



# Agenda

## PLANNING COMMISSION Thursday, June 4, 2020 - 6:00pm ATTEND VIRTUALLY

### SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, this meeting will be conducted virtually using Zoom.

**Viewing on YouTube:** Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most computers, mobile devices, and smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

**Attending on Zoom:** Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: <https://www.santafenm.gov/events>. The direct Zoom link is: <https://us02web.zoom.us/j/88034223833?pwd=VDZrQitlTDVJV1dkTjN1N2lPVzUxQT09> and use password: 270747.

**Attending Zoom by Phone:** Members of the public can attend the Zoom meeting by phone by dialing:  
US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592  
Webinar ID: 880 3422 3833

### Public Comment:

- **By video:** A person attending the Zoom meeting by video conference (using a computer, mobile device, or smart phone) may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- **By phone:** A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Noah Berke (505-490-5930, [nlberke@santafenm.gov](mailto:nlberke@santafenm.gov)) no later than Monday, June 1, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- **In writing:** A person may submit written public comments in advance of the meeting by email ([LandUsePublicComment@santafenm.gov](mailto:LandUsePublicComment@santafenm.gov)), by U.S. Postal Service (City of Santa Fe, ATTN: Noah Berke, PO Box 909, Santa Fe, NM 87504-0909), or by dropping off a comment at the physical drop box which will be located outside City Hall at the entrance to Land Use Lobby facing Marcy Street. Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Monday, June 1, 2020.

### A. ROLL CALL

### B. PLEDGE OF ALLEGIANCE

### C. APPROVAL OF AGENDA

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

MINUTES: May 7, 2020

FINDINGS/CONCLUSIONS: None

## E. OLD BUSINESS

1. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, [llogston@santafenm.gov](mailto:llogston@santafenm.gov), 955-6136). **(POSTPONED FROM FEBRUARY 6, 2020)**
2. **Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision.** John Reeder, Agent, for GEO Park, LLC, Owner, requests approval of a Preliminary Subdivision Plat for 42 single-family residential lots at 4000 and 4100 Geo Lane. The properties are zoned R-1 (Residential- one dwelling unit per acre) and total approximately +/-8.59 acres. (Lee Logston, Case Manager, [llogston@santafenm.gov](mailto:llogston@santafenm.gov), 955-6136). **(POSTPONED FROM FEBRUARY 6, 2020)**

## F. NEW BUSINESS

1. **Case #2020-1936. Sangre Azul, Preliminary Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, Agent, for Roddy & Sherry Leeder, Owner, request preliminary subdivision plat approval for 23 residential lots on approximately 4.04 acres of vacant land. The Agent is also requesting approval to build gravel roads meeting private lane standards pursuant to Subsection 14-9.2(C)(7). The property is zoned R-5 (Residential- five dwelling units per acre) and is located at 2670 and 2690 Kates Way. (Donna Wynant, AICP, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325).

## 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.**

<b>RECEIVED AT THE CITY CLERK’S OFFICE</b>	
<b>DATE:</b>	<b>May 18, 2020</b>
<b>TIME:</b>	<b>3:40 PM</b>

**SUMMARY INDEX  
PLANNING COMMISSION MINUTES  
JUNE 4, 2020**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes May 07, 2020	Approved	2
E. Old Business:		
1) Case # 2019-20. 4000 and 4100 Geo Ln. Rezoning Findings/Conclusions	Approved Approved	2-21 20
2) Case #2019-2015 4000 and 4100 Geo Ln. Preliminary Subdivision Findings/Conclusions	Approved with conditions Approved	2-21 20
F. New Business		
1) Case #2020-1936. Sangre Azul Case Findings/Conclusions	Approved with conditions Approved	21-35 35
G. Staff Communications	Comments	35-36
H. Matters from the Commission	Comments	36-40
I. Adjournment	Adjourned at 10:06 pm	40

**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, June 4, 2020 - 6:00pm**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at <https://www.youtube.com/user/cityofsantafe>.

**A. ROLL CALL**

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

**Members Present**

Commissioner John B. (Jack) Hiatt, Chair  
Commissioner Mark Hogan, Vice Chair  
Commissioner Janet Clow  
Commissioner Pilar Faulkner, Secretary  
Commissioner Lee Garcia  
Commissioner Brian Patrick Gutierrez  
Commissioner Jessica Lawrence  
Commissioner Dominic Sategna

**Members Absent**

(One Vacancy)

**Others Present:**

Mr. Noah Berke, Planner Manager and Staff Liaison  
Ms. Sally Paez, Assistant City Attorney  
Ms. Melissa D. Byers, 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 Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

Commissioner Faulkner asked for a moment of silence to recognize the life of George Floyd and acknowledge what is happening in the world. She asked that they reflect on the words in the Pledge of Allegiance and for people of the country and the Leadership to challenge each other and rise to the occasion, offer shelter to each other and a call to action when social injustice is present.

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Hogan moved, seconded by Commissioner Faulkner, to approve the agenda, as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

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

**MINUTES:** May 7, 2020

**MOTION:** Commissioner Faulkner moved, seconded by Commissioner Hogan to approve the Minutes of May 7, 2020 as presented.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

**FINDINGS/CONCLUSIONS:** None

**E. OLD BUSINESS:**

1. **Case # 2019-20. 4000 and 4100 Geo Lane Rezoning.** John Reeder, Agent, for GEO Park, LLC, Owner, requests a rezoning from R-1 (Residential- one dwelling unit per acre) to R-5 (Residential- five dwelling units per acre). The properties are located at 4000 and 4100 Geo Lane and total approximately 8.59 acres. (Lee Logston, Case Manager, llogston@santafenm.gov , 955-6136). (POSTPONED FROM FEBRUARY 6, 2020)
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Chair Hiatt said his intention is to focus only on the three traffic issues left over from the previous meeting that includes two traffic studies. The public comment will be limited to those three issues.

## **Staff Report**

Mr. Lee Logston shared his screen and highlighted a few things from his staff report on the rezoning case and preliminary subdivision plat. The General Plan amendment originally received a positive recommendation by the Commission in June 2019. The applicant was asked to work on the rezoning request and the case was heard again in February 2020. The applicant revised the request for zoning to R-5, reduced the number of lots by 6 for a total of 42 and added a preliminary subdivision component.

The traffic issues were discussed considerably in February and the applicant was asked to do three things: collect more accident data to determine the dangerous intersections that would be impacted by traffic; follow up with the City Traffic Engineer John Romero on whether there could be more queuing for left turns onto Geo Lane; and validate the accuracy of the ITE trip generation rates.

Things that were changed in the application are that the applicant withdrew his park dedication and KSK Temple did not want the open space Mr. Reeder offered to dedicate. Instead KSK asked for a wall and a buffer of land and setback. The applicant accommodated that.

Staff recommends the Planning Commission recommend approval of both the rezoning and the preliminary subdivision plat, subject to rezoning. Four motions would be required.

## **Applicant's Presentation**

John D. Reeder, 824 Gonzales Road, was sworn. He stated they revised the plan to try to accommodate various requests. They lowered density and accommodated the neighbors. As mentioned, they withdrew their offer to dedicate the park. Most of the discussion at the last meeting indicated it was not well received. The neighbors did not want a low maintenance park and the City Parks staff were not receptive to additional maintenance for a grass-type park. Instead all of the lots were made bigger and better.

In addition, the KSK Buddhist Center did not want open space. They were more concerned about privacy and the applicant has offered to build a wall. That is now shown on the proposed plat and there will be a 10-foot-wide strip where the property adjoins. In addition, there is a Code required setback of 10-15 feet.

Mr. Logston confirmed that the requirement is 15 feet.

Mr. Reeder added that will be a total of 25 feet from KSK's building and KSK is an agreement.

Chair Hiatt confirmed that Mr. Romero would be present to answer questions. He also thought helpful if Mr. Reeder had his traffic engineer available.

Mr. Reeder indicated he was prepared to respond to traffic inquiries. He said in February he was asked by Chairman Hiatt if two months was enough time. It has been four months and that wasn't quite enough, and the engineer did not get all the data to Mr. Romero until after the deadline. Mr. Romero now has the complete information.

The Commission packet references 23 crashes in one year which was not correct. The 23 crashes occurred at the intersection of Paseo del Sol and Airport Road over a *three-year* period. He apologized for the tardiness of the data. He said the reference has been corrected. The engineer's report indicates the left turn lane is not a problem and can be extended by 25 feet. That adds an additional car length to the queue making it a total of four cars. Although it shortens the complementary lane by one car length, it made sense to extend the queuing lane (westbound of Airport) onto Geo. The crash reports were very extensive with a number of crashes out of the 40+ that were not applicable. The intersection of Airport and Paseo del Sol had a total of 23 crashes; Geo Lane and Airport Road had seven, most were minor. Most crashes were due to driver inattention or following too close, four crashes due to not yielding, three single vehicle accidents, and one alcohol/drug involved accident. Three of the seven at Geo Lane and Airport Road were alcohol/drug related, two were following too close/driver inattention, and one was a pedestrian and failure to yield.

Chair Hiatt explained the process for the public hearing and that speakers would have three minutes to give their testimony. Comments were limited to the three issues and could include the changes to the park and KSK. Ms. Paez kept the time.

### **Public Hearing**

Kim Shanahan, 51 Herrada Road, was sworn. He said John Reeder is a local developer who has bent over backwards and had expected a pat on the back when he brought the project to the Commission over a year ago. He was bringing home ownership with five lots per acre with twenty percent that was affordable. Mr. Shanahan reminded the Commission regarding the traffic issue, the Commission had also approved one of, if not the highest, density multi-family apartment projects in the City. It is about R-40 per acre and has 15% in affordable in rentals.

Mr. Shanahan said there was shock by everyone at the last Commission meeting when the Commission asked Mr. Reeder to spend more money on a traffic study that had essentially already had been completed. There have been no real changes other than adding one more car length on the left turn lane. It begs the question; can they just move this forward to the City Council. A vote is necessary tonight and if it is down, he thought Mr. Reeder should just take his chances with City Council. Mr. Shanahan said he hopes

the Commission will support a local developer trying to do what is best for his properties on the south side.

Debra Snyderman, 3810 KSK Lane, was sworn. She was in opposition to GEO Lane Park based on density of population and a concentration of poverty. Mayor Weber told her last summer that poverty around Airport Road is concentrated in trailer parks. The affordable housing development/trailer park on Buffalo Grass and Airport Road established 2 years ago, is a small-scale example of what Mr. Reeder is trying to create. She asked the Commission to come and see what has happened in that development. The community of five lots now has eight trailers on it. The two trailers behind her property are uninhabited and in a state of disrepair. The residents couldn't afford to connect to utilities. Geo Lane Park is a large-scale plan for another impoverished, densely populated neighborhood, within a larger community consisting of trailer parks, but many more modest, but well-kept homes.

She said Mr. Reeder had stated at the last meeting this would cost about \$300,000 to establish the project. A modest, well-kept home can be purchased in Tierra Contenta for \$300,000 that is in a well-designed neighborhood, has decent walking trails and the beautiful Southside Library. It has street options to get to and from your home without having to make U-turns. In this time of the Covid crisis and with no clear end in sight, and no school since mid-March or plan for them to reopen in the fall, why would Santa Fe approve another densely populated impoverished neighborhood. Everyone sees the latest development at Buffalo Grass and Airport Road that each lot has two manufactured/trailer homes on it and knows there is no way to stop that. Many health professionals believe there will be a second wave of Covid 19 in the fall. Crowded homes in crowded neighborhoods are a recipe for disaster for the virus. That may or may not concern the Commission, but she thought it would concern Governor Lujan-Grisham. Secondly she objects to the dangerous traffic and has concerns that adding 42 lots in the Geo Lane Park has the potential for 84-86 manufactured homes. She reminded the Commission that the property can only be entered/exited, one or the other, by a U-turn on Airport Road.

Patricia Padilla, 6274 Airport Road, Shalom Mobile Home Park was sworn. She said she owns the mobile home park. Her big concern is the traffic is unreal on Airport Road and the crime is usually from West Meadows. She heard the back area was going to be a church but was turned down. She thought the project is not right for the people that live in the area already and Mr. Reeder should take everything into consideration. There will be a lot more accidents on Airport Road and more crime in the southwest area. She hoped they would look hard at how people would be living, if this project is constructed.

Mr. Berke indicated Joshua Haggard wanted to speak and Ms. Snyderman had requested to speak again.



Joshua Haggard, Buffalo Grass Road, was sworn. He stood behind Ms. Snyderman's comments, which are also his concerns. He was glad that someone had asked the questions he wanted to ask.

Chair Hiatt said he was not inclined to open the discussion again to Ms. Snyderman. He asked if any of the Commissioners objected. There were no objections.

There were no other speakers and public comment was closed.

### **Commission Discussion**

Chair Hiatt started with the left turn lane. He asked Commissioner Gutierrez, whom he thought seemed most concerned about the issue, if he was satisfied with the left turn lane now.

Commissioner Gutierrez replied it appeared staff, Mr. John Romero, and Mr. Reeder were in agreement to extend the left turn lane 25 feet and add one more car to the queue. He addressed Mr. Reeder about the approval obtained to reconfigure the curbing to the left-turn by 25 feet. He asked what *"The queuing analysis in this TIA indicated that it would contain the 95<sup>th</sup> percentile at this intersection"* means.

Mr. Reeder explained that meant that 95% of the time the queue of four cars would be adequate and a fifth car would not spill into traffic. That could happen during the heaviest traffic peak hours but that is a very good rating.

Chair Hiatt asked if Commissioner Gutierrez was satisfied with an extension of one car length.

Mr. Gutierrez said yes, it was an improvement.

Chair Hiatt read from the second report on page 2, *"The historic crash rate is an indicator of issues possibly related to existing design and existing conditions, not by any means a measure of the impact of this development on the adjacent transportation system. This higher observed crash rate indicates that there may be intersection design issues and/or regional driver characteristic issues that may need to be considered."*

Chair Hiatt said taking that, in addition to Mr. Reeder's testimony was that he took each of the crashes and divided them up. The number, 23, struck him at the beginning but reading this more and hearing from Mr. Reeder he was less concerned about that.

He added it also talked about the Highway Safety Manual and whether that should even be used as an analysis tool. He wanted to disregard that personally but it would be up to the Commission if they want to do that. He found it interesting reading through the report again, that the additional traffic from this development indicates Geo Lane

possibilities for additional accidents could be in the vicinity of .4 or .6 per year. He thought that sounded minimal.

Commissioner Garcia said the Commission focus has mostly been the three issues: intersection, traffic study and trip generation. The density in the area is R-12, toward the southwest and R-6 and then the community to the east is R-12. He thought with all the amenities for the property the density is high. He confirmed the Commission would vote to recommend to the Governing Body zoning go from R-1 to R-5.

He asked if possible even if the dwelling units were part of the HOA and there were covenants, for people to double up on the properties basically making it R10. He asked if anyone else was concerned this is 42 lots on the property that could potentially be doubled.

Mr. Logston asked to address the idea that R5 is crowded; it is a common zone in the City. Many of the neighborhoods, Casa Solana, Casa Alegre, Pueblo Alegre are R5 and Las Acequias is R7. He thought it incorrect to characterize R5 as crowded. If perhaps compared to R1, but how many R1s are there in the City. He pointed out in his staff report both in the last meeting and this one, he made it clear that Mr. Reeder agreed to put in the covenants that there could only be one home on each lot. There can be no casitas, or accessory dwelling units and that is well established.

He said the chatter on the Q&A is that there will be twice as many homes. That is not true in this case and Mr. Reeder committed to this. Another comment was that they were splitting hairs about the difference between a trailer and a manufactured home. The Federal Government regulates manufactured homes and Mr. Reeder is not allowed to prohibit them. For some people that is their only opportunity to own a home and as Mr. Shanahan noted, Mr. Reeder is providing an opportunity for people to buy lots. They assume everything will be a manufactured home. They don't know that. Mr. Reeder has been in touch with the Housing Trust and other entities to find other options, so the notion that there will be two manufactured homes on each lot is false.

Mr. Burke said returning to the original question, R5 is not that dense. Short of putting a covenant to regulate guest houses or doubling the density, Land Use looks at that differently. A guest house is different than a primary dwelling unit. The primary dwelling unit counts toward the density, guest houses don't. The developer offered to include that covenant and it is legally enforceable and part of the HOA. If guest houses started happening, the City cannot impose that covenant, however, property owners in an HOA can enforce private covenants.

He said there was chatter in the Q&A and Helen Chavez feels she wanted to speak but missed the window before. That would be up to the Chair and Commissioners if they want to open public comment back up.

Mr. Reeder commented on the guest house and referred Commissioners to page 98 in the packet of draft covenants. They state specifically that accessory dwelling units or guest houses will not be allowed on any of the lots. That language will be included on the plat and when the final plat is recorded, the covenants will be there for everyone to see. Any application for a permit will show that accessory dwelling units are prohibited. Mr. Reeder said everything possible was done to ensure that remains the case. They promised they would do that, and they have addressed it in this manner.

Chair Hiatt asked Mr. Berke about a question on the Q & A.

Mr. Berke explained Deborah Snyderman was saying she had a resident at her house who did not have access to speak, Helen Chavez.

Ms. Paez clarified further that Ms. Snyderman had a couple of people at her house who did not have access to the virtual meeting but would like to speak.

Chair Hiatt asked if the Commissioners objected hearing from the two. There were no objections.

**Chair Hiatt opened the public hearing limiting it to the two requests.**

Helen Ann Chavez, 214 Calle Lima, was sworn. She stated there was a horrific single car accident on May 26<sup>th</sup> where people died. Also, the school is out and the kids from West Meadows are using Geo Lane to ride their bicycles up and down, and after 2 a.m. cars are drag racing on Geo Lane.

She said she would like to ask Mr. Reeder some questions. She was told by Chair Hiatt to address the questions to him and he would ask Mr. Reeder.

Ms. Chavez said Geo Lane is pitch dark from one end to the other and has no lights. With the Covid, this is congesting more people together; children together, and the Governor wants them to distance and wear masks. And when construction starts Geo Lane and Buffalo Grass will have large trucks and tractors. She said she couldn't understand from Mr. Reeder; he started with homes and the second letter was a package deal. Now she guessed it is mobile home lots. She added she is really worried about Covid because they will get a second wave. She knows because she is in the medical field. She said we do not need another mobile home park, they have too many back to back. West Meadows is huge, and it is not fair that West Meadows gets all the impact.

Daryl McCown, 6077 Quatro Vientos Road, was sworn. He indicated his biggest concern is the traffic, which is very complicated. When he leaves in the morning for work he has to go west when he needs to go east. There are accidents even at 6 a.m. at Paseo del Sol even when school is not in session. When turning into the turn lane four cars will fit, but the last car sticks out into the middle lane of Airport Road. He is concerned

about the lack of lighting and the kids playing on Airport Road. Bringing in all of those mobile homes will impact the traffic flow by at least two people per residence. That could be 80 or 90 more cars per day. He is concerned about the development and the affordability. The lots are too expensive to be called affordable. And he never makes a U-turn there, he has tried, and it is not safe, and he never goes west to make a U-turn. There are just too many accidents.

**Chair Hiatt closed the public hearing at this time.**

Commissioner Faulkner said the Commission has discussed and leans heavily on the effectiveness of HOAs to prevent concerns becoming realities. The covenants are only as good as the HOA and that the HOA will somehow protect this from becoming R10 is not comforting. More probable is that the HOA could decide at some point it is okay to have auxiliary dwellings. She understands that is the only recourse for the developer to address people's concerns, but the developer has no control over what the HOA's do once the developer is done.

Secondly, Mr. Shanahan mentioned the Commission had approved a dense apartment complex on South Meadows. Had she been allowed to vote on that, she would have been consistent. She is consistent that density on Airport Road has to be slowed, not continued or increased. A primary concern is that there are not enough amenities for the existing population, including access to healthy food. In addition, the City, State, County and Federal Government are all facing budgetary issues. They don't have enough resources now and will be facing a decrease in resources. She said they should pump the brakes. She assured them she would have voted against the apartment complex, just like she votes against more density on Airport Road.

Vice Chair Hogan said there is another option besides covenants, there is a deed restriction and the owner of the property can do that. A deed restriction runs with the property and does not have to rely on a covenant.

He addressed Mr. Logston and said an expectation is that housing on the opposite side of Jaramillo Lane is indicative of what people would see with this project. He was curious if the mobile homes, etc. on Jaramillo was an approved development. He asked for staff to clarify what they see to the south.

Mr. Logston said he understood the property to the south is non-conforming as to density and has been for a long time. He said he would be clear that the Commissioners and residents are what will prevent this from being another Buffalo Grass Circle. The covenant also states that homes can be no older than five years from the date the lot is purchased. An old manufactured home would not be permitted.

Mr. Berke explained the area was annexed from the County and some development to the south may have been approved by the County Planning Board. The

City and County agreed in the annexation agreement to take any existing developments, including existing nonconforming developments. Today it would have to meet City Code and manufactured homes would have to be 1976 or newer, and mobile homes would not be allowed without a special use permit.

Commissioner Hogan asked to confirm that there would be no reason someone should expect that what they see on Jaramillo Circle will be in the Geo Park development.

Mr. Logston said he understood that fear, but that simply cannot happen. He pointed out that West Meadows is R5 and R6 and saying Geo Lane will be too crowded; is next door too crowded.

Mr. Berke noted when the City annexed the County land they awarded density to areas as it was built the best they could. A lot of zoning was the County's and if built at R12, that was the density awarded. The applicant is not requesting R12 zoning, and they could not build R12 density.

Commissioner Hogan asked John Romero to weigh in on Airport Road as well as the intersection at Geo Lane.

Traffic Engineer John Romero said he met yesterday with the project traffic engineer and discussed the traffic study provided. The crash reports show seven crashes according to the study and only four in that period pertained to that intersection. Two crashes were rear ends caused by a queuing traffic from the Cielo signal. One was a DWI in the vicinity of the area that did not involve the intersection.

He discussed with the traffic engineer that he wanted to compare the predictive crashes at that intersection based on national empirical data provided by the Highway Safety Manual, with the actual crashes. The study showed predictive crashes at the intersection should be 2.3 crashes a year. There were four crashes there over a three-year period, or 1.3 per year. Geo Lane has a lower crash rate.

Mr. Romero said although they didn't ask about Paseo del Sol, it is related. There is a large perception that U-turns as they relate to adding crashes, are a problem at Airport Road. The studies done have not shown that to be true. He has provided the Commission with crash analysis before and after controlled access for Airport Road. The analysis shows a significant increase in safety and a significant reduction in crashes. The analysis shows the majority of crashes at Paseo del Sol were rear end crashes.

He asked the traffic engineer to compare the predictive crashes versus actual for both intersections. The rear end crashes are typically less severe, and he saw no indication of a crash problem at these two intersections caused by U-turns. The rear end crashes are mostly people in a hurry. They completed a timing plan analysis for all of Airport Road corridor and are currently entering the data into their controlled signals.

They hope to have that running in the next couple of weeks. The model shows it will have a positive impact on traffic flow. He thought it will reduce rear end crashes.

Mr. Romero said regarding the 95% queue. Mr. Reeder did a good job defining it and it is the industry standard of how they estimate it. It is the calculation method and not that 5% of the planned traffic will queue past the turn lane. The existing lane can maintain the existing 95% queue. They are adding one more car to the queue and that intersection should not have any issues of cars queuing into Airport Road. He substantiated that in his discussion with the traffic engineer.

When they do counts at the intersection they use camera style equipment and he watched the videos used to do the counts. Never at any point was the intersection close to queuing up into Airport Road. One main reason is because a signal downstream meters the traffic and provides sufficient gaps to make left turns.

Commissioner Hogan said in regard to the additional traffic generated by the project the added queue lane seemed to be an appropriate response. He thought it also would benefit others using Geo Lane, not just people coming out of the development.

Mr. Romero agreed. In addition to giving more room in the event there is a large influx of traffic, it also provides an additional area for people to get off the road. They don't have to slow down completely in the through lane so it will definitely have a positive effect.

Commissioner Hogan added and could reduce some of the rear end crashes.

He noted that the housing opportunity is also a significant issue in this case. They need housing and housing that is affordable. He thought this project filled an important void.

Commissioner Hogan asked staff to comment on the niche the project is filling.

Alexandra Ladd, with City Housing said this project could be classified as naturally occurring, affordable housing, meaning it is a response to a market demand. It is creating product to meet the demand at moderately priced housing. They continually try to find ways to make that more possible. Given the high cost of land, labor and materials and an arduous land use approval process, expense for water, etc., the developers have no incentive not to maximize the value with the building. They take a lot of risks and want to be sure they get something out of it. She said seeing a project that is not maximizing value but is trying to respond to a specific need in market, is always good.

Commissioner Clow said she has stated before the need for affordable housing. Twenty percent of this project is affordable housing and the whole project is more affordable than a lot of other housing in the City. They meet the criteria in terms of zoning and traffic safety. And the developer has painfully addressed issues raised by neighbors

and the concerns of the Planning Commission. There have been a lot of concessions and all of the criteria has been met. She thought it would be difficult to vote against the project based on the need of the City and that the criteria have been met. The applicant has agreed ancillary buildings/guesthouses would not be allowed, which is significant and that it could be put on the plat. As Vice Chair Hogan mentioned, it could also be a deed restriction. Commissioner Clow said she is in favor of the project and thought it should move forward.

Commissioner Faulkner said she would reflect on the decisions made by the Commission in other districts related to housing. In one case a family wanted to divide a one-acre lot into 4 and it was considered too much, and that district had nowhere near the same density as this district. Density along Airport Road is a lot and it is a food desert. And now the park that was proposed has been taken from the community. She was not thrilled that the neighbors of the proposed development requested removing the park from the development. Especially a development with children in it and that is targeting families. She said everyone thinks it is fine to build, build, build but they need to think holistically, not reactionary.

Commissioner Faulkner said she is most bothered that when the Commission is looking at cases they take them out of the context of the area that the development will happen. They just added a 250-apartment complex 1/4 of a mile away and the Commission green lighted multiple developments along Airport Road. But they have never received an answer on the amount of traffic that will be generated by a total of all the proposed projects. And the total amount of draw all of those will have on resources at the end of their build-out.

She said she would not be comfortable with a development on Airport Road until she gets that answer from staff. There are not enough resources to manage the population they have and in the next 2-5 years they will be facing a resource shortage. This community is a lot of affordable and a lot of middle class and will be one of the primary communities to draw on resources. She said to rubberstamp anything that comes across their decision-making process because it met conditions; the conditions are wrong. The Commission has already allowed certain parts of the City to become overpopulated given the amenities available. That there is already this kind of zoning, and a higher zoning around the proposed development, is a detriment to the developer. She didn't see this as a positive. It is one more reason not to support it, it is already too dense.

Commissioner Gutierrez asked Mr. Reeder if he would be willing to put a deed restriction on the plat regarding accessory dwelling units not being allowed.

Mr. Reeder said he was not familiar with the legal details, but his intent is not to allow accessory dwelling units and if the deed restriction helps, he is definitely willing. He will include it as a covenant in architectural standards on the plat so anyone pulling a permit will see it there. He offered to do anything else needed because that is his intent.

Commissioner Gutierrez asked if his intention was to place homes, or if he would sell lots, or do a combination.

Mr. Reeder said it would be a combination of both. "Trailer park" continues to come up but they are not proposing a trailer park. They are proposing detached, single family homes, some of which may be manufactured but will be anchored to a permanent masonry foundation and finished to match the unit's finish. Skirting will not be allowed and that is also in the covenant. The intent is to create a nice subdivision and more upscale than what is surrounding now. They want to provide opportunity for home ownership with pride of homeownership in an area people want to live in and can be proud to live in.

Commissioner Gutierrez asked Ms. Paez if a deed restriction is placed, would that give the City more legal authority to avoid a second home being put on the lot.

Ms. Paez said a deed restriction is on equal footing with private covenants, but it cannot be amended the same. The City cannot enforce deed restrictions because they are a private restriction, the restriction would have to be enforced by the neighbors.

She thought a cross reference could be added to the covenants on the plat and that would alert the City to the restriction. But there is a legal right under the Zoning Code to have an accessory dwelling unit. The City has discretion to honor private agreements when issuing permits, but they usually don't. The more evidence of a valid restriction like that, the more likely employees will take it to heart and not issue a permit. But, typically, they do leave those to other private parties to enforce.

Mr. Berke added that an applicant applying for a building permit has to sign at the bottom they are complying with all City regulations, and provided all information needed to obtain a permit. The property owner could appeal the permit if a deed restriction or covenant on the property isn't followed. The City could possibly deny a permit if a deed restriction prohibits a second unit on the property.

Commissioner Gutierrez asked Ms. Ladd how it works for Mr. Reeder to sell lots or homes.

Ms. Ladd explained the inclusionary zoning program has a lot price and 20% has to be sold in an affordable price range. They are the same three price ranges and the lot is estimated to be sold at about one third the price of the finished house.

Commissioner Gutierrez asked if there is a method to determine what the 20% would be if 21 of the lots are a complete buildout and 21 lots are without.



Ms. Ladd said the obligation transfers with the title and the agreement is recorded. When the new owner takes over the property they are bound to the same conditions as the original owner unless all of the conditions have been frontloaded and satisfied.

Commissioner Gutierrez indicated the packets include improvements and sidewalks up to Airport Road. He asked if Mr. Reeder was willing to do that on both Geo Lane and Buffalo Grass.

Mr. Reeder said that had been promised since the beginning and they are still willing to do that.

Commissioner Gutierrez wanted to discuss the zoning change they were tasked with because it mentioned repeatedly in the packet that this is to recommend a low density residential. He asked Mr. Logston what low density residential means.

Mr. Logston explained it encompasses a range from three to seven units an acre.

Commissioner Gutierrez asked when this changed from institutional to low density residential if there was a commitment to what zone the residential should be.

Mr. Logston said he has the minutes available, but to his recollection the Commission did not suggest a specific number range. The original R6 was too dense.

Commissioner Garcia yielded but said he will have more questions later.

Chair Hiatt asked Mr. Berke if there are other Q&As.

Mr. Berke said there are but are not really questions. They are comments.

Chair Hiatt said he wasn't sure whether to dismiss those. He asked Mr. Burke about who presented them.

Mr. Berke said all are people who had already spoken that were trying to provide additional comment. He added they do not erase the comments.

Chair Hiatt asked if the Commission objected to just including the comments into the record as additional comments received beyond the time period.

Commissioner Faulkner said for philosophical purposes, this could be an opportunity to hear them, with the new technology. On the other hand, if they were in Chambers that would not be allowed.

Commissioner Gutierrez said he didn't object but wanted to know if he could get answers to the questions without a problem.

Chair Hiatt replied if it was to that level and his curiosity was piqued and the questions were left in the record. Commissioner Gutierrez could have a staff member or Mr. Reeder answer.

Commissioner Garcia said he did not object to the Chair's ruling.

Chair Hiatt said he would let his ruling stand. The Commission will not hear the comments. The public had three minutes to comment and this is the way the Commission conducts the meeting when in person and appears to be the process they should operate under now.

Ms. Paez agreed the Commission should appear as close to possible to the normal public hearing process. She indicated the Q&A function is most helpful to overcome procedural hurdles for technical difficulties, etc.

Chair Hiatt returned to questions and answers from the Commissioners.

Commissioner Gutierrez confirmed after the motion there would be discussion.

**MOTION:** In Case # 2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Garcia moved, seconded by Commissioner Faulkner to recommend approval to the Governing Body for R3 rezoning and that accessory dwelling units be prohibited.

Commissioner Garcia said he appreciated Mr. Reeder and his colleagues and the work they have done. He explained he had asked for R3 zoning because of the density of this project in addition to Country Club Gardens across the street, South Meadows and the two communities in the front and back.

Chair Hiatt asked Mr. Reeder if this project would be financially viable if R3 density was approved by the Commission and City Council.

Mr. Reeder replied it would not be at that density. The houses or lots would be priced out of the market for the area and R3 would not work.

Ms. Paez said staff's recommendation is to recommend R5 zoning with no accessory dwellings.

Chair Hiatt said he understood that was staff's recommendation.

Commissioner Garcia said the Commission had discussed and concluded people could buy a lot and petition the City to add a dwelling. He thought

that would be very possible to do and once the HOA and the covenants go away, people would do that. He called the question.

Chair Hiatt said he wanted to comment. He said the Commission is betting on the future, both in terms of how many people are going to live on Airport Road and increase traffic and any other issues there may be. They shouldn't be betting on whether an HOA can make it or not. Every HOA is dependent on the people in it who participate and whether it is aggressive or not.

Chair Hiatt said he also thought to petition the City was not the way it works. Someone may try to get a permit, but every staff member said they are not likely to receive one. The restriction will be noted on the plat and Mr. Berke had commented that they are affirming on the documentation that they are bringing in all relevant information.

He agreed the Commission should vote.

Commissioner Faulkner argued that evidence shows that HOAs don't hold and they could also decide to do something outside the original covenant. She indicated that has happened all over the south side.

She said she heard from Ms. Paez that staff doesn't by process prohibit permits based on covenants. This is very predictable and there is evidence to show this is a likely outcome; at least 60% likely. She thought it wouldn't be hard to convince anyone to put multiple dwellings on their property if big enough and it helped pay their mortgage.

Commissioner Faulkner said her neighborhood has covenants that say you cannot do that, however many of them are currently considering it. She said as they get close to retirement age it would fast-track their mortgages by renting their detached garages. From her experience that happens, there is evidence it can happen, and it is likely it will happen. Especially when resources are limited, and populations have limited access to resources. They will find a way to make it work for their family. That is one of her concerns.

Ms. Paez noted that in addition to an HOA, individual neighbors have a right to enforce the private deed restrictions and would be an advantage to only having it in a covenant. The City and the Planning Commission have discretion to consider private covenants etc. into agreement when making decisions when approving something the City is not obligated to approve. The City will put itself in the position of being challenged by the owner if they

enforce a private restriction that isn't valid. If they have a lot of evidence that it is a valid restriction for a lot, they are more likely to abide by that.

Commissioner Gutierrez said after listening to Ms. Paez it strengthened his belief that there does need to be a deed restriction in addition to the HOA. He asked Mr. Reeder the breakdown of reasons why R3 wasn't viable.

Mr. Reeder said originally they set out to do not just the affordable units required with the goal to make every unit relatively affordable. That is why initially they requested R6 zoning. They reduced the request to R5 because it will still work although, barely. The less dense they get the less realistic the project becomes, and units have to be priced much higher. Anything under R5 would be out of the affordable category. There is R12 to the north and south and R6 to the west, and the prospect of luring home buyers to pay higher prices for that area is just not realistic.

Commissioner Gutierrez addressed Ms. Ladd and said they talked about density bonuses. He asked if this project qualifies with R3 - R7 zoning.

Mr. Reeder said they would qualify but the applicant waived that request and has not asked to receive it.

Ms. Ladd said the project is entitled to incentives because it has complied with the program. But the density bonus incentive needs to be optional; it is not always given. It can only be provided if all other Land Use Code restrictions can be met.

Commissioner Gutierrez asked at the R3-R7 zonings, what bonus the applicant would receive.

Ms. Ladd said 15% would be added to the base zoning to get the allowable zoning.

Director Isaacson asked to follow up on the questions raised on the accessory dwelling/guest houses. His experience as the former building permits manager might be helpful. New tools are at their disposal with the InterGov Permitting system in place. They can identify properties and put alerts/notifications etc. on certain properties alerting staff to covenants or deed restrictions in place.

They can safeguard issuing a permit in error for an additional guest house in this area. The system allows them to no longer have to rely on staff's memory or doing a paper chase through agreements and deed restrictions. Parcels with restrictions can be identified so that anyone reviewing the

permit application knows exactly what restrictions are placed. If the Commission wanted and the applicant agreed, they could ensure the guest houses would not be allowed.

Commissioner Faulkner asked Mr. Reeder the price point difference between an R3 and R5 per lot.

Mr. Reeder replied it is 30-35% difference. A \$300,000 house becomes a \$400,000 house, or more.

Chair Hiatt proceeded to the vote reminding the Commissioners a vote in the affirmative is to recommend to Council the R3 rezoning.

**VOTE:** The motion failed by majority roll call vote with Commissioners Clow, Hogan, Lawrence, Sategna and Gutierrez voting against and Commissioners Faulkner and Garcia voting in favor.

Commissioner Gutierrez noted they didn't discuss if conditions such as deed restrictions were needed and how the applicant would handle the sidewalk from the end of the development to Airport Road. He asked if that should be done before the vote.

Chair Hiatt explained this is simply a vote on rezoning.

Commissioner Gutierrez voted no for that reason.

**MOTION:** Case #2019-20. 4000 and 4100 Geo Lane Rezoning, Commissioner Clow moved, seconded by Commissioner Hogan to recommend to the Governing Body to approve the rezoning request from R1 to R5.

Commissioner Faulkner asked if they could settle on R4.

Chairman Hiatt explained the vote is for R5 and she could try to amend to R4. He recommended they vote on R5 and take up R4 if it fails.

Commissioner Faulkner offered R4 zoning as a friendly amendment.

Commissioner Clow said she did not accept the amendment as friendly.

Ms. Paez suggested voting on the motion on the table that has a second.

Commissioner Sategna said he understood their emotions were high regarding the concerns on the level of density in the area and the amount of resources. However, he had serious concerns about trying to force an

applicant who has crunched the numbers to drop from R5, or to negotiate towards the end to make a recommendation to the Governing Body, without considering the viability of the profit for the applicant.

Secondly he expressed concern for trying to use tactics and enforce covenants on plats or imply deed restrictions, especially when emotions are running high. He was worried about setting a precedent of trying to modify or make a decision. He didn't believe that while some Commissioners might disagree with what is on the table for a vote, that was the best way. To make changes right at the end. When discussing the rezoning and honoring the original zoning is the time to discuss if they should change it to residential.

Commissioner Sategna said as this stands, this is zoned for residential and the request is just for an increase in residential to provide housing.

**VOTE:** The motion was approved by majority roll call vote with Commissioners Clow, Hogan, Gutierrez, Lawrence and Sategna voting in favor and Commissioners Faulkner and Garcia voting in against.

Commissioner Faulkner explained her vote had nothing to do with the applicant's development and was more a principal about the area and the challenges of the area. She thanked everyone for the debate because that is necessary for the Commission to do their job.

Commissioner Garcia said his vote was as Commissioner Faulkner stated, nothing against the applicant and the developer. The issue is just the area. He said he appreciated their hard work.

Commissioner Gutierrez said like Commissioners Garcia and Faulkner he doesn't represent District 3 and they have voted no. They probably know something more than the rest. He hoped by the time this goes to Council the issues will be resolved. He responded to Commissioner Sategna and said his emotions are neutral. He is just trying to do what is best.

**MOTION:** In Case # 2019-1520. 4000 and 4100 Geo Lane Preliminary Subdivision, Commissioner Clow moved, seconded by Commissioner Gutierrez to approve the preliminary subdivision subject to rezoning approval by the Governing Body with the conditions of approval and technical corrections as outlined in the report; and based on the agreement of the applicant that he will allow a deed restriction and for the project's covenants to contain restrictions that prohibit ancillary guest units. And, in addition, the applicant agrees as part of the covenant's provisions to the age, type and foundation requirements for manufactured homes.

Chair Hiatt asked if the motion could also include the agreements by the applicant for the sidewalks out to Airport Road.

Commissioner Clow agreed to the amendment and thought that was already part of the conditions of approval.

**VOTE:** The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

Commissioner Faulkner explained her vote. Since they couldn't find zoning that met the concerns of Commissioner Garcia and herself, adding these additions to the approval is a step in the direction to protect the community.

Commissioner Garcia said his vote was in favor as long as accessory dwelling units are not allowed and the property is developed in the proper manner and good for the community.

**MOTION:** In Case # 2019-20, 4000 and 4100 Geo Lane Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law rezoning in Exhibit A2.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In Case # 2019-1520. 4000 and 4100 Geo Lane Finds of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Faulkner to approve the Findings of Fact and Conclusions of Law on the preliminary subdivision with the additions of the deed restrictions and the covenants that no ancillary guest units be allowed, and that the applicant agrees to those restrictions, and that the applicant agrees with the relationship to the age, type, and foundation of the manufactured homes and relationship to the sidewalk extension.

**VOTE:** The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt thanked the Commissioners, especially those from District 3. He understands their points of view and shares their concerns over density, traffic, the food desert and the variety of other issues they righteously raised. Part of the problem is the

Commission doesn't have the wherewithal by Statute or Ordinance or resources to try and change those things at the Planning Commission level. However, he does agree those are issues the City Council needs to address, and he hopes they do.

Secondly, he thought everyone was aware that the City is projecting a 100 million dollar loss in the budget due to the economic collapse after the pandemic. For that reason, he didn't feel the Commission could look at the City for much in the future. But, that shouldn't necessarily change how they approach cases. He thought they need to rely on the Ordinance until City Council considers these issues and tells them to stop approving and provides the Commission with more direction.

He said he appreciated the Commissioners who raised the issues. He said he also appreciated Mr. Reeder and he thanked him for his effort over this year and the effort which will come after this and for his perseverance with the Commission. He wished Mr. Reeder the best on the project.

Mr. Reeder thanked Chairman Hiatt and the Commission for their perseverance with him to get the project over the hump. They look forward to creating a project that everyone can be proud of.

Chair Hiatt replied the Commission looks forward to that as well.

## **F. NEW BUSINESS**

1. **Case #2020-1936. Sangre Azul, Preliminary Subdivision Plat.** Oralynn Guerrerortiz of Design Enginuity, Agent, for Roddy & Sherry Leeder, Owner, request preliminary subdivision plat approval for 23 residential lots on approximately 4.04 acres of vacant land. The Agent is also requesting approval to build gravel roads meeting private lane standards pursuant to Subsection 14-9.2(C)(7). The property is zoned R-5 (Residential- five dwelling units per acre) and is located at 2670 and 2690 Kates Way. (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325)

Commissioner Clow recused herself due to a conflict of interest. Mr. Berke offered to email her when it was okay for her to return to the meeting.

### **Staff Report**

Ms. Wynant said the agent is requesting a subdivision plat approval of 23 residential lots on 4.04 acres. The agent also request approval to build gravel roads, i.e., private lane standard roads, per code. The property is zoned R5, residential dwelling units of five per acre.



Staff recommended approval of the preliminary subdivision plat with staff's recommended conditions of approval and technical corrections listed in the report. Two motions are required: to approve/deny the preliminary subdivision plat subject to conditions of approval and technical corrections; and to approve/deny the Findings of Fact and Conclusions of Law, Exhibit A2 of the packet.

There are five approval criteria that were reviewed. Criteria #1 was met. The site is relatively flat with no defined drainage courses and minimal vegetation. The site has obtained an archaeological clearance permit. Criteria #2 has been met. It is found it is in the best interest of the public's health, and suitable for plat/development as proposed. Criterion #3 has been met; the plat complies with Chapter 14 Article 9, infrastructure design and improvements standards.

Ms. Wynant said comments and necessary conditions of approval were made by staff to conform to City Code. She noted that the Traffic Engineer required streets to be hard surfaced with curb, gutter, sidewalks and streetlights at intersections. Criteria #4 was met and doesn't create nonconformities and criteria #5 was met, since the applicant is not requesting exceptions.

Ms. Wynant noted a provision in the Code for lane standards on the unimproved streets. The applicant request is for streets to be base course roads. Per Code, the standards deal with adequate dust control and meeting the character of the area and that the gravel lane will not cause erosion or sediment problems. Staff did not feel those standards were met and is requiring the roads be hard surface.

An ENN was held on March 10, 2020 with 10 neighbors attending, some who raised questions on if the streets would be improved and dedicated to the City. Discussion was that Kates Way is a private easement over land that is owned by a couple of neighbors. One of them has expressed opposition to dedicating the street to the City and they do not want the street unimproved.

Ms. Wynant noted that the approval of the subdivision plan expires three years after final action and the adoption of Findings of Fact and Conclusions of Law.

### **Applicant's Presentation**

Oralynn Guerrerortiz, 1427 Luisa Street, Suite E, was sworn. Ms. Guerrerortiz explained she is the civil engineer with Design Enginuity. The owners were also attending via Zoom.

She showed a slide of the property on screen, two legal lots on 4 total acres. Directly to the East is vacant land and next-door is the El Camino Real Elementary School. To the north is vacant land and on the west is a mobile home park. To the south is the Santa Fe River and South Meadows Road. Proposed is a 23-lot subdivision. A

Buckman main water line comes through Kates Way as well as an existing public sewer line comes down through Kates Way through the property. A path used by schoolchildren moves along through the City right of way onto the school. The applicant would like to turn the path into an 8-foot-wide crusher fine pathway. An existing sidewalk is along South Meadows Road. The slope analysis shows flat land which plays into the question regarding potential erosion.

The plan was presented at the ENN meeting to show standard City streets, curb and gutter, sidewalks and driving access from Kates Way from South Meadows Road. Kates Way is a private access easement owned by three different landowners who use the road and can improve it but cannot be turned into a City road without the permission from all three owners. They learned at the ENN that one of the owners does not want the property to be a City road and objects to paving it.

Ms. Guerrerortiz said generally she is in favor of City roads but in this case, if paved roads were installed they would be maintained by the HOA. She noted that maintenance by the HOA would not be expensive at first, after 10 years the maintenance bills become huge. Base course roads are significantly less expensive to build and maintain. This community will pay similar property taxes to everyone else and the Sangre Azul residents would have to pay significant road maintenance HOA fees in addition.

The applicant started reconsidering the concept of the project because of the neighbors' objections to the paved roads. They decided to convert to a gravel road design. The Planning Commission has authority to approve private gravel roads for the project size, if it meets three conditions: 1) Dust would not be a problem; 2) The gravel roads are important to the project design; and 3) Erosion or sediment would not be a problem.

Ms. Guerrerortiz said the neighborhood she lives in has a City-maintained gravel road and she still has to dust more often than if she lived off of a paved road. The dust is primarily from cars speeding down the road, so speed is the key. The applicant proposed to control speed by posting speed limit signs and adding concrete speed tables. In addition, there are polymers that bind with soil and significantly reduce dust. The product comes from California and is commonly used in Denver and found to be effective. The applicant plans to add that to the base course at road construction and the polymer will need to be reapplied regularly. The reapplication will depend on the amount of dust but is much less expensive than maintaining a paved road.

If allowed to have gravel roads it will be a major factor in the overall project design. The applicant proposed no architectural controls in the project and the house designs will only be controlled by City regulations. This development will be similar to older neighborhoods where each house is unique. Conversion will be easy to deal with and generally needs a 6% grade for water. All of the grades on the property are less than 3% so there will be no erosion problems. The ditches will be seeded with native grasses that

further stabilize the roadways.

Ms. Guerrerortiz stood for questions.

Chair Hiatt asked on the three considerations for a gravel road, what the important consideration is as to why this requires gravel lanes, other than cost.

Ms. Guerrerortiz explained on average the lots will be 6,000 ft.<sup>2</sup> and the intention is to mimic the older neighborhoods in the community.

Chair Hiatt confirmed that Ms. Guerrerortiz's clients did not want to testify at this time. There were no other questions from the Commissioners.

He opened the public hearing and testimony was limited to three minutes.

### **Public Hearing**

Ms. Paez said she did not see anyone who wanted to speak but had received a note from Patricia Landon, someone she had talked with before the hearing. Patricia Landon was on the line to speak but the connection was lost.

Chair Hiatt asked Ms. Guerrerortiz if she recognized the name of the landowner.

Ms. Guerrerortiz said Ms. Landon owns part of Kates Way located due north of the property and had indicated she wanted a dirt or base course road, not a City road.

Chair Hiatt confirmed that Ms. Landon is the one person who favors a gravel road.

Mr. Berke indicated that Ms. Landon left a phone message on his voicemail. She doesn't have access to a computer and left a message that she is *not* in favor of this road being gravel or dirt. She wants a paved road.

Ms. Paez said that was her understanding as well when she spoke with her. She suggested since Ms. Landon wasn't present to speak under oath, the message was not good evidence for the record.

There were no other public comments.

Chair Hiatt closed the public hearing.

### **Commission Discussion**

Commissioner Faulkner commended the developer for recognizing the cost to HOA's for paved roads. If the gravel roads work as described they are a more long-term, sustainable solution.

Commissioner Sategna addressed Traffic Engineer Romero. He said he is familiar with the area and there are peak periods on South Meadows near the school where traffic backs up. He was interested whether there would be changes or future remediation to alleviate the traffic going into the school.

Mr. Romero said South Meadows and Agua Fria have significant congestion. The main issue is at the intersection because there are no left turn lanes on Agua Fria. It has to be timed efficiently to get people through the intersection and it is very inefficient. Currently they are at 60% design of the new construction of the project and are looking at changing to a roundabout or adding left turn lanes. The traffic study shows that the left turn lanes will work. Funding construction is being looked at from the City impact fees garnished from developments such as this. They believe City Council will support the fees and once they get bids, they will ask Council to transfer the money for construction. They hope to get it constructed next summer.

Commissioner Sategna thanked Mr. Romero for acknowledging the congestion. There are serious concerns for any new residential development in the area. He sees kids being walked across the street to access the school. The sidewalk intersects with this property and he had serious concerns about kids trying to get to school.

Commissioner Garcia asked if there is a sidewalk from the entrance to the school area.

Mr. Romero replied currently there is a sidewalk over the bridge up to the driveway that is connected to the school. Once the intersection at Agua Fria and South Meadows is constructed there will be a second project at Agua Fria and Cottonwood. There will be a continuous sidewalk to connect the majority of South Meadows, south of Agua Fria and out to Cottonwood all the way to the school.

Commissioner Garcia noticed in the packet a picture of where the sidewalk ends at the driveway, the other side toward the school just has a shoulder on the street. He asked at what point with all the increased traffic, the road will be completely developed. There is concern about kids safely walking to and from school and apartments are going in on the other side of the school. He also thought a development was going in on the other side of the street. At one point an overpass or tunnel was recommended.

Mr. Romero said it is the nature of schools in an urban environment that kids are walking next to traffic. The City has tried different models over the years for schools and some models brought more traffic through the middle of the neighborhood. That degraded quality of life for the neighborhood. They are now locating them off of major arterials because of the traffic in and out.

He noted that they have a lot of schools with kids that walk to them next to major traffic, but they have not noticed any major safety concerns. Gonzales Elementary School is a good example where kids cross St. Francis Drive which has 40,000 cars a day. Since he has been at the City there has never been an incident, or for the traffic engineer before him. The schools place cross guards on those types of roads and the City and schools collaborate on managing a crossing-guard program. As the traffic increases that is how the schools will adjust and manage the traffic. There is a sidewalk that currently exists, but the applicant is proposing a parallel path to the sidewalk in crusher fine.

Commissioner Lawrence said given that the pedestrian traffic is common and will only become more so, she is concerned if the gravel path could accommodate pedestrian traffic, compared to having a paved path or sidewalk. Also, she has a question for Ms. Wynant and Mr. Romero on the staff report that says, *"City staff determines that the proposal does not meet the criteria for a gravel road"*. The report doesn't indicate the analysis and she is wondering if they would address why City staff determined that.

Ms. Guerrerortiz responded that the applicant intends to pave the entry into Kates Way and put in ramps and connect a crosswalk. Children will be able to come from the school on the sidewalk to the new ramp at Kates Way. They could then choose to stay on the sidewalk where there will be another ramp connecting to existing sidewalk or take a crusher fine path.

Ms. Wynant said there was no in-depth analysis of the three criteria. The staff report on page 4, indicates criteria #1 is about whether the dust can be sustained over the years. Criteria #3 was on erosion and sediment issues and the control of those. There was no in-depth analysis, but new developments have had paved streets, sidewalks, curbs, etc. They hold accessibility criteria in high regard to ensure everyone can use them. Staff has to be convinced that everything around the area is unimproved and she wasn't convinced. She didn't think other staff thought the standards of Chapter 14 were met either. The standards require a convincing reason why they cannot do the Code standards. So, staff sided with the Development Code.

Mr. Romero cited the 3 requirements of Section 14-9.2(C)(7) of the Code again; roads not paved have to have substantial evidence why they are not, and dust will not be a problem. He said the City maintains a lot of publicly owned, City-owned dirt roads and the maintenance on those is extensive. The polymer mentioned doesn't last long, and after a few rains the rutting and washboard effect requires constant regrading. The City spends a lot of man-hours regrading dirt roads. The City constantly gets requests to take

over the unpaved roads because property owners either don't want to, or can't maintain them, or the HOAs have dissolved, etc. In his experience the dust on dirt roads will always be a problem.

Mr. Romero addressed the section of Code: *the gravel lane is important to the area's streetscape and the design*. He interprets that as aesthetic and considers that an area in the foothills where there is nothing but dirt roads. He read: *the gravel lane will not cause erosion or sediment problems*. Dust is a form of erosion and a lot of the dirt roads have constant dirt and sediment that washes onto paved roads or is brought to the pavement by vehicles going in and out of a dirt road. Those are the reasons he felt the three criteria were not met.

Commissioner Lawrence appreciated the explanation. She understands that it will affect the plan and the development, but she is really concerned about not supporting paved roads in the area. The Commission doesn't want to encourage a precedent of unpaved roads. Commissioner Lawrence added, she also has access concerns as well.

Commissioner Faulkner said she understands the concerns but when the paved road hits its life expectancy and starts to deteriorate, the HOA will not be able to afford repairs. Generally, there will be a really bad road at the end of 10-20 years versus a gravel and base course road that is more easily maintained. There are communities in the County and in other areas of the State where they use base course to allow HOA management to maintain the roadways.

As a lobbyist she had done a lot of work around capital outlay and infrastructure funding and paved roads are one of the most expensive to maintain.

Commissioner Gutierrez asked if they pave Kates Way, could it be turned over to the City or would the City refuse it because of the properties to the north and east.

Mr. Romero explained they want the road built to City standards. If the property owners who don't want to dedicate to the City change their mind in 5-10 years, they could dedicate the road. In regard to the life of the asphalt, it may only need minor repair. But if dedicating a dirt road, the HOA would have to build curb, gutter, sidewalks and consider the drainage. In his experience paved roads are way easier to maintain; if they weren't they would have all dirt roads in the City. They pave some of the dirt roads when possible because it eliminates the amount of maintenance required. Cerro Gordo is a good example of a dirt road constantly maintained by the City. In contrast Canyon Road's pavement lasted 40-50 years and was just repaved.

Many of the existing privately owned paved roads are in such disrepair because they were not built to standards. People put milling on the ground with oil or it isn't thick enough or there is no base course. They don't do things that need to be done to make the road last. In these types of areas, a well paved road can last a very long time.

Mr. Romero said to answer the question, yes, the City would take the road over if there is language on the plat saying the pavement is in a certain condition. He will work with Land Use to ensure the sidewalks, etc. are looked at for what the applicant is required to do now. If there is a more stringent requirement in the future, those people would not have to accommodate the expense.

Commissioner Gutierrez asked Ms. Guerrerortiz if the large property to the east would share Kates Way at some point or have a separate easement.

Ms. Guerrerortiz said a client of hers owns the property and they have been working on the plans. The requirements of the Code are that a neighborhood is required to have two accesses if more than 30 dwelling units. With the development of the property to the east they will have over 30 units. That triggers the requirement for a second access road. She is working with El Camino Real School on whether it is possible to develop a City road from the north parallel to 599 which ultimately would connect to Kates Way.

Ms. Guerrerortiz said a lot of work has to be done and steps, including work with the City on a planned road intended to serve the fire station. They will be connecting to that. They know with development to the east, that Kates Way will likely have to be paved but there will be more parties maintaining it. Likely it will be a secondary access with the main access to the north if that works out.

She explained further they will have to have a secondary access when the property to the east is developed. They hope to get that through the school property. They just need a small portion and then will be on BLM property. That is the main access for the property to the east. Ultimately that potential will provide a secondary access to the development presented today.

Commissioner Gutierrez stated in a perfect world they would connect the proposed road from the north to Kates Way and have two accesses for their property.

Ms. Guerrerortiz said yes, in her dream world the main entrance to the entire neighborhood would come from the North. It will be the main entrance to the neighborhood, and a paved, City dedicated road that meets standards with curb and gutter, etc. Kates Way would be a secondary access. Primarily because Kates Way is difficult to get in and out of when school is on. They want to develop another access to the area and the schools understand that. It is beneficial to them and beneficial to the City as well because their fire station was put on hold. They may end up building a road for them that will help access future developments too. She doesn't know if that will happen yet because it is complicated.

Mr. Berke said they are in the preliminary planning stages of a separate project. He cautioned the Commission to focus on this project rather than what-ifs. They have to

go before the School Board for a vote to get a road behind the school. In addition, the State owns the land where the road would go, and the City lease with the State would have to be amended to allow access. A number of steps would have to happen.

He added that the subdivision being reviewed is primarily designed for manufactured homes. Ideally each would have to be brought in on a semi and is another reason staff recommended against a private gravel base course road. That could cause more erosion more quickly with this type of development and 23 lots. The erosion could lead to potential drainage problems and is not the City's responsibility as a private road.

Commissioner Gutierrez said when driving by from Agua Fria it is a hard left onto Kates Way. He asked Mr. Romero if it is better to redesign the turn into the subdivision.

Chair Hiatt said he didn't know what he meant by "*a hard left.*"

Commissioner Gutierrez explained at the entrance from Aqua Fria, it is difficult because it is more than a 90° turn into Kates Way.

Mr. Romero replied he knew Kates Way wasn't lined up 90° with South Meadows, but the entrance is lined up at 90 degrees and is about 30-40 feet long. There is no other way to change that. It would take significant reconstruction, including the bridge crossing across the Santa Fe River, to adjust the roadway.

Commissioner Gutierrez asked Mr. Romero if he is satisfied with the entrance and thought it would suffice for the subdivision as well as the future growth.

Mr. Romero replied Ms. Guerrerortiz did a good job of designing it and he had no concerns.

Commissioner Garcia asked if there is a landing to make a left into the property.

Mr. Romero explained when widening into a median it cannot be abruptly; it has to transition. The bridge would have to be reconstructed to accommodate a full median in that transition. The City wants to pursue the connection behind the school to help with the traffic flow in the area.

Commissioner Garcia said someone mentioned the main water line comes through Kates Way area. If that is the case and there were problems, having the road paved could be a problem. He asked also when Ms. Guerrerortiz mentioned using soil stabilizing polymers, if that was on the road or on the path.

Ms. Guerrerortiz explained it would be on the road itself and mixed in with the base course when the road is initially constructed.



Commissioner Garcia asked Mr. Romero his thoughts on roads that used that type of technology.

Mr. Romero replied the City has tried that before and it does have a short-term effect; short-term being possibly at most a year. It starts to break down and causes dust and rutting and is more difficult to grade. It becomes more challenging to maintain when it degrades than a regular base course road.

Commissioner Garcia asked if adopting that road would become less advantageous to the City.

Mr. Romero replied yes, but the City wouldn't be able to take it because it doesn't meet City standards for a public road, which has to be paved. The HOA or homeowners would have to find money for curb and gutter, sidewalks, drainage improvements, etc., first.

Commissioner Sategna asked to clarify that the conditions of approval recommended by staff include that the developer shall provide plans to pave all proposed roadways and include curb, gutter, sidewalk and bumper sections. The applicant's proposal is to continue Kates Way as a private base course road. He asked the case manager if that was correct.

Ms. Wynant said that is correct. The original intent by the applicant was to do a paved road with all the improvements. The neighbors brought up concerns at the ENN and the plans were adjusted. Staff did not want to flat-out recommend denial because everything about the subdivision seems to work except the street standards. Staff discussed this with Ms. Guerrerortiz, who is here to make the argument for unimproved streets. Staff is holding to the Chapter 14 standards.

Commissioner Sategna asked if anything prevented the applicant from paving the road. Their presentation mentioned they have to have agreement from all surrounding properties. He asked if staff is recommending something that conflicts with the potential development.

Ms. Wynant replied she may defer to the applicant or City Attorney but, she thought that sign off of all of property owners was true for easements. But if the applicant is required to make improvements to the street, that's what they have to do. She didn't think the owners have to sign off.

Ms. Guerrerortiz said the applicant can build the roads to City standards. In fact, she turned in a set of plans for the entire project based on paved roads. Staff has two sets of plans on the project. The problem is that Kates Way cannot be dedicated to the City for ownership and maintenance without all three parties signing off. She knows that

one owner is in favor, one stated previously they are against it and one she hasn't received an answer from.

Chair Hiatt confirmed that if the owners did not sign off, everyone else including her project, would be responsible for the maintenance of the road thereafter.

Commissioner Sategna clarified that this is because one of the surrounding property owners is adamant they specifically want a dirt road.

Ms. Guerrerortiz said it is two reasons. The subject didn't come up and wasn't contemplated until the ENN. She has never experienced someone wanting the road to remain a dirt road. The applicant considered that and realized if they could not dedicate the roads to the City, the residents would not only pay upfront costs, but would see HOA fees go up dramatically because of the maintenance of the paved roadways. Yes, HOA's are able to afford base course roads, especially when flat, and these are very flat. They don't have the same problems as the foothills where roads have more slope. But again, when the roads fail, and they will in 10, 15, or 20 years, there will be significant increases in improvements.

Ms. Guerrerortiz wasn't sure she agreed with Mr. Romero that the roads have failed in other locations because of poor construction. She has looked at some that were City standards in general, but because HOAs didn't crack seal them, or do the things needed to keep the roads from oxidizing etc., the roads became very expensive for the HOAs to maintain. A paved City standard road cost about \$150-\$170 a linear foot to build and base course is about \$23 a linear foot. This is about initial sales prices on the lots and HOA fees.

A statement was made that these would be manufactured homes. She didn't think so but wasn't sure. She has received calls from people who are very interested. They love that there are no architectural controls. They could buy a decent lot and build something per City standards. The people she spoke with are interested in stick-built homes and she thought there is a desire for this product in the community.

Commissioner Sategna said typically a developer will agree to build the roads to Chapter 14 standards. Those are generally dedicated to the City for future maintenance. He said Ms. Guerrerortiz's concern is about burdening a future HOA with the maintenance. However, the Commission has to take into consideration not only this project but the surrounding future developments. She is representing a client for an adjacent property and this area will continue to develop. The City standards are that the roads should be paved. This is problematic for future HOA's who will have to get an agreement from adjacent property owners to dedicate the road to the City.

Ms. Guerrerortiz pointed out base course roads are allowed under certain conditions. One condition is it must be a lane - that is about 40 homes. If there are more

than that the road has to be paved. If in fact Kates Way is used by development around it, once triggered at 40 homes, it *will* have to be paved.

Commissioner Sategna said she was saying that the next properties that will connect into Kates Way will be required to be paved. To her point, eventually it will be paved. But he is not sure why the Commission is asked to permit something already within the guidelines, a treated dirt road, for future HOA's. The recommendation by the City is ultimately that the road be paved in preparation for future development. He thought they should also be looking long term, not just trying to solve an HOA problem.

Ms. Guerrerortiz pointed out in the future Kates Way would have to be paved but the other two roads would not. They could remain base course because they will never serve more than 18 homes. If Kates Way is turned into paved road because of future developments' traffic, all users including her subdivision, would share the costs.

Commissioner Sategna asked to confirm if the two dirt roads were paved at the same time if they could be dedicated to the City as well.

Ms. Guerrerortiz said they could. She said she asked that question of John Romero who told her the answer was no. Kates Way cannot be dedicated because of the property owners' requirement to agree. The City will only take the other two roads if a City road connects to them.

Commissioner Sategna said this road will be triggered to be paved, and private. So, Ms. Guerrerortiz was saying regardless if it has to be paved 10 years from now the cost will be shared, and the owners would not have to approve the dedication of the road.

Chair Hiatt clarified that owners are never required to dedicate.

Ms. Guerrerortiz said she has tried to set up the language in the event the City forces the applicant to pave. She wants to work with City Legal to establish if they can get the three owners to agree in the future, to have dedication already in place. Those things will have to be worked out.

Commissioner Sategna asked Ms. Paez to comment, given this potential.

Ms. Paez said she understood City staff is making a recommendation pursuant to City Code and the Code has an exception the Commission could grant for gravel roads if criteria are met. The City will never accept the roads if they do not meet City standards, but she wasn't sure about delaying the decision. If the roads are paved in the conditions as recommended and adopted by the Commission, the road would be built in a manner making it possible to be accepted by the City.

There is the speculation as to whether or not the neighbors would agree, and she found it surprising they did not want to do that. If the roads are built to standard at the front end and owners agree before the road deteriorates, there would not be a need for additional maintenance. The City has no mechanism to set up a pre-dedication and there is always an inspection at the time of dedication before accepted.

Commissioner Faulkner asked the cost difference for repairing a maintained base course versus maintaining a paved road.

Mr. Romero responded. He pointed out a paved road lasts 20 years before any maintenance is needed. Cerrillos Road from the Airport to Rodeo Road has a lot of traffic and is close to 20 years old and they are just beginning to think about crack sealing it. And there are other sealants after that, but if at the point it had to be repaved, generally 30-40 years out minimum on a residential street, he estimates it is about \$40,000. He said considering that a person would be grading and putting polymer down, which is expensive, with all of the dirt roads, the City spends a lot of money. Maintaining a paved road is a lot cheaper than the continuous maintenance for base course.

Mr. Romero added that after 20 years of base course, it's not just the regrading, but it requires additional base course, or it turns into mud. Base course has to be reconstructed much sooner than asphalt on a paved road.

Commissioner Faulkner offered a follow-up comment. Given the testimony of Mr. Romero, if the Commission required paving she thought the likelihood very low that the adjacent landowners would want the expense of self-maintenance. She added that in 20-30 years the owners of the adjacent properties could also change.

Director Isaacson said the proposal is being reviewed as to whether it meets Code. Unfortunately, the Code considerations do not include cost consideration to the applicant. The Commission should be sure to use the review criteria to base their decision on rather than factors that may not be under their consideration.

Vice Chair Hogan was recognized. Chair Hiatt asked him to chair the meeting briefly.

Vice Chair Hogan thought Mr. Romero made good points about costs and expenses and regular maintenance of dirt roads. He understood that the landowners are not looking to dedicate the road anyway and this is their burden if the City is not maintaining the road. He said the Code is set up to prevent people from creating situations that are not good for everyone, and paving is probably one of those. However, some roads in the City, Ferguson Lane near Frenchy's Field is one. It has a nice aesthetic because it is a dirt road and they bar ditches and the planting supports that. Also gravel roads have an aspect of sustainability that don't increase runoff, etc.

He thought the Commission was getting involved in things they don't need to and if approved without paving, later the owners will have to bring the road up to standards in order to dedicate. Otherwise the owners bear the burden of maintenance for the life of the project. It doesn't sound as though the applicant will sign off as a condition of approval to pave the roads. Otherwise, it seems a burden they are creating for themselves.

Mr. Romero said those were good comments and he is looking at Ferguson Lane. He said there are two things different about this and Ferguson Lane. First, this road is a sub collective road and there will probably be development and possibly a connection to a roundabout. He thought if someone downstream, north of this property develops they will have to build a paved road along their frontage as well as Kates Way. He thought that is added burden.

Secondly, he thought Ferguson Lane was the only dirt road where there haven't been complaints that they are not owned by the City. The City gets that a lot. They are constantly meeting with HOAs, Councilors, the Mayor, etc. and repeatedly asked how the City could let the road be dirt. More times than not homeowners that bought into a neighborhood late felt the developer did things cheaply, and the City allowed that. And now they are stuck with the road and the City doesn't want to pay to fix it. That is the perception the City wants to try to avoid.

Chair Hiatt assumed as chair at this time.

Commissioner Garcia commented that if the Commission does not make the applicant pave the road it will fall on the next developer to pick up that cost. It appears there will be more development in the area, and he didn't want to pass that burden to the next developer. He asked if they could compromise and develop Kates Way as a paved road but not pave the other roads.

Ms. Guerrerortiz explained the applicant came with a request for gravel roads. They understand staff is not happy with that. If the Commission requires them to pave the roads, they will do that with curb/gutter, etc. and all that comes with that. However, they believe the community wants a different product, a different look, and some would prefer a gravel road. The applicant hopes the Commission will let them move forward with their project as planned and is ready to go in either direction.

She said there are bigger issues she would hope the Planning Commission will consider someday that are all related to HOA's.

Chair Hiatt said the Commission would welcome any recommendation to beef up HOA's.

Commissioner Garcia said going back to the notion that there will be more development, there will be cost issues whether this developer or that developer.

Ms. Guerrerortiz said this developer has brought in sewer and is bringing in all of the power and gas to the area, and major supplies. The future developer will benefit from that and the paving improvements the applicant is doing at the entry of Kates Way. So, there will be permits the future developer can build upon.

Also, she designed the base course roads so it could be converted to a paved road per City standards. The next developer can build on what they have done without doing major improvements. This is a steppingstone for the next developer.

Commissioner Gutierrez asked if the Commission has flexibility to decide on paving the road or not, and it wouldn't go against chapter 14.

Mr. Romero explained the Commission would need to state that the applicant met the three criteria. He said they should be prepared on the second criteria of meeting the streetscape, and how the applicant meets that.

**MOTION:** In Case #2020-1936, Sangre Azul, Preliminary Subdivision Plat, Commissioner Sategna moved, seconded by Commissioner Garcia to approve the preliminary subdivision plat subject to the conditions of approval and technical corrections recommended by staff.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

**MOTION:** In Case #2020-1936, Sangre Azul, Findings of Fact and Conclusions of Law, Commissioner Sategna moved, seconded by Commissioner Lawrence to approve the Findings of Fact and Conclusions of Law as proposed in Exhibit A2.

**VOTE:** The motion passed by unanimous roll call vote with Commissioners, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

## **G. STAFF COMMUNICATIONS**

Mr. Berke indicated there will be a second meeting on June 18, and he will be sending the invites. The two items on the agenda will be a final subdivision plat and a change to text in Chapter 14. Anyone unable to attend was asked to contact him and copy Chair Hiatt.

Director Isaacson thanked the Commissioners and everyone for their time. He said it was a good discussion and he appreciated their commitment and dedication.

Chair Hiatt asked if the Director would see affordable housing issues again.

Director Isaacson reported that something was scheduled for Code revisions with the working group next week or the following. They hope after another session to bring something to the Planning Commission. They laid out a series of steps prior to the crisis but everything was complicated with staffing adjustments due to financial issues at the City.

Chair Hiatt asked if there would be value in the commission holding an hour or so session and inviting the community to discuss solutions.

Director Isaacson said they are working with people in all areas and the Mayor brought his task force who made recommendations in 2018. He thought they had a good handle on the community partners that might be included in the discussion. He said they would be happy to speak with a specific person anyone has in mind.

Chair Hiatt replied there isn't one of them who doesn't feel like he is going to take some hits, and they will be big.

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

Commissioner Faulkner said she sometimes feels the Commission is using an antiquated Code when considering changes. Everyone agrees it is antiquated, because they are trying to change it and trying to change the General Plan. She said the Planning Commission doesn't do a lot of *planning*, they do a lot of approving. That has always concerned her and is the reason she takes the position she does on some cases. If you are a planner, you look at what is happening in areas and would realize when you are setting yourself up for a problematic future.

She thanked everyone for the great debates and staff for their hard work.

Commissioner Hogan said he would echo what Commissioner Faulkner said. He is frustrated by cases like tonight where the sentiment is not to approve anything on Airport Road because it is overloaded. He didn't know what was being done about that. The property owners that have invested want to move things and the Commission wants them to be able to, because the City needs housing and development.

He said he would be interested in whether Director Isaacson could help find a way to look and focus on some of the issues. They don't want to cringe every time they have a case on Airport Road; that is not planning. They want to be able to say what they are going to do about it and make recommendations. And he didn't feel that the building code

is the problem. The Commission is bound to say if something is within the guidelines of the General Plan before making recommendations to change it. But he thought there should be good discussion that isn't around a specific case.

Chair Hiatt echoed that. The Commission has the opportunity to make recommendations to the City Council and make recommendations to change Chapter 14, if necessary.

He said in response to Commissioner Faulkner, without sounding worse than it is, she may not need to be on the Planning Commission. She might need to be on the City Council. He said to Commissioner Hogan's point, the Commission should have more opportunities to discuss general concepts and how they do things in the future.

Director Isaacson said to the credit of his administration and his predecessor, they have finally identified resources to look at areas in long-range and strategic planning and visioning. The area along Airport Road is top of the list in terms of where to focus and get a sense of where they are heading in terms of land use as a community. Unfortunately, funds dedicated to those efforts have been ripped from his hands and he doesn't know when they will be able to resume those types of projects. He has queued up an RFP about to hit the street to do a significant overhaul to Chapter 14 on the technical corrections and clarifications that have been discussed in the meetings.

Director Isaacson said money was set aside to look at engaging in visioning sessions in some areas and it is definitely on the department's radar. It has been an identified need for a number of years. They are looking forward to making headway in both of those areas, but it doesn't look like that will be doable.

Commissioner Faulkner said the Commission can do more than just wait for City Council to fix things. She worked on a resolution with a fellow Commissioner to send a list of recommendations from the Planning Commission to City Council. Then they got a new Land Use Director and they gave her an opportunity to get adapted. Then there was another shift. She thought the Commission could recommend to City Council a variety of policy related things that are not necessarily case-based.

She doesn't understand why everyone acknowledges the problem exists, and Commissioners are not paid so City budget has no bearing on what the Planning Commission decides. She wants to debate whether or not they should recommend to the City that they "pump the brakes" on development, until they can do long-range planning in some of the higher risk communities. It doesn't make sense to continue to build and do something everyone recognizes as dangerous for the community. She couldn't see that it would cost money for the Commission to debate that or forward a recommendation that follows that line of thinking.



Commissioner Faulkner she wanted to propose that the Commission have at least one policy related item they debate and make a recommendation on to City Council. As a body they could recommend what to do until City Council figures out what to do.

She found it strange the Commission recognizes all these problems and is not doing anything except rubberstamping what comes before them. They have great debates but are not really looking to the fullest extent at planning. And they don't send recommendations on to the City Council, which she also feels they should do.

Commissioner Faulkner said she's obviously very passionate about the work . She appreciated the Commission letting her vent a little.

Mr. Berke asked if Commissioner Faulkner wanted to recommend to City Council to look at a moratorium on building.

Commissioner Faulkner said that could be one thing, but they need to have discussions around policy and what recommendations to send to City Council. They should debate in a public forum and she thought they could start by adding a policy item to the meetings.

Chair Hiatt asked Director Isaacson if he had an opportunity to look at the recommendations Commissioner Faulkner mentioned forwarded when Lisa Martinez was Director.

Director Isaacson replied he had not seen those.

Chair Hiatt asked Mr. Berke to ensure the Director received a copy.

Commissioner Garcia commended staff for their long hours and ensuring that things work within the community. He likes to look at what makes sense to him and for these projects, he knew there are legalities. He commends the Commission for the discussion on Geo Lane and he and Commissioner Faulkner are on the same page to reduce density. But if the Commission isn't careful in how they approve things going forward, it goes toward staff - people have a right to develop their property. It isn't up to the Commission to decide whether it makes financial sense or not or to ensure it works. He takes an objective standpoint and on projects that don't make sense to him, he has to follow his gut. But at the same time the City does need more housing, and a lot of people want to live in Santa Fe and want a nice place, and that's the challenge.

Mr. Berke indicated he had forgotten to message Commissioner Clow about coming back to the meeting. The Commission would want her participation in this conversation as well. He sent her a message to return.

Commissioner Faulkner said this [discussion] could be added to the next agenda.

Commissioner Clow returned to the meeting.

Chair Hiatt summarized the conversation for Commissioner Clow and asked if she wanted to weigh in.

Commissioner Clow said she was okay with it.

Commissioner Hogan said he would like to have a meeting to collect policy issues to put on the table for a meeting discussion. He noted it was 10 o'clock and they have been in the meeting since 5:30. He said he doesn't want to add a policy debate to every meeting. It isn't fair to the Commissioners or the best way to get things done. He recommended collecting and prioritizing some issues and then meet to discuss them.

Chair Hiatt asked that Director Isaacson and Mr. Berke work on that. He agreed with Commissioner Hogan, he would rather have a meeting specific to concepts. They could try to limit the debate and spend an hour on affordable housing, an hour on..., etc. He also cannot do much after 10 o'clock.

Director Isaacson said he was in 100% alignment with the sentiments expressed. He also said they need to be realistic regarding staff perspective in the future. Staff hours were reduced by 4 hours a week and likely to be reduced further. Everything mentioned tonight is extremely vital to the health and vitality of the community. They will run into the issue of staff's capacity to partner in the conversation and enact/implement the recommendations. The Commission should have realistic expectations as to staff's time and resources to both implement and bring back information to the Commission.

Commissioner Faulkner said she agreed with Commissioner Hogan. There is a lot the Commission can discuss that will not take a lot of staff's time. And the Commission can do a lot of the work but having something on the agenda and a discussion would be a step forward. She found it frightening that they are in a critical time and the discussions should be happening now more than at any other time.

She noted they are supposed to meet twice a month and they often only meet once. They could have two meetings, one for cases and the other about policy.

Director Isaacson said to that point, they have policy type things coming before the Commission about fees or other Chapter 14 amendments. They may not be specifically be one topic, but it is a lot of what they are talking about. When talking about evaluating a proposal to change something about the Land Use Code they could look at the goals and objectives being addressed through the changes. He thought there would be matters coming before this body that give them the direction of the City. The Commission should be discussing those when discussing the Code amendments. There are some more

policy focus things coming up on the agenda. Also, they are looking at having at least two meetings a month through July and possibly through August.

Commissioner Gutierrez said if Covid has an effect and things start slowing down, and there is a slowdown in Land Use workload, the Director could report to them on policy status. Then the Commission could focus on a policymaking plan and making decisions. In the meantime, they will just go with what they have.

Commissioner Sategna asked staff what Commissioners could do to support them.

Director Isaacson answered that advocating for the Land Use Department is important. He never passes up an opportunity to tell people how their workload has not decreased since Covid. The construction industry has been working steadily and is an important part of their economy. And the work of the Planning Commission turns into work they do with building permits that eventually happen in the field with the contractors. This is part and parcel to an important part of Santa Fe and vitality to the community. The more that can be stressed, the better off they will be with budgets, staff, and hours, etc.

Commissioner Faulkner asked if they could submit a letter to City Council.

Director Isaacson said yes, everyone could talk to their respective Councilors and let them know the type of work being done at the meetings and that the pipeline is full. They are approving apartment buildings and subdivisions, and large-scale projects. Those bring a lot of revenue to the City via taxes or permit fees, etc. etc. Anything they could do to advocate for the work they do is good.

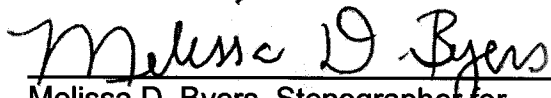
Chair Hiatt said he designated Commissioner Faulkner to draft that.

He said he would end on a positive note as the president of Tierra Contenta Board of Directors and the vice president of the Housing Trust. They were concerned whether people who got houses and mortgages through them were going to be able to sustain those. He said they were surprised to find that a significant number of people who received their mortgages through them are actually refinancing. The education they did to prepare homeowners before giving those mortgages paid off. These people did not have that kind of education when they started and were trained to look for opportunities. They realized that mortgage rates are at the lowest point since World War II and are refinancing and paying off their mortgages. He said he didn't expect that, and is really pleased.

## I. ADJOURNMENT

There being no further business before the Planning Commission, Chair Hiatt adjourned the meeting at 10:06 p.m.

Submitted by:



Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:



John B. Hiatt, Chair