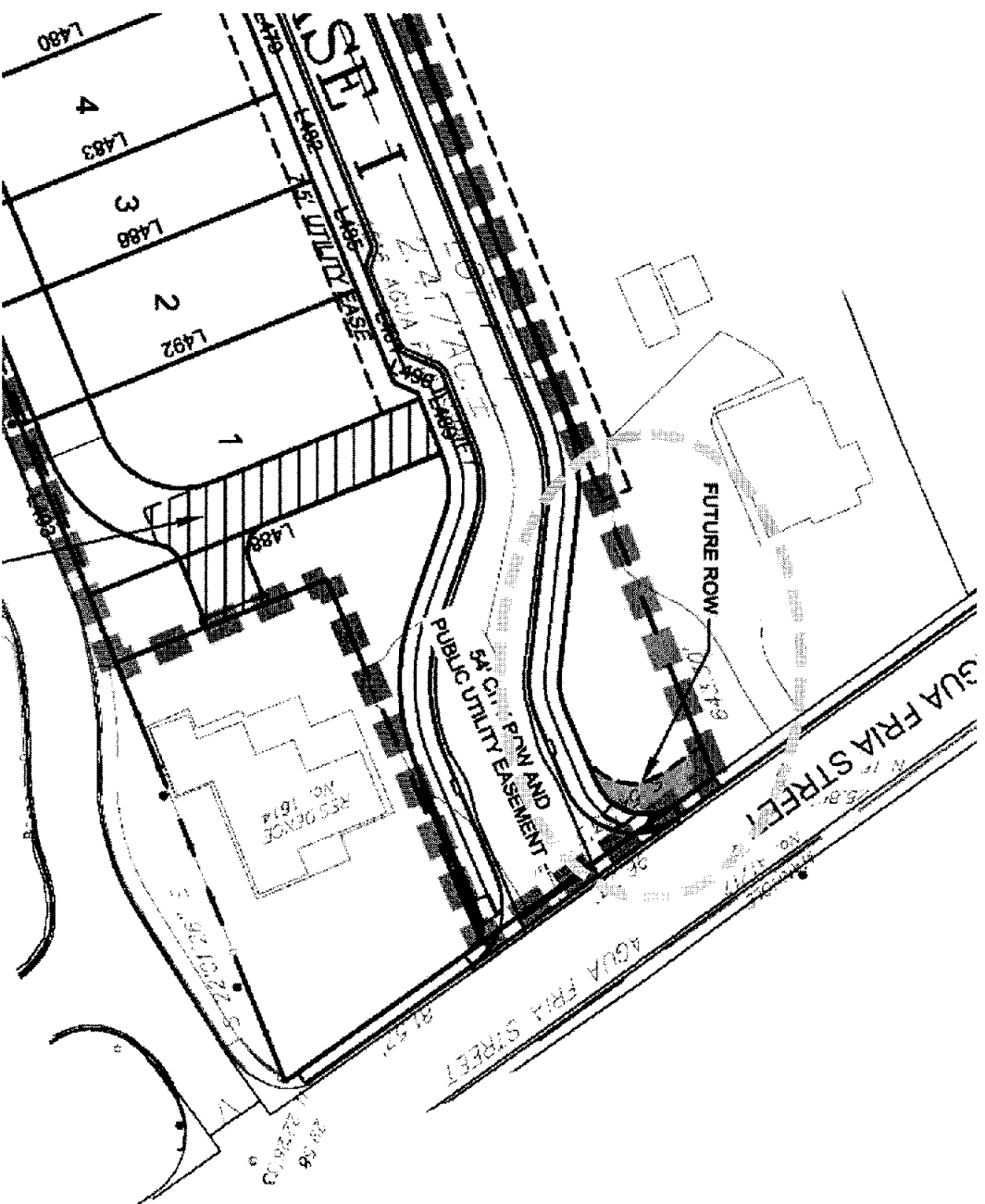


# Emergency Access Detail





# ROW designation for future right turn decel



Acquia Madre

Arroyo de la Joya

SHEET 9-2

SHEET 9-3

SHEET 9-4

SHEET 9-5

SHEET 9-6

Santa Fe Public Schools

TYPICAL LOT DRAINAGE & ELEVATION DETAILS

Grid of lot numbers and elevations:

100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120
121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141
142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162
163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183
184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204

1. THE LIMITS OF CONSTRUCTION AND LOCATIONS OF THE CONTRACTORS STAGING AREAS SHALL BE IDENTIFIED BY THE CONTRACTOR AND APPROVED BY THE DISTRICT ENGINEER.
2. ALL STAGING AREAS SHALL BE MAINTAINED IN A CLEAN AND SAFE CONDITION AND SHALL BE REQUIRED TO MAINTAIN WORKERS IN A SAFE CONDITION TO PROVIDE ACCESS AND TO MEET WITH A RESIDENTAL.
3. CONSTRUCTION IS REQUIRED TO PROVIDE DUST AND NOISE CONTROL MEASURES TO PROTECT THE NEIGHBORHOODS AND TO PROTECT THE ADJACENT PROPERTY.
4. GRADING SETBACKS TO EXTERIOR PROPERTY LINES ARE AS FOLLOWS:
  - a. TOP OF VERTICAL SLOPE - ONE FIFTH THE VERTICAL HEIGHT OF SLOPE WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.
  - b. TOP OF HORIZONTAL SLOPE - ONE FIFTH OF THE SLOPE WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.
5. THE SURVEYOR SHALL VERIFY SETBACKS IN THE EXISTING RECORDS AND FIELD SURVEY.
6. INSUFFICIENT MATERIAL FROM SITE GRADING AND REMOVAL OPERATIONS SHALL BE DISPOSED OF AT AN APPROVED LANDFILL.

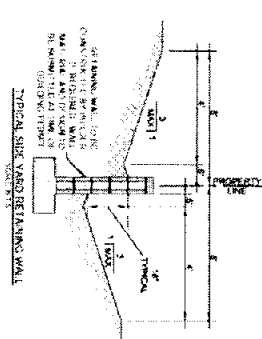
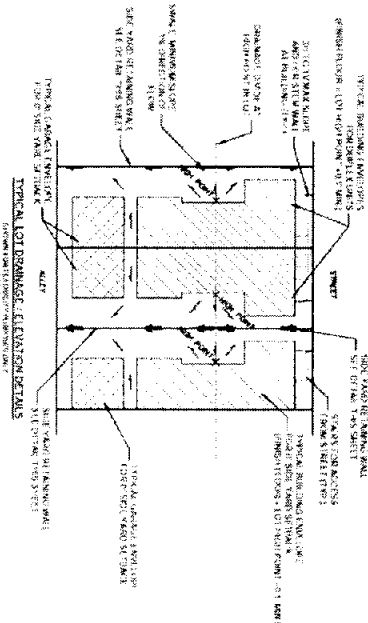
5. ALL TUBED AREAS SHALL BE PROTECTED AND COORDINATED WITH THE CONSIDERING PLAN.
7. ALL THE MATERIAL SHALL MEET THE REQUIREMENTS OF THE M.D.O. FOR STATE SPECIFIC GEOTECHNICAL OPERATIONS. THE FILL SHALL BE COMPLETED AS PER REQUIRED SPECIFICATIONS.
8. THEORETICAL CALCULATIONS SHALL COMPLY WITH SECTION 146.12 PRECEDATION OF CONSTRUCTION PARAGRAPH 3.

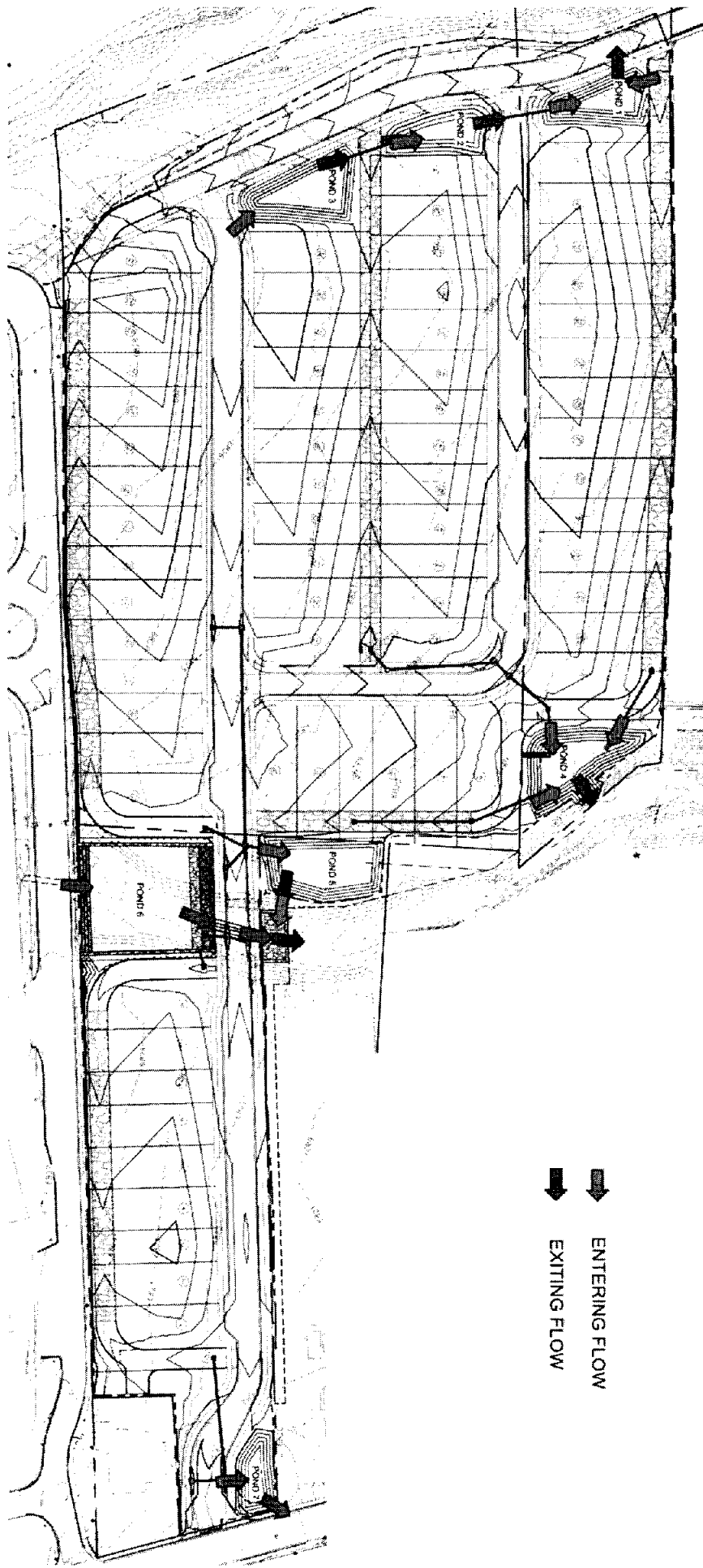
1. SUBJECT TO THE APPROVAL OF CITY OF SANTA FE PLANNING AND DEVELOPMENT REVIEW DIVISION 5-AMT, STORM DRAINAGE AND FLOODING MAINTENANCE CONTROL IMPROVEMENTS SHALL BE REVIEWED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH SECTOR OF RECORDS AND UTILITIES. THESE IMPROVEMENTS SHALL BE COMPLETED AND INSPECTED PRIOR TO THE RESUMPTION OF DRAINAGE MAINTENANCE FOR ADDITIONAL DRAINAGE.
2. MAINTENANCE OF PRIVATE DRAINAGE, EASEMENTS AND DRAINAGE FACILITIES IS THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. THE CITY OF SANTA FE IS HEREBY GRANTING THE RIGHT TO ACCESS AND ADJACENT TO HOLD-PAVEMENTS FROM ALL DRAINAGE TO PERSONS OF PROPERTY RESULTING FROM THE CITY'S REMEDIAL EXERCISE TO THEIR ACCESS AND INSPECTION RIGHT.

1.1 CUT = 17.350 C.Y.  
1.2 REL = 2.440 C.Y.

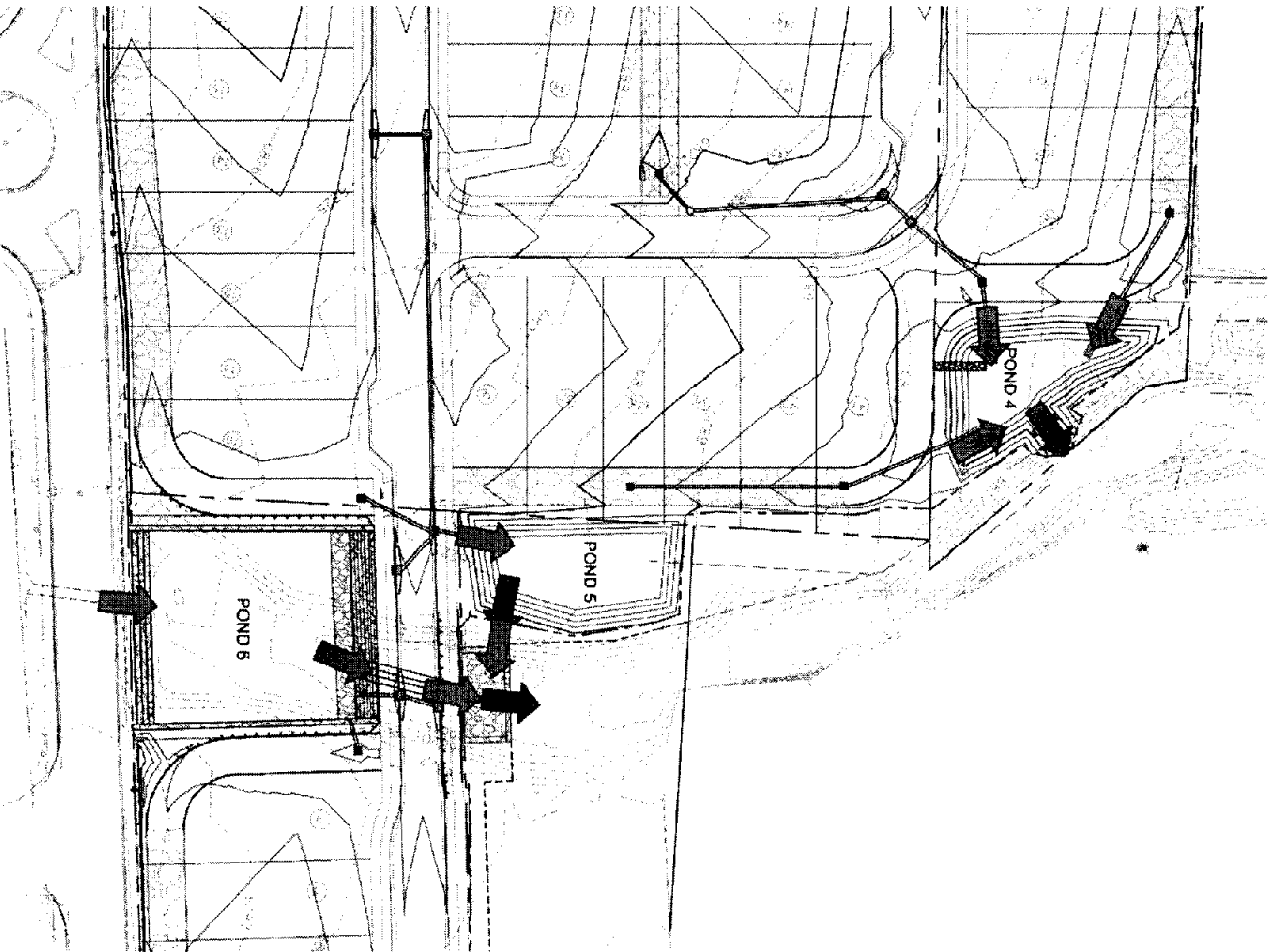
I CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE PROJECT WAS BUILT IN ACCORDANCE WITH THE SPECIFICATIONS, AND THAT THE SET RECORD DRAWINGS ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF.

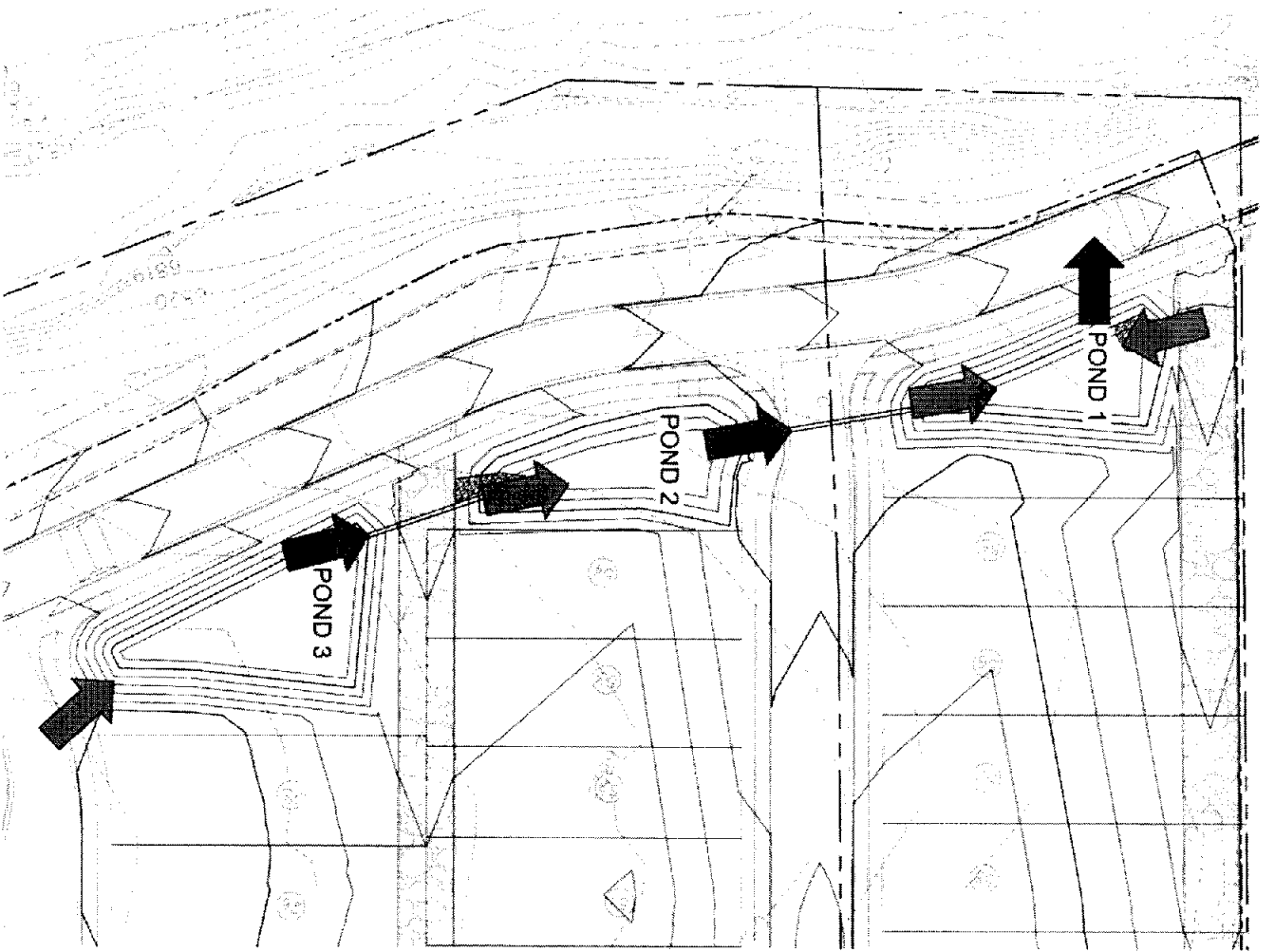
SABITA E. ENGLISH CONSULTANTS, LLC

[illegible]

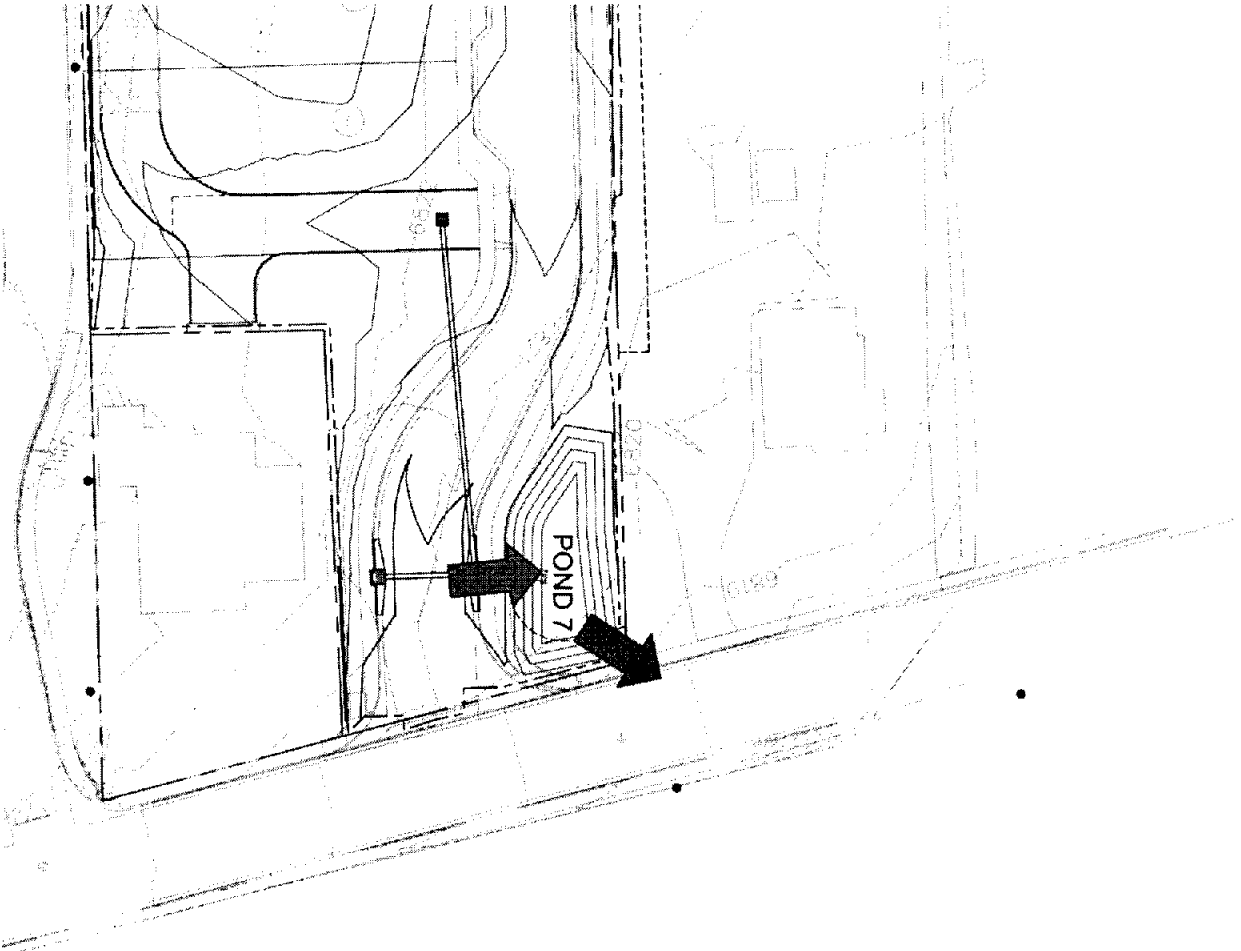


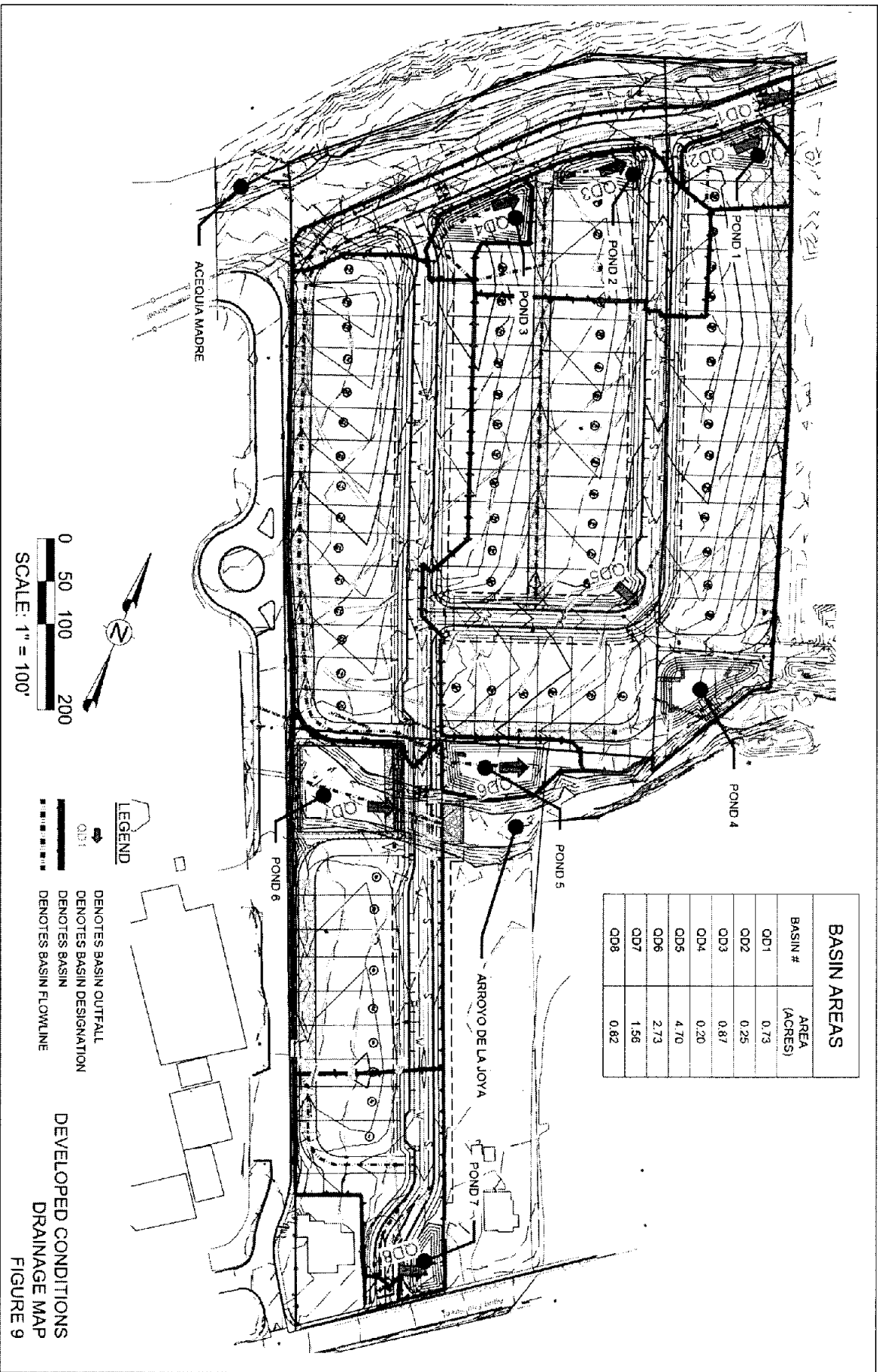
ENTERING FLOW  
EXITING FLOW





ENTERING FLOW  
EXITING FLOW

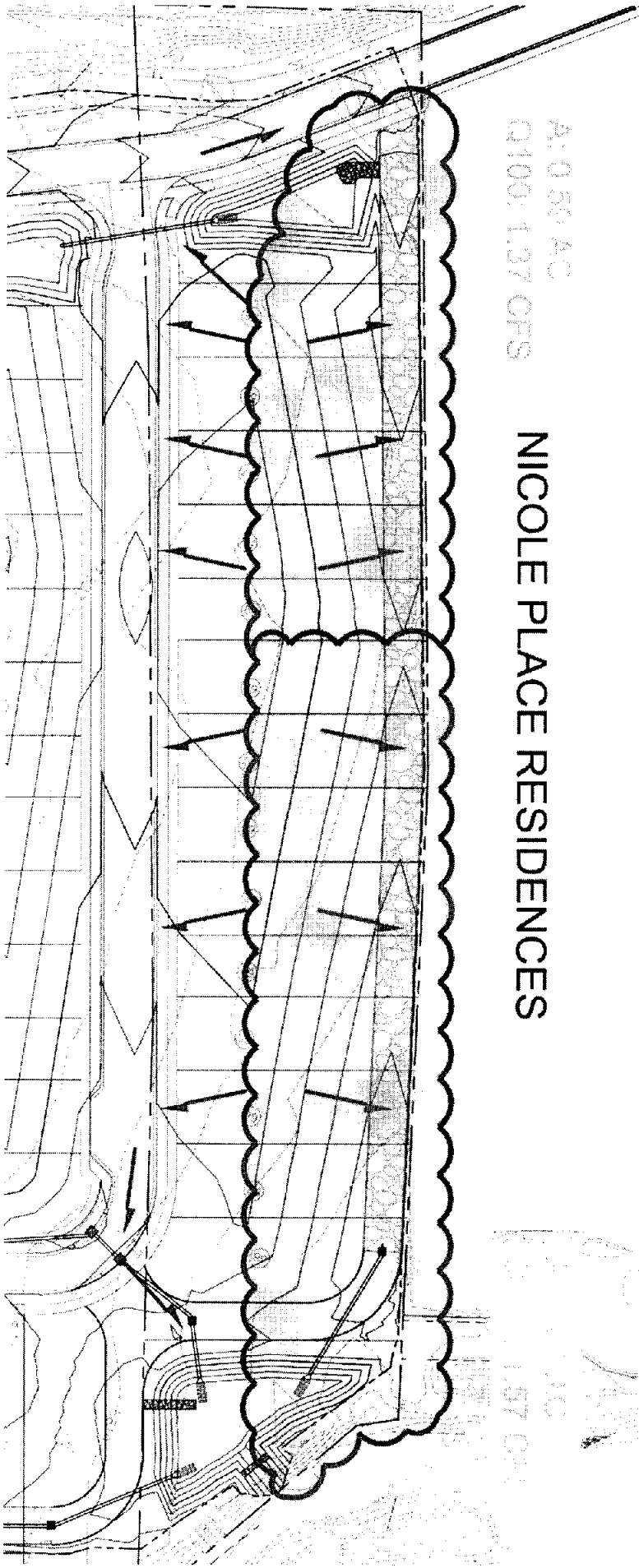




BASIN AREAS	
BASIN #	AREA (ACRES)
QD1	0.73
QD2	0.25
QD3	0.87
QD4	0.20
QD5	4.70
QD6	2.73
QD7	1.56
QD8	0.82

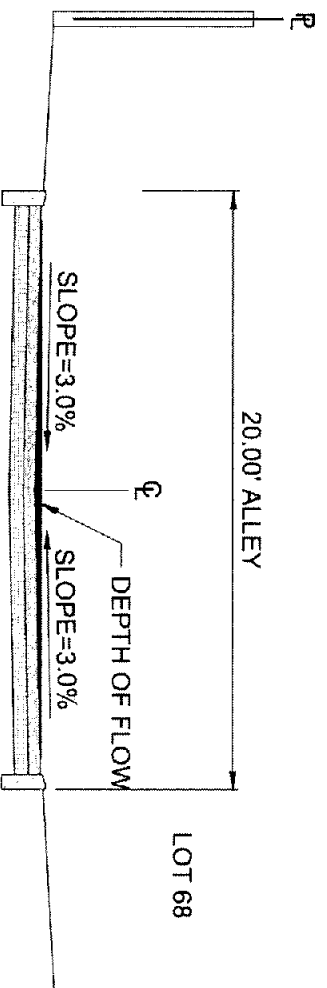
A: 0.56 AC  
Q100: 1.37 CFS

## NICOLE PLACE RESIDENCES





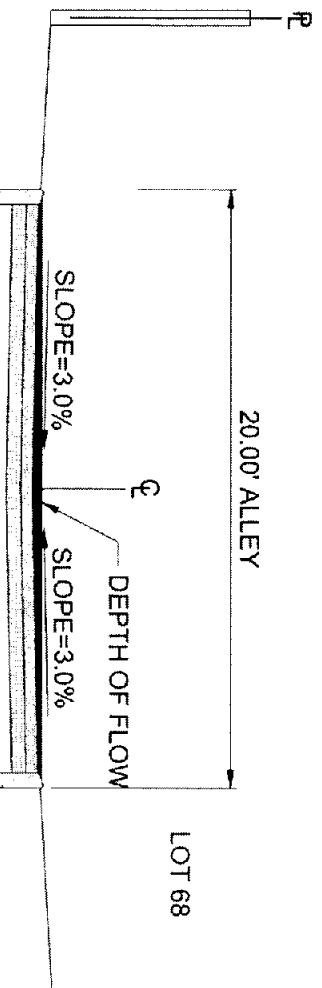
EXISTING  
RESIDENCES  
ON NICOLE PLACE



### 100 YR FLOW DEPTH POTENTIAL BEHIND LOT 68

100 YR - 24 HR STORM = 3.14 IN  
 $Q_{100} = 1.57$  CFS  
DEPTH = 0.18'

EXISTING  
RESIDENCES  
ON NICOLE PLACE



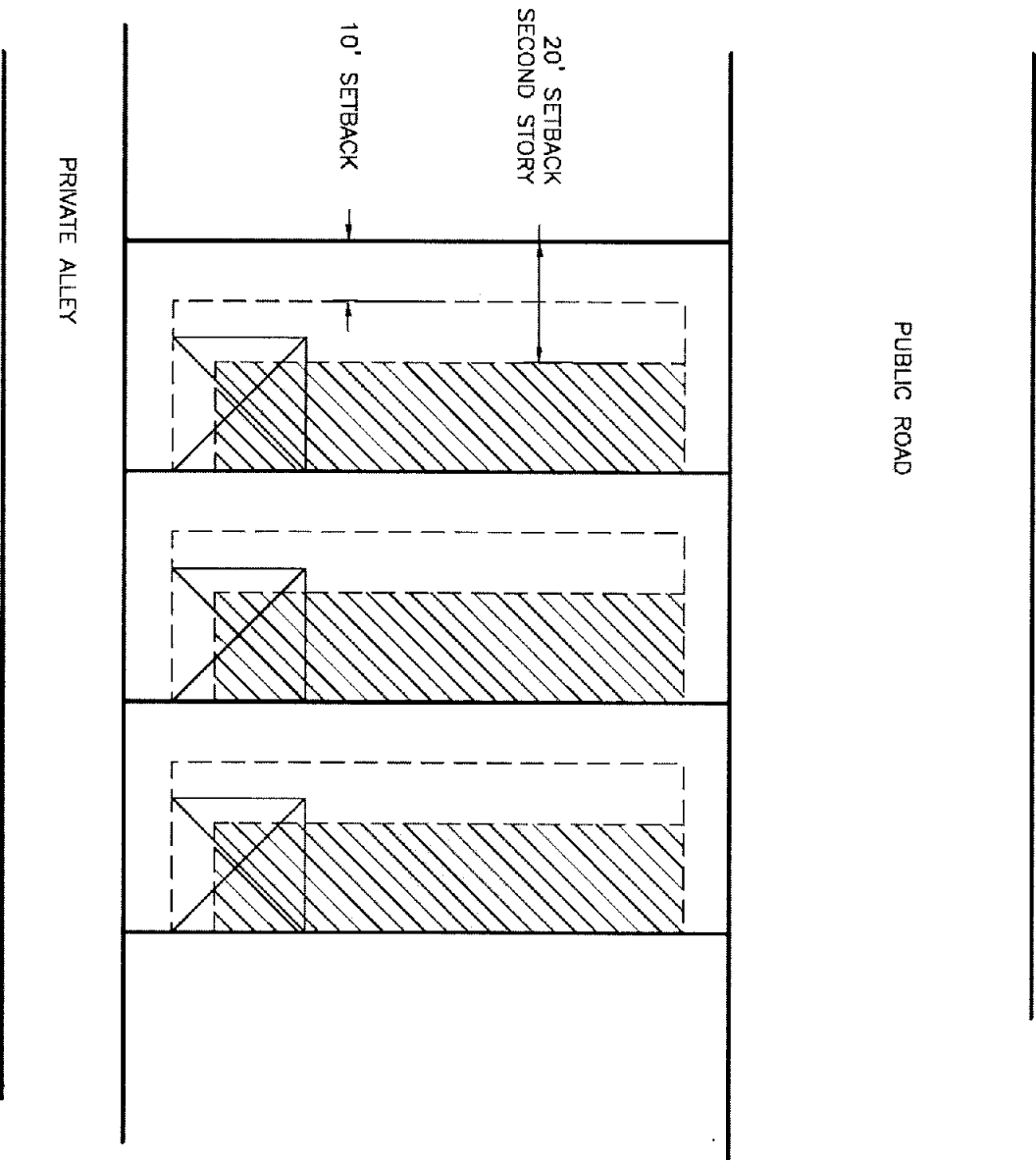
### >> 10,000 YR FLOW DEPTH POTENTIAL BEHIND LOT 68

>> 10,000 YR - 24 HR STORM = 9.00 IN  
 $Q_{10,000} = 5.72$  CFS  
DEPTH = 0.30'

Aerial



# Zero Lot Line Setback



**Section D107 One- Or Two-Family Residential Developments****D107.1 One- Or Two-Family Dwelling Residential Developments**

Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

**Exceptions:**

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

**D108****REFERENCED STANDARDS**

ASTM F	2200- 05	Standard Specification for Automated Vehicular Gate Construction	D103.5
ICC	IFC-09	International Fire Code	D101.5, D107.1
UL	325-02	Door, Drapery, Gate, Louver, and Window Operators and Systems, with revisions through February 2006	D103.5

Exhibit "6"

### **D104.3 Remoteness**

{ Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

### D103.5 Fire Apparatus Access Road Gates

Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one *person*.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved by the fire code official*.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the *fire code official*.
8. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

2014 Crash Data Provided by City Traffic Engineering Department

CRASH DATE	CRASH YEAR	PRIMARY STREET	SECONDARY STREET	LANDMARK/LOCATION	NUMBER OF PEOPLE KILLED	NUMBER OF PEOPLE WITH NON-INCAPACITATING INJURIES	NUMBER OF PEOPLE INJURED
2/24/2014	2014	AGUA FRIA	AVE CRISTOBAL COLON		0	0	0
12/16/2014	2014	AGUA FRIA	AVENIDA CRISTOBAL COLON		0	0	0
4/12/2014	2014	AGUA FRIA ST	AVENIDA CRISTOBAL		0	0	0
7/13/2014	2014	AGUA FRIA	NA	PALOMINO ST	0	0	5
2/18/2014	2014	AGUA FRIA	OSITO RD		0	0	1
9/29/2014	2014	AGUA FRIA		LA JOYA RD	0	0	0
11/18/2014	2014	AGUA FRIA		CAMINO DE GUADALUPITA	0	0	0
2/8/2014	2014	AGUA FRIA ST	OSITO MESILLA		0	0	0
1/9/2014	2014	AVENIDA CRISTOBAL COLON	AGUA FRIA		0	0	1
3/1/2014	2014	AVENIDA CRISTOBAL COLON	AGUA FRIA		0	0	1
2/10/2014	2014	PALOMINO ST	AGUA FRIA		0	0	0
7/30/2014	2014	1629 AGUA FRIA			0	0	0

Exhibit 117

2015 Crash Data Provided by City of Santa Fe Traffic Engineering Department

CRASH DATE	CRASH YEAR	PRIMARY STREET	SECONDARY STREET	LANDMARK/LOCATION	NUMBER OF PEOPLE KILLED	NUMBER OF PEOPLE WITH NON-INCAPACITATING INJURIES	NUMBER OF PEOPLE INJURED
12/1/2015	2015	AGUA FRIA	AVENIDA CRISTOBAL COLON		0	0	0
1/30/2015	2015	AGUA FRIA	AVENIDA CRISTOBAL COLON		0	0	0
5/13/2015	2015	AGUA FRIA	AVENIDA CRISTOBAL COLON		0	0	1
10/19/2015	2015	AGUA FRIA	CAMINO DE GUADALUPITA		0	0	0
9/17/2015	2015	AGUA FRIA	LB	CAMINO DE GUADALUPITA	0	0	0
9/9/2015	2015	AGUA FRIA	OSITO	OSITO DR	0	0	0
10/20/2015	2015	AGUA FRIA	OSITO RD		0	0	0
9/28/2015	2015	AGUA FRIA	OSITO RD	AGUA FRIA AND OSITO RD	0	0	0
1/28/2015	2015	AGUA FRIA	PALOMINO ST		0	0	0
3/5/2015	2015	AGUA FRIA	PALOMINO ST		0	0	0
12/24/2015	2015	AGUA FRIA	VELARDE STREET	VELARDE ST	0	0	0
7/28/2015	2015	AGUA FRIA		AVENIDA-CRISTO 1 COLON	0	0	0
9/14/2015	2015	AGUA FRIA		LA JOYA	0	0	0
12/4/2015	2015	AGUA FRIA ST		OSITO PL	0	0	0
12/7/2015	2015	AGUA FRIA STREET	1517 AGUA FRIA		0	0	1
10/29/2015	2015	AGUA FRIA STREET	LA JOYA ROAD		0	0	0
8/6/2015	2015	AGUA FRIA	ILLEGIBLE		0	0	4
						1	1



**Crash Data- 2016 -1/5-2016**  
**Database Provided by City Police Dept.**  
**Data Interpreted by James W. Siebert & Assoc., Inc.**

**AGUA FRIA / VELARDE**

2/12/16 10:37 1-16-002368 SANCHEZ, PATRICK

Injuries: 0

Killed: 0

6/24/17 11:32 1-17-010001 BRANCH, NICHOLAS

Injuries: 0

Killed: 0

7/25/17 16:04 1-17-011738 JOHNSON, RICHARD

AGUA FRIA / VELARDE Totals

Injuries 2

Killed 0

5/14/18 8:04 1-18-007093 GARCIA, JOHN

Injuries: 3

Killed: 0

**AGUA FRIA / AVENIDA CRISTOBAL COLON**

6/05/16 13:52 1-16-008992 MEYER, JOSEPH

Injuries: 0

Killed: 0

7/13/16 17:50 1-16-011375 LUCERO, GREGORY

Injuries: 1

Killed: 0

9/24/16 11:41 1-16-015912 GUERRERO, GERARDO

Injuries: 0

Killed: 0

10/19/16 17:30 1-16-017502 VIGIL, OMAR

Injuries: 0

Killed: 0

## **AGUA FRIA / LA JOYA**

2/16/16 12:20 1-16-002593 ROMERO, MIGUEL

Injuries: 1

Killed: 0

8/10/16 17:41 1-16-013080 CHAVEZ, RICKY

Injuries: 0

Killed: 0

8/05/17 10:45 1-17-012360 BRANCH, NICHOLAS

Injuries: 0

Killed: 0

11/15/17 11:06 1-17-018096 VIGIL, OMAR

Injuries: 0

Killed: 0

## **AGUA FRIA / PALAMINO**

11/09/16 14:41 1-16-018773 PLUMMER, JAMES

Injuries: 0

Killed: 0

4/15/17 9:23 1-17-005822 ROWELL, JACQUELINE

Injuries: 0

Killed: 0

11/29/18 17:23 1-18-017905 FONTE, STEPHEN

Injuries: 0

Killed: 0

12/13/18 17:20 1-18-018594 ALVAREZ, VICTOR

Injuries: 1

Killed: 0

1/05/19 16:01 1-19-000183 FONTE, STEPHEN

Injuries: 2

Killed: 0

10/04/16 19:03 1-16-016560 DURHAM, ALEXANDER

Injuries: 0

Killed: 0

1/17/17 11:13 1-17-000817 PLUMMER, JAMES

Injuries: 0

Killed: 0

7/03/18 7:56 1-18-009877 BLEA, PAUL

Injuries: 2

Killed: 0

3/22/17 19:58 1-17-004463 LOPEZ, DANIEL

Injuries: 1

Killed: 0

10/24/18 11:12 1-18-016195 JOHNSON, RICHARD

Injuries: 0

Killed: 0

8/13/18 15:22 1-18-012289 LUJAN, ADRIANNE

Injuries: 0

Killed: 0

8/13/18 3:08 1-18-012255 PLUMMER, JAMES

Injuries: 0

Killed: 0

1/10/19 2:56 1-19-000419 DAVIS, CRAIG

Injuries: 1

Killed: 0

Dos Acequias Proposal Rebuttal

I am here to argue for a Santa Fe which lives up to its traditions and history, a dynamic community which puts the welfare of its residents first. Economically speaking, that means we must provide a healthy, safe, culturally stimulating and attractive community. Yes, housing is an important part of this picture, one which attracts people with many skills which enhances the well-being of us all.

So, I favor appropriate housing development which in Santa Fe boils down to so-called "in-filling." And I believe that the Planning Commission also shares that belief, placing the needs of the residents first. Members of the Planning Commission showed us in January that they could not approve new housing density beyond current standards and noted that the Dos Acequias development went contrary to the safety of property and persons living in the immediate community. Sadly, the present version of the Dos Acequias plan, which the Commission is asked to approve today, does nothing to resolve those objections. If enacted as is, it would be a tremendous blow to the traditional life-style of those who have lived, in some cases for generations, beside the new housing. The already dangerous and overloaded traffic patterns will become intolerable. And specifically, people and property, including school children, residing in the current Velarde/Montano community will be placed at high risk.

I am sure members of the Planning Commission do not require more examples of the negative consequences if this Dos Acequias proposal is approved, as is. You have heard sufficient testimony to convince even the deaf! I only wish to underscore to each member of the Planning Commission that we support housing development that is appropriate to the location and promotes the safety and welfare of the local community. The Dos Acequias does JUST THE OPPOSITE. If we are to support the vision of Mayor Weber, that development is only appropriate if in conformity with the needs of the surrounding community, this Planning Commission MUST reject the proposal on the table.

John Pitts  
serenepix@comcast.net  
941 Nicole Pl. 87505

**From:** Sarah Flori  
**Sent:** Monday, April 1, 2019 11:24 AM  
**To:** S Hancock  
**Subject:** Agua Fria Development

Dear Siobhan,

Per our conversation a few days ago, I have included a letter stating our family's viewpoint on the potential new development. I have been unable to attend any meeting because of work, but this issue is extremely important to our family. Thank you for all that you and many others have done for the Montano neighborhood. Please keep me informed of anything additional I can do in the future to help.

Cheers,

Sarah Flori

505-699-8142

To Whom it May Concern;

Our family lives in the Agua Fria Community. This is where my husband and I bought our first home more than ten years ago and it is where we are raising our family. We love the history and the community of the Agua Fria area. We have seen many changes in the last fifteen years. Along with many other people, we drive along Agua Fria almost every day to take our boys to and from school and other activities. It is a small one-lane road, never intended for what it is today. Through necessity, it has become a major artery connecting Santa Fe, similar to Cerrillos and St Francis. Because of this, the road is presently in ill repair and traffic is terrible throughout the day. Adding another development with access to the existing road (in a school zone) would cause undue stress on the community of Agua Fria. It would cause unnecessary wear and tear on a dilapidated road that was never built to handle the existing strain of traffic.

We understand that growth and progress is not only unavoidable but desirable, however, not to the detriment of the existing communities along Agua Fria. If the only option to building this new development is to provide an entrance on Agua Fria, our family is 100% against this addition. The developers of the new community will only participate for a short time, time enough to make their profit. I doubt that they are part of this community. They will not live with the negative impact of their actions each and every day. We will.

Sincerely,

Sarah and Thomas Flori

Date:

From:

Address:

Land Use Dept: Lee Logston or  
City Councilor: Mayor Alan Webber

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear Alan,

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
  - a. West Santa Fe River Corridor Plan 2015 estimates 9.5 trips per unit per day for future housing. That is one car trip every 2 minutes on Agua Fria.
  - b. Mandela International Magnet Elementary School is within 50 feet of the proposed Dos Acequias driveway which would slow down traffic and create worse gridlock than already exists.
  - c. Mandela Intl Magnet School traffic wasn't included in the traffic report of the developer's proposal.
  - d. There are 70 paved/unpaved driveways, streets on Agua Fria between Osage and Cristobal Colon. Most serve multiple residences. For example, a small, single lot on Agua Fria was sold and now has 2 doublewide trailers and an average of 8-10 cars parked there at any one time. That's a single driveway onto Agua Fria.
  - e. That section of Agua Fria also has many private residences with driveways where cars must back out on Agua Fria every day.
  - f. That section of Agua Fria is very narrow and doesn't have sufficient easement or side street support to reduce or detour traffic in case of an emergency.
3. oppose opening Montano and Velarde as a second access for the Dos Acequias development:
  - a. Dos Acequias wants Montano and Velarde Streets as a second access to the development allowing an additional 200 cars and over 750 trips daily.
  - b. This would increase traffic accidents and congestion on Velarde - not improve safety.
  - c. Velarde is only 18 feet wide; is a "non-conforming street," not to code and often only a single lane *because so many cars are parked on Velarde*
  - d. Velarde is inadequate to carry the estimated 200 plus cars of the development and would increase danger, not increase safety
  - e. New development requires "improvements to existing roads" per city code. Velarde can't be improved.

While I recognize the seriousness of our current housing crisis, I do not support infill development at the cost of the heart of our "City Different." The city must require progressive, thoughtful planning, and include neighborhood input!

We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

*Everyone in this area of Agua Fria is having a hard time of getting on to Agua Fria*  
Sincerely,  
*Elizabeth Dunham*  
*many times we have to wait for the in-coming car or out-going car to pass because there is no space for 2 cars to pass each other. And then, it's often a 2-5 minute wait to exit*

A lot of people, including the children  
who live there, also walk &  
bike down Velarde



Date:

From:

Address:

Land Use Dept: Lee Logston or

City Councilor: Rene Villanreal

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear Rene

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
  - a. West Santa Fe River Corridor Plan 2015 estimates 9.5 trips per unit per day for future housing. That is one car trip every 2 minutes on Agua Fria.
  - b. Mandela International Magnet Elementary School is within 50 feet of the proposed Dos Acequias driveway which would slow down traffic and create worse gridlock than already exists.
  - c. Mandela Intl Magnet School traffic wasn't included in the traffic report of the developer's proposal.
  - d. There are 70 paved/unpaved driveways, streets on Agua Fria between Osage and Cristobal Colon. Most serve multiple residences. For example, a small, single lot on Agua Fria was sold and now has 2 doublewide trailers and an average of 8-10 cars parked there at any one time. That's a single driveway onto Agua Fria.
  - e. That section of Agua Fria also has many private residences with driveways where cars must back out on Agua Fria every day.
  - f. That section of Agua Fria is very narrow and doesn't have sufficient easement or side street support to reduce or detour traffic in case of an emergency.
3. oppose opening Montano and Velarde as a second access for the Dos Acequias development:
  - a. Dos Acequias wants Montano and Velarde Streets as a second access to the development allowing an additional 200 cars and over 750 trips daily.
  - b. This would increase traffic accidents and congestion on Velarde - not improve safety.
  - c. Velarde is only 18 feet wide; is a "non-conforming street," not to code and often only a single lane
  - d. Velarde is inadequate to carry the estimated 200 plus cars of the development and would increase danger, not increase safety
  - e. New development requires "improvements to existing roads" per city code. Velarde can't be improved.

While I recognize the seriousness of our current housing crisis, I do not support infill development at the cost of the heart of our "City Different." The city must require progressive, thoughtful planning, and include neighborhood input!

We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

*Thanks for all that you're doing + attending!*

*We often have to wait for in-coming or out-going cars to pass because so many cars are parked on Velarde there is no space for an in-coming + out-going car to pass by each other.*

Sincerely,

*Elizabeth Dunham*



Date:

From:

Address:

Land Use Dept: Lee Logston or

City Councilor: Signe Lindell

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear Signe

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
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usually 4-5+ cars parked along the road  
many thanks for all that you've been doing!

Sincerely,

Elizabeth Dunham

some of the people living on Velarde fix cars for their income.

Date:

From:

Address:

Land Use Dept. Lee Logston or  
City Councilor: Peter Ives

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear Councilor Ives,

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
  - a. West Santa Fe River Corridor Plan 2015 estimates 9.5 trips per unit per day for future housing. That is one car trip every 2 minutes on Agua Fria.
  - b. Mandela International Magnet Elementary School is within 50 feet of the proposed Dos Acequias driveway which would slow down traffic and create worse gridlock than already exists. = 82 houses!
  - c. Mandela Intl Magnet School traffic wasn't included in the traffic report of the developer's proposal.
  - d. There are 70 paved/unpaved driveways, streets on Agua Fria between Osage and Cristobal Colon. Most serve multiple residences. For example, a small, single lot on Agua Fria was sold and now has 2 doublewide trailers and an average of 8-10 cars parked there at any one time. That's a single driveway onto Agua Fria.
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  - c. Velarde is only 18 feet wide; is a "non-conforming street," not to code and often only a single lane |
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Sincerely,

Elizabeth Dunham

Date:

From:

Address:

Land Use Dept: Lee Logston or  
City Councilor: Carol - Romero - Wirth  
City of Santa Fe  
PO BOX 909  
Santa Fe, NM 87504-0909

Dear Carol,

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
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  - c. Mandela Intl Magnet School traffic wasn't included in the traffic report of the developer's proposal.
  - d. There are 70 paved/unpaved driveways, streets on Agua Fria between Osage and Cristobal Colon. Most serve multiple residences. For example, a small, single lot on Agua Fria was sold and now has 2 doublewide trailers and an average of 8-10 cars parked there at any one time. That's a single driveway onto Agua Fria. Sometimes takes 15 minutes to get onto Agua Fria.
  - e. That section of Agua Fria also has many private residences with driveways where cars must back out on Agua Fria every day.
  - f. That section of Agua Fria is very narrow and doesn't have sufficient easement or side street support to reduce or detour traffic in case of an emergency.
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We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

Sincerely,

Date:

From:

Address:

Land Use Dept: Lee Logston or  
City Councilor: \_\_\_\_\_

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear Chris Rivera,

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
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We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

Sincerely,

Elizabeth Dunham

Date:

From:

Address:

Land Use Dept: Lee Logston or  
City Councilor: Roman "Tiger" Abayta  
City of Santa Fe  
PO BOX 909

Santa Fe, NM 87504-0909

Dear Tiger!

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
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We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

Sincerely,

Elizabeth Dunham

**From:** Tina  
**Sent:** Monday, December 17, 2018 7:42 AM  
**To:** Siobhan Hancock  
**Subject:** Fwd: Dos Acequias request for zoning change

found the original

Begin forwarded message:

**From:** Tina <[tinadav@q.com](mailto:tinadav@q.com)>  
**Subject:** Dos Acequias request for zoning change  
**Date:** September 20, 2018 at 12:29:47 PM MDT  
**To:** [rdvillarreal@santafenm.gov](mailto:rdvillarreal@santafenm.gov), [silindell@santafenm.gov](mailto:silindell@santafenm.gov)  
**Cc:** [mayor@santafenm.gov](mailto:mayor@santafenm.gov), [pnives@santafenm.gov](mailto:pnives@santafenm.gov), [cmrivera@santafenm.gov](mailto:cmrivera@santafenm.gov),  
[rrabeyta@santafenm.gov](mailto:rrabeyta@santafenm.gov), [maharris@santafenm.gov](mailto:maharris@santafenm.gov), [cromero-wirth@santafenm.gov](mailto:cromero-wirth@santafenm.gov), [jvcoppler@santafenm.gov](mailto:jvcoppler@santafenm.gov)

Dear Mayor Webber, and City Councillors Villarreal, Lindell, Ives, Romero-Wirth, Rivera, Abeyta, Harris, and Vigil Coppler,

I have been a homeowner at 933 Nicole Place since 2001. Many of my neighbors and I are concerned about a proposed development, Dos Acequias, which is seeking a zoning change from R-5 to R-7.

This would mean 80 or more homes and therefore 160 more cars on Agua Fria every day multiple times a day.

We understand that the plan is to use Velarde Street as the required secondary access to the development. If this wasn't such a dangerous idea it would be laughable. Velarde Street is our only way in and out from our homes to Agua Fria and is typically crowded with cars parked along both sides of the street, people walking or bicycling to Ashbaugh park, kids walking to and from school and sometimes actually playing in the street. On many weekends people are fixing their cars along Velarde, having yard sales, and coming to park along Montano where they park, exit, and walk their dogs along the Acequia Trail or in Ashbaugh Park. There are people and animals everywhere.

It is ludicrous to think that it would be practical or safe for Velarde to be used for the increased traffic that would come from 60 to 80 more houses. I understand that the number of homes that can be built on this amount of land is 29, before another access road would be required. The existing access is considered adequate for that number and would leave Velarde St. safely off limits. Therefore, I STRONGLY oppose the granting of R-7 to the developers, and even question the wisdom of their having R-5.

Please consider driving down Velarde Street and seeing for yourself why it is utterly unreasonable that it be used for traffic overflow.

Thank you,  
Tina Davila  
933 Nicole Pl



Santa FE NM 87505  
(505) 913-1702

December 18, 2018

Elise Pardue  
905 Nicole Pl.  
Santa Fe, NM 87505

Dear City Staff:

I am the current president of the Vista Montañño Homeowners Association. The HOA consists of a group of neighbors that live on the east side of Nicole Place, adjacent to the land that is currently being proposed for the Dos Acequias development. It is our understanding that the developer is requesting an increase in density from R-5 to R-7 to allow 82 new lots. We are in opposition of this re-zoning for a variety of reasons.

The developer suggests that Montañño and Velarde Streets would serve as a second access to the development, potentially allowing an estimated additional 200 cars and over 750 trips daily on these narrow streets. Velarde is only 18 feet wide, is a "non-conforming street," not functioning to code and typically only a single lane. It is profoundly inadequate to carry the estimated 200-plus cars associated with the development and would increase danger, subjecting its residents to frequent safety risks. The street does not possess a sidewalk, and there are often pedestrians walking along the street, often with dogs, as well as children playing in and out of the street, close to their homes. Velarde is already burdened with many cars parked on the street, making it prohibitive for traffic to effectively pass. It is our understanding that, per city code, new development requires "improvements to existing roads," and it would be unreasonable to improve Velarde given the narrowness of the street.

Currently, the intersection of Velarde and Agua Fria creates significant problems, such as accidents and traffic stacking; and regularly poses the potential for dangerous traffic accidents. More traffic on Velarde is not a solution as an access point for the new development.

Additionally, the increase of traffic on Agua Fria that would be created as a result of rezoning of the Dos Acequias development is highly concerning. Agua Fria is a main artery into the heart of Santa Fe and is unable to be upgraded or improved; adding traffic will increase accidents, congestion and gridlock. At present, there are new developments being built on/near Agua Fria which will increase traffic, and any development should include mitigation of traffic concerns.

While we recognize the seriousness of our current housing crisis and support urban infill, economic growth and sustainable development, we do not support infill development at the cost of the core of the safety and well-being of its residents and disrupting our quality of life. The city has a responsibility to its residents to require progressive, thoughtful planning, and include neighborhood input.

We ask the city of Santa Fe to rethink this use of space and the consequences of their decision before approving this development as currently planned. Santa Fe has an opportunity to find and create solutions that don't require its residents to live at increased risk and undue suffering.

Sincerely,



Elise Pardue

Date:

From:

Address:

Land Use Dept. Lee Logston or

City Councilor: \_\_\_\_\_

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear \_\_\_\_\_

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
  - a. West Santa Fe River Corridor Plan 2015 estimates 9.5 trips per unit per day for future housing. That is one car trip every 2 minutes on Agua Fria.
  - b. Mandela International Magnet Elementary School is within 50 feet of the proposed Dos Acequias driveway which would slow down traffic and create worse gridlock than already exists.
  - c. Mandela Intl Magnet School traffic wasn't included in the traffic report of the developer's proposal.
  - d. There are 70 paved/unpaved driveways, streets on Agua Fria between Osage and Cristobal Colon. Most serve multiple residences. For example, a small, single lot on Agua Fria was sold and now has 2 doublewide trailers and an average of 8-10 cars parked there at any one time. That's a single driveway onto Agua Fria.
  - e. That section of Agua Fria also has many private residences with driveways where cars must back out on Agua Fria every day.
  - f. That section of Agua Fria is very narrow and doesn't have sufficient easement or side street support to reduce or detour traffic in case of an emergency.
3. oppose opening Montano and Velarde as a second access for the Dos Acequias development:
  - a. Dos Acequias wants Montano and Velarde Streets as a second access to the development allowing an additional 200 cars and over 750 trips daily.
  - b. This would increase traffic accidents and congestion on Velarde - not improve safety.
  - c. Velarde is only 18 feet wide; is a "non-conforming street," not to code and often only a single lane
  - d. Velarde is inadequate to carry the estimated 200 plus cars of the development and would increase danger, not increase safety
  - e. New development requires "improvements to existing roads" per city code. Velarde can't be improved.

While I recognize the seriousness of our current housing crisis, I do not support infill development at the cost of the heart of our "City Different." The city must require progressive, thoughtful planning, and include neighborhood input!

We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

Sincerely,

October 20, 2018

Re: **PROPOSED DOS ACEQUIAS SUBDIVISION**

Dear Planning Commission members,

We live at 953 Nicole Place at the corner of Montaña. Nicole Place houses border the west end of the proposed Dos Acequias development and, due to the design, our open living/dining/kitchen areas are at the back of our one-story homes, facing east. In effect, the new development will be in our front yards.

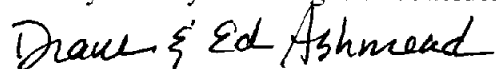
We have some serious concerns about the proposed development:

- We oppose re-zoning from R-5 to R-7. This would result in 80 single family units. Development of this 12+ acre property, even at the current R-5 designation, will greatly change the character of this quiet, semi-rural, traditional west side neighborhood. A more dense R-7 development would more greatly impact the character of the area and would **not** be “consistent with the existing land use pattern” of R-5 or less in the surrounding areas. We see no compelling reason to change the zoning designation.
- The proposed opening of Montaña to allow a second access through Velarde Street will increase the already bad congestion on Velarde, an 18-foot wide street with cars usually parked along both sides. More Velarde traffic will also increase congestion at the already dangerous intersection of Velarde and Agua Fria, where we’ve seen several bad accidents in recent years. And, as you know, this section of Agua Fria (east of Osage) is now a heavily trafficked, narrow street with many driveways and side streets, and includes the Mandela Elementary School next to this proposed development. Given that more development along Agua Fria is in the works, in addition to the proposed Dos Acequias subdivision, there will not be the required “balance between land use and the traffic carrying capacity of existing streets.” We would argue there is no balance now. What are City plans to relieve this traffic congestion?

We urge you to **not** approve the proposed zone change to R-7 and to seriously consider the impacts of this new development on the character of our neighborhood and the burden the increased traffic on Agua Fria will have on all the residents of the surrounding area.

Diane has lived in Santa Fe for 42 years, and over 20 years at this property. We recognize the right of these landowners to develop and derive benefit from their property. And we do understand the need for more housing in our City. But please let’s do it in a balanced way and not at the expense of the near-by residents as well as the general public.

Thank you for your thoughtful consideration,



Diane and Ed Ashmead

Letter to the Editor, The New Mexican

The proposed development, Dos Acequias, off Agua Fria adjoining the Mandela School (formerly Larragoite School) will add over 200 cars and more than 750 trips per day on that short, narrow part of Agua Fria between Velarde St and the school. The property being developed is currently zoned R-5 (60 homes) and the developers are seeking rezoning to R-7. (82 homes). Code allows only 30 homes for the one entrance (the one that will empty out on to Agua Fria from the development) so Velarde St, a small paved lane; already overburdened with cars, trucks, businesses, children, animals; is going to be used as a second and necessary (for development of 82 homes) access.

The resulting traffic, congestion, and gridlock between Osage and Cristobal Colon on Agua Fria and Velarde will just add more slow - downs and accidents than already occur NOW on a regular basis without the addition of the proposed Dos Acequias subdivision. Families who have lived in this area for more than 50 years do not deserve the proposed disruption of a neighborhood they have nurtured for many decades. It is time the city (Planning and Council) think before allowing mega infill of homes and allow only the number of units that current neighborhoods can safely withstand.

Gail Rachor, Santa Fe

## Overburdened

The proposed new development, Dos Acequias, on Agua Fria Street adjoining Mandela International Magnet School at the former Larragoite Elementary School, likely will add as many as 200 cars and more than 750 trips per day between the school and Velarde Street.

The property is zoned R-5, but the developers are seeking rezoning to R-7 (82 homes). Code allows 30 homes for one entrance (the one that will empty out onto Agua Fria Street from the development. As a result of current code and the developers' proposal, Velarde Street, a narrow, paved lane — already overburdened with cars, trucks, businesses, people and

animals — is going to be used as a second access (for development of the 82 homes).

Families who have lived in this area for more than 50 years do not deserve the proposed disruption of a neighborhood they have nurtured for decades. It is time the city — the Planning Commission and City Council — think before allowing mega infill of homes. They should allow only the number of units that neighborhoods can safely withstand.

Gail Rachor, Ed.D.  
Santa Fe

## Editor's Note

As always during election season, our readers have plenty to say, especially about local races. We will stop printing longer opinion pieces about the election Sunday, so please limit thoughts on local candidates to short letters. The last day to run local election letters will be Friday, Nov. 2, so get them in soon. Any we can't fit in the print edition can be run online.

er@inezrussell

10-25-18

**grachor@comcast.net**

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**From:** <grachor@comcast.net>  
**Date:** Monday, December 17, 2018 1:49 PM  
**To:** <crjohnson@santafenm.gov>  
**Subject:** Dos Acequias Development Meeting Jan 3

Hello Ms Johnson and welcome to your new position for the city of Santa Fe. As Land Use Director, I feel that you should know some of the things that the developer, Jim Siebert, has recommended in his plan for the Dos Acequias development (the acreage off Agua Fria) that does not correspond to law or good planning for community and infill. The landowners around the development are not against building homes on the property , but we are against rezoning to R7. There is absolutely no second access that is legal and safe. The proposed Velarde is a lane and certainly not a conforming road for the necessary second access for even the current zoning of R5. Two hundred more cars a day will have a choice of Agua Fria or Velarde; both overextended routes even now. In addition , there is no green space or water harvesting planned for in the development and those of us butting against the property are especially concerned about the water build up when the current non-improved property is now absorbing the water (until the 1000 year July flood when I and others had our homes flooded).

In addition, we cannot understand why the city is accepting the traffic report as submitted; we have done our own traffic study and the two do not match. It is impossible to build the necessary turning lanes on this stretch of Agua Fria that will have accesses to the Mandela School, Osito Rd and Velarde St as well as the new access into 82 homes on less than 13 acres. Mr. Siebert is ignoring city code!

I realize that you are new in this job and may not have had time to know these streets and this property. We hope that you visit the area of concern. It is an old Santa Fe community with many elderly families in this area who are worried about the safety of Velarde being the only possible (and actually impossible!) second access for this proposed development. Please attend the Planning Commission on Thursday, January 3 for the public hearing when many of these families will be represented.

12/17/2018

Thank you for your consideration in these matters.

Sincerely,

Dr. Gail A Rachor, 909 Nicole Place



**grachor@comcast.net**

---

**From:** "Gail Rachor" <grachor@comcast.net>  
**Date:** Wednesday, September 26, 2018 8:04 AM  
**To:** <lrllogston@santafenm.gov>  
**Subject:** Dos Acequias Development

Good morning, Lee: I did not get a chance to speak to you after the Siebert meeting last week, and I would like to express some concerns about the proposed Dos Acequias development that is requesting rezoning from R-5 to R-7. I am very acquainted with the property and the past decisions to not develop it because of the lack of proper and safe access. It is right behind my home of 16 years. Those same concerns exist today, as I understand that the proposed development plans to use Velarde as the second access required by R-7 (and even R-5) zoning. The current Fire Code requires developments to have two accesses for thirty or more homes; we are talking 80 proposed homes with an inadequate possible second access, Velarde St. I drive Velarde daily hoping to avoid the many trucks, commercial vehicles (two businesses on Velarde), people, children, dogs, cats, rabbits and squirrels. I invite you to drive Velarde at any and all times of the day. Getting out on to Agua Fria takes many minutes and has the possibility of danger each time. I am good friends with the Sharpes who have owned their home on the corner of Velarde and Agua Fria for fifty years; they consistently relate to me the many accidents and near accidents that they witness. Mary Helen Sharpe's father owned Velarde St at one time, and many of the old families

12/17/2018

on the street cannot fathom the possibility of another 200 cars on their street. That section of Agua Fria is very narrow and does not have sufficient easement or side street to reduce traffic at rush hour or in case of emergency. I am the person who led the rebuilding of the Sharpe's wall last summer when a hit run driver ruined it; another example of the dangerous corner.

I am not even addressing at this time, the substantial additional traffic which will occur on Agua Fria; with the entry points of Velarde, Osito, the new subdivision and two school driveways PLUS the many homeowners directly across from this already maze of traffic.

The city needs to find safe and equitable (to all) solutions to development. Please do what you can to achieve this.

Have a good day. Gail Rachor, Ed.D 909 Nicole Place

Date:

October 10, 2018

From:

Dagne Larson Pantuliano

Address:

0917 Nicole Place  
Santa Fe, NM 87505

City Councilor:

City of Santa Fe

PO BOX 909

Santa Fe, NM 87504-0909

Dear \_\_\_\_\_

Sent To:

Renee Villarreal

Signe Lindell

Peter Ives

Carol Romero-Wirth

Chris Rivera

Roman Abeyta

Michael Harris

JoAnne Vigil Coppler

I am writing to:

1. oppose the re-zoning of the Dos Acequias project from R-5 to R-7, the neighborhood is currently R-5 and R-3.
2. oppose increasing traffic on Agua Fria from the Dos Acequias development. Agua Fria is a main artery into the heart of Santa Fe that can't be upgraded or improved and therefore adding traffic will increase accidents, congestion and gridlock. There are new developments being built on Agua Fria which will increase traffic and any development should include mitigation of traffic concerns:
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We ask the city of Santa Fe to rethink this careless use of space and the consequences of their decision before approving this development. As Mayor Webber said, "We have to find solutions that don't require somebody else to lose."

Sincerely,

Dagne L. Pantuliano,