

Index Summary of Minutes
 Santa Fe Planning Commission
 July 2, 2009

INDEX	ACTION TAKEN	PAGE(S)
Call to Order	Chair called meeting to order at 6pm, City Councilor's Conference Room, Santa Fe	1
Roll Call	A quorum was declared, Commissioner Bonifacio Armijo excused.	1
Review and Approval of Agenda	Without objection the agenda was approved.	1
Welcome	<i>Welcome to Commissioner Dolores Vigil to the Planning Commission.</i>	1-2
Review and Approval of Minutes, Findings and Conclusions	<p>No changes from staff or the commission, June 4, 2009 minutes are approved.</p> <p>Findings/Conclusions: <i>Case #M 2009-12 – 1615 Cerro Gordo Road Variance</i></p> <p>Commissioner Hughes made the motion to postpone approval on the findings for Case #M-2009-12 until minutes are approved, second by Commissioner Lindell, motion carried by unanimous voice vote.</p>	1-2
<p>Old Business</p> <p>1. Case #M2009-11 – Vista Bonitas Phase II General Plan Amendment</p> <p>2. Case #ZA 2009-02</p> <p>The Chair confirmed that both cases would be heard at the same time.</p>	<p><i>Mr. Hughes made the motion to approve Case M2009-11, Vista Bonita Phase II General Plan Amendment with all staff conditions, second by Angela Schackel Bordegaray. Motion carried by unanimous voice vote. One Abstention:</i></p>	2-7

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	<p><i>Commissioner Montes</i></p> <p><i>Mr. Hughes made the motion to approve Case C2009-03 with staff conditions, second by Ms. Vigil. Motion carried by unanimous voice vote. One Abstention: Commissioner Montes</i></p>	
<p>New Business Case #S 2009-02 Mirasol Preliminary Subdivision Plat</p> <p><i>Motion made by Commissioner Vigil to schedule a site visit and listen to the testimony tonight, second by Mr. Montes.</i></p> <p><i>Commissioner Vigil did withdraw the motion. Meeting continued with the applicant's presentation</i></p>	<p><i>Commissioner Vigil moved to postpone action on Case #S 2009-02. Mirasol Preliminary Subdivision Plat to allow for a site visit on July 23rd at 6:00 pm and re-discuss the case on August 20, second by Mr. Hughes, motion carried by unanimous voice vote.</i></p>	7-21
Business from the Floor	None	21
Staff Communications	Informational	21
Matters from the Commission	As stated in minutes.	21-22
Adjournment and Signature Page	There being no further business to come before the Planning Commission, the Chair called for adjournment at 10:35 pm	22
<p>Exhibits:</p> <p>a. June 22, 2009 Memo, Donna Wynant to John Romero re: Case #M 2009-11 and Case</p>		Attachment(s)

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<p>#ZA 2009-03</p> <p>b. June 23, 2009, Memo from Morey Walker, Engineer to Wendy Blackwell, re: Vista Bonitas One – Wastewater Division Field Inspection Conducted on June 23, 2009</p> <p>c. Save Sun Mountain Petitions</p> <p>d. Barbara Chatterjee testimony during public hearing, Sun Mountatin</p>		
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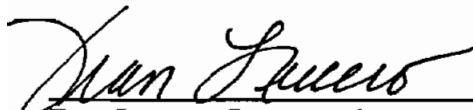
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SANTA FE PLANNING
COMMISSION

JULY 2, 2009

DRAFT UNTIL APPROVED

MINUTES



Fran Lucero, Stenographer

Planning Commission Meeting

**Minutes
July 2, 2009
City Council Chambers**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair O'Reilly at approximately 6:05 pm on this date in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. Roll Call

Roll call indicated the presence of a quorum as follows:

Matthew O'Reilly, Chair
John Salazar, Vice Chair (Late Arrival)
Angela Schackel Bordegaray
Estevan Gonzales (Late Arrival)
Ken Hughes
Signe Lindell
Reuben Montes
Dolores Vigil

Absent

Bonifacio Armijo, Excused

Staff Present

Kelley Brennan, Assistant City Attorney
Tamara Baer, Planning Manager
Wendy Blackwell, Director Technical Review
Charlie Gonzales
Fran Lucero, Stenographer

B. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Lindell.

C. Approval of Agenda

Without objection the agenda was approved.

D. Approval of Minutes and Findings/Conclusions

Welcome to the new commissioner, Dolores Vigil.

No changes from staff or the commission, June 4, 2009 minutes are approved.

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Findings/Conclusions:

Case #M 2009-12 – 1615 Cerro Gordo Road Variance

Commissioner Hughes made the motion to postpone approval on the findings for Case #M-2009-12 until minutes are approved, second by Commissioner Lindell, motion carried by unanimous voice vote.

E. Old Business

- 1. Case #M 2009-11. Vista Bonitas Phase II Plan Amendment.** Linda Tigges, agent for Dennis Branch, requests approval of a General Plan Future Land Use Map amendment to change the designation of a total of 2.146± acres of land from High Density of Median Density Residential. The area is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager) **(POSTPONED FROM JUNE 18, 2009)**
- 2. Case #ZA 2009-03. Vista Bonitas Phase II Rezoning.** Linda Tigges, agent for Dennis Branch, requests rezoning of 2.149± acres from MHP (Mobile Home Park) to R-7 I (Residential, Single Family Infill, 7 dwelling units per acre). The property is located on the vacated access for Calle Griego, north of Airport Road and south of Rufina. (Donna Wynant, case manager) **(POSTPONED FROM MAY 7, 2009 AND JUNE 18, 2009)**

The Chair confirmed that both cases would be heard at the same and Ms. Wynant concurred.

Donna Wynant:

The Commission voted to postpone the case to allow for a site visit on May 28th. The case was also postponed to allow another Early Neighborhood Notification meeting since City staff was not in attendance on 3/5/09. The second ENN meeting was also held to allow the applicant to request the General Plan Amendment to return the land use designation to Medium Density since the High Density designation approved by the City Council was no longer needed for the R7 (I) zoning district as requested.

Several questions and concerns regarding the project were raised by neighbors at the June 8th ENN meeting. Primary concern was the volume and circulation of traffic from the site and throughout the overall area. Some of the neighbors also asked why the City didn't just take over the property in question and establish it as a public street. The City Traffic Engineer, John Romero, attended a follow-up meeting in the neighborhood on June 17th to address their concerns. The drainage concerns involving the Sierra Vista Mobile Home Park, immediately to the east, were also addressed at a meeting held between the applicant, the City Technical Review Division and the management of the mobile home park.

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[Swearing in]

Linda Tigges, Tigges Planning Consultants – 1706 Medio, Santa Fe, NM

Dennis Branch, Applicant

Morrie Walker, Subdivision Engineer

Ms. Tigges stated that they agreed with the conditions for approval including those given by Mr. John Romero. The listed conditions were given to the applicant after the neighborhood meeting. She stated that their request at this meeting was for approval of the General Plan Future Land Use Map amendment to change the designation of a total of 2.146± acres of land from High Density to Median Density Residential. She did remind the Commission that they would return for final approval of the subdivision with details of the project at the time of final approval. The City Council asked that the units be reduced from 31 to 17 with 10 marketable units and 7 affordable units. The lots also increased from 3,000-4,000 sq. ft. to 5,000-6,000 square feet.

Changes from the previous Plan:

Vistas Bonitas 1 – previously approved by the Planning Commission. (Maps presented at the neighborhood meetings.)

Property is 50' wide and driveways are 20' wide and do meet the fire marshal standards. There are two spaces on each parcel sharing a driveway. In response to the last public hearing at the Planning Commission, they were asked to have another ENN which has been held. (Notes in Planning Commission Packet). After the ENN meeting there were concerns expressed by the residents regarding the traffic and Donna Wynant set up a meeting with John Romero. (*Exhibit A: Memo to Donna Wynant from John Romero*) There was a third meeting held regarding the drainage, this item could not be resolved until a discussion was held with the owner of the Mobile Home Park. There use to be a pond that is now an RV Park and a low place on the subject property. At the meeting Mr. Glen Couch agreed to remove the asphalt on the pond area.

Ms. Tigges was told that one of the concerns from neighbors was how the garbage would be picked up. She responded that the property owner rolls their dumpster to the end of drive-way and trash is picked up. She also clarified that there are 2 units sharing a 20' driveway.

Another concern was about parking. She responded that driveways are fire lanes according to the fire marshal, and it is illegal to park on them.

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In conclusion she summarized by listing the following four points.

1. They believe that the project improves the quality of life for those who live there now and for those who will live in the market rate houses on Calle Nueva Vista. 70% of Phase I was affordable housing.
 - a. Reducing the density in the future land map from 12 to 29 reducing it to 7.
 - b. Reducing the density of zoning of the mobile home park, decrease in density. Similar housing type under R-7 is similar to what is built out there now with lesser density.
2. The applicant will also remove the asphalt and put the drainage in the project. Leaving the property alone would decrease the quality of life.
3. Craig Watson does not feel that turning the property back into a road meets any city standards and it would decrease the quality of life for the people.
4. Dedicate the subject property as a park. Ms. Tigges said that the developer does not expend money if the property is retained by the city. If the city owns the property they will have to deal with the asphalt and the grading of the park which is quite expensive.

Public Testimony

[Swearing in of four residents]

Leroy Romero, 5316 Surcita del Norte, Santa Fe, NM

Thank you to the commission for coming out to visit the site. Mr. Romero clarified something that Ms. Tigges had said; the city did not ask them to come back after the first time, they were denied because the quality of life would be impacted severely by that project. Mr. Romero referred to the Petition that was provided to the City Council and made reference to those who had signed as they are not only residents living out there but others who are against this project going forward and felt that it would impact their lives in a bad way, not in a good way. He said that another point brought up during the site visit was about the continued drainage and low line area. He asked what would be done with the sewage. Mr. Romero introduced the memo from the City Wastewater Engineer (Exhibit B) that was not favorable for the developer. Mr. Romero stated that he was not aware until 2 weeks before closing on this home that they would have a septic grinder pump pushing the sewage up stream. No where the in the purchase agreements was it mentioned. He was out at the site during the construction and 2 weeks before he closed on his house, he saw them digging the hole. Recently a sewage pump went out and they could not use water or flush the toilet for 2 weeks. At that point he contacted the City Engineer, and in the last page of the memo it

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states that it is possible that lots 73 and 74 could be over a main sewer trunk. At this point their Quality of Life is being challenged.

Ellen Kline, 5301 Surcita del Sur (south end of the subdivision)

Expressed her concern about adding homes to Phase II because it will add traffic to the road that is not designed for traffic and a danger for those people who live on it. She stated that increasing the density would add too much strain to the road, it is already designed poorly. She lives on the south end and has already witnessed 2 rollovers and the speed humps are not designed to slow down the traffic.

Alicia Valdillo, 5316 Surcita del Norte, Santa Fe, NM

Her concern is about the traffic and how it will increase the risk and the danger with cars coming so fast. There is a big challenge with the drainage. Thank you.

Rose Block, 5312 Surcita del Norte (Lot 54 in Phase I)

Appreciates that the commission did go out to look at the subdivision and see the issues that are present and at hand. Her concerns about the new units are traffic and safety, there are more outlets creating more traffic flow in and out. There is already a lot of traffic stress in Phase I, and it is because of where they are situated. The street is not only for the residents but used by people who live on Rufina and no relief is in sight. Aesthetics; the developer reduced the number of units but affordable housing doesn't have to be sub standard. The layout looks like they will be sardine into their homes. There is no guarantee that these units will be one level. The development is now called Vistas Bonitas, there won't be vistas bonitas if they take away the views by building up these units. She does not see how this can improve their quality of life. She wishes she could help the developer out by finding other solutions for the road but she feels that there needs to be more research and for them to find a creative solution. Why not a park, maybe make the park the housing plat. The city landscape crew is good, maybe they could help with this option.

[Swearing in:]

Catherine Spangle, 5317 Surcita del Medio (middle of cul-de-sac)

She agrees with the sardine affect of squeezing more houses in; she would like to see more open space and walking trails; that would make the quality of life much better.

Hal Moore, 5317 Surcita del Medio

Issues are drainage, the strip that is going to hold the 17 houses; it would be nice to see part of it as a dog run, a public service access or walkway for exercise. Those that live there now are not happy having cars backing up and utilized as a thoroughfare. Personally his concern is the drainage as explained earlier. Engineer is supposed to be investigating the life of this drainage pump. He would like to see the city give this item more attention.

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Response from Ms. Tigges:

1. The application is a request to rezone a mobile home park to single family dwellings, the single family lots are the size of existing size or bigger in some cases. The proposed lots are between 5,000 to 6,000 sq. ft.
2. Items brought up are related to Phase I, we are here on Phase II. They had hoped that the Phase I items would be addressed away from the Planning Commission.

[No rebuttal: Public hearing is now closed.]

Questions and Comments from the Planning Commission:

Commissioner Vigil:

The public is worried about the height of the proposed residential units. Right now it is zoned mobile home park so that density is much higher. Commissioner Vigil went on the field trip and understands that the road has some problems. She also asked the square footage of the homes.

Linda Tigges:

The Developer was planning to build one and two stories and would agree to a height of 18' for two stories. All the units would have garages and would be similar in square footage to the existing units, 1100 to 1200 square feet and they are on 4000 to 5000 sq. ft. lots.

Commissioner Salazar:

"Mr. Chair, with advice from Legal, I am disclosing that I live on Lot 1 of Vistas Bonitas and would like to recues myself." Legal has presented the decision to Mr. Salazar to either continue or recues himself. Mr. Salazar made the decision to recues himself from this case. [Commissioner Salazar left the Council Chambers].

Commissioner Lindell echoed what Ms. Tigges said; they are looking at the general plan amendment and a rezoning, alot of the other information is superfluous to what they are being asked to look at tonight. However they will be looking at this information very carefully in the future. The memo that was handed out by Stan Holland is disconcerting and needs some explanation. The action tonight on the general plan amendment and the rezoning to go from high density to median density, no matter what is built on this property, is advantageous to the neighborhood. The rezoning from mobile home park to R-7 is advantageous to the neighborhood. She stated that she wanted to be clear that this vote has nothing to do with the plans presented on the boards tonight; it has to do with a plan amendment and a rezoning.

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Commissioner Montes:

Matters of clarification: John Romero – June 17, 2009 – It says that there are quite a few questions regarding the city's involvement in the construction or purchase of Camino del Griego. Is that different from Calle Griego; are there two streets in question?

Mr. Romero responded that the correct reference is "Calle Griego". Commissioner Montes continued to say that John Romero had valid concerns and that the city had no plans to purchase or develop it. He asked how this is relevant to this case.

Mr. Romero stated that the question came up if the city had plans to reconstruct Calle Griego so it would serve as a bypass. Mr. Romero stated that the city does not have any plans to purchase or make any improvements to this area. In the area on the future roadway map there is a county road 62 extension that will go from Airport Rd. to Rufina Street to Agua Fria to 599. That alignment being pursued is along Calle Po A e Pi and it is being developed, development by development. Development to the west of Casas Bonitas is going to improve their segments; there are also a couple of county segments that have been improved. The reason a main thoroughfare cannot be done in that area is because where it latches on to Airport Road is to Zepol Rd. which would create two signal light intersections, this is why they are going to Po A e Pi which allows for better intersection space on Rufina and Agua Fria.

Commissioner Montes stated that a neighbor suggested that Calle Nueva Vista be turned in to a one-way street. Mr. Romero said that would create more problems.

Mr. Romero stated that throughout the city, inevitably requests are made to change streets from two-way to one-way; it doesn't cut the traffic it re-routes the traffic elsewhere. They cannot justify a one-way street for capacity purposes. The only roads in Santa Fe have been Galisteo St. and Don Gaspar and that also lends itself to re-routing the traffic to Don Diego.

Commissioner Montes did disclose that Mr. Leroy Romero who testified earlier in the evening is his first cousin. *(Record reflects this relationship)*

The Chair asked if Mr. Romero could point out the road and arterials he was referring to on the drawing.

Mr. Romero stated that parking is not allowed on arterials.

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Commissioner Hughes made the motion to approve Case M2009-11, Vista Bonita Phase II General Plan Amendment with all staff conditions, second by Commissioner Bordegaray. Motion carried by unanimous voice vote. One Abstention: Commissioner Montes

Commissioner Hughes made the motion to approve Case C2009-03 with staff conditions, second by Commissioner Vigil. Motion carried by unanimous voice vote. One Abstention: Commissioner Montes

F. New Business

1. **Case #S 2009-02. Mirasol Preliminary Subdivision Plat.** JenkinsGavin Design and Development, Inc., agent for McDowell Construction requests preliminary subdivision plat approval for 13 lots on 22.83 acres. The property is located on the east side of Old Santa Fe Trail north of Zia Road and is zoned R-1 (Residential, 1 dwelling unit per acre). (Donna Wynant, Case Manager)

Staff Presentation: Donna Wynant

Most of the adjacent land is R-1-3 and 3 lots will be affordable units. Since the property lies in the mountainous area, it is being allowed 19 units and proposed are 13 units. One accessory unit is allowed. Access will be from Old Santa Fe Trail with a 38' access. Fire Department has approved the layout. The traffic study did not warrant any acceleration at the proposed entrance on Old Santa Fe Trail. There will be 10 acres of open space which is 45% of the site. There are utilities in the area to extend to this site. Applicant proposes to place the open space in the conservation easement of Sun Mountain. In the southern part there is an undeveloped part of the property, immediately behind there is a 50' wide easement existing that will be accessed through this development.

There was a concern about potential petroglyph on site; the Archaeological Review Committee did give their clearance at a meeting on May 28th and found that one of the sons of the Watson family said they would like to have this recorded for future reference as it was something done about 60 years ago. Staff requested story poles to look at lot 12 and another lot for comparison. [Additional communications: Charlie Gonzalez/Wendy Blackwell can answer questions on escarpment]

There have been many concerns, comments and opposition from the neighborhood and throughout the city on this development. 28 e-mails were sent and made part of the packet for the commissioners. The ENN meeting was held April 1st, over 100 people signed in. There was a follow up meeting April 9th at City Hall to discuss any remaining questions. The applicant did make changes in the plan and are listed in the staff memo, 4 major revisions to the plan.

- 1) Reduction in the lots from 16 to 13, 2) Elimination of the Community Casa, which is the Watson House used by the Home Owners Association. The Watson house will be kept and remodeled

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and redesigned, 3) redesign the roadway and 4) increase the open space to the conservation easement. There are 1,214 signatures collected, letters also in support found in Exhibit X.

Staff recommends conditional approval and states that the preliminary subdivision plat is in compliance with Chapter 14 and the City of Santa Fe Land Zoning recommends conditional approval of the outline in the attached memoranda and approval by the Planning Commission of the preliminary plat which does not constitute final approval.

The Chair stated that it has come to his attention that there are some commissioners that would feel more comfortable doing a site visit. The chair will entertain a motion at this time.

Commissioner Hughes said he was in favor of a site visit but would like to listen to the people who were in attendance of the meeting tonight.

Commissioner Vigil asked if they heard testimony at this meeting tonight and then went on the filed trip would they be allowed to listen to testimony once again.

Ms. Brannen advised the Chair that the decision would be to his discretion. She said that he could reopen the public hearing or close it this evening.

Commissioner Hughes stated that this case was similar to the one that was just heard, they heard testimony, did a site visit and came back to hear testimony.

Commissioner Vigil stated that this case seems more complicated and more people are here. She would like to have a site visit, and wait for the testimony. She stated that in reading a memo from staff where others wanted to testify and couldn't attend because of the holiday this action would provide an opportunity for those interested to testify after the site visit.

Commissioner Montes concurred to have a site visit. He asked if there was any way to have one spokesperson for those in attendance. The answer was No.

Commissioner Bordegaray stated that she would like to do both; she was ready to hear the case, and to hear from the people who were there tonight. She is not in support of closing the public input tonight.

Commissioner Vigil made a motion to schedule a site visit and listen to the testimony tonight, second by Mr. Montes.

The Chair suggested that the commission hear the case tonight and take the public testimony and then decide if a site visit would be necessary.

Commissioner Vigil did withdraw the motion. Meeting continued with the applicant presentation.

Petition: 40 signatures – entered into record. (By Donna Wynant)

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(Swearing in of 4)

Colleen Gavin, 130 Grant Ave, Suite 101, Santa Fe, NM

(Presentation: 30 minutes)

The property is 22.8 acres and located off of Old Santa Fe Trail and is in the escarpment overlay district and mountain typical terrain, zoning is R1. Because of the mountain terrain they are limited to 75% density in that area. Original review allowed for a maximum density of 19 lots and 5 affordable units.

(Note: Slide show presentation)

The 22.8 acres is partially inside the foothills and partially out.

Numerous site visits have been made to identify the appropriate location for a roadway to access the property. The location described is by Old Santa Fe Trail. After further review, they toned down the density and scaled down to a 16 acre lot with a split entry coming in and 4 affordable units. The plan referred to at this meeting was presented to the ENN neighborhood meeting and a lot of concerns resulted from that meeting. There were still concerns about the roadway. She showed the plan with 13 lots total including the existing Watson Residence and 3 affordable units. As a Planner and licensed architect, she did not support this plan and said that Doug McDowell wanted to do a plan that would work with the community, and that this is a far superior plan that addresses the concerns and meets the requirements of the escarpment district.

1. Provided for a split entry at Old Santa Fe Trail, staying with the rural attraction of the present area. Allows for increased vegetation, slowing down cars, as you come in, lots are on each side.
2. Up the road there is lot next to a separate parcel which has a 50' easement. She showed how to access this parcel, showing lots on each side and proposing a hammerhead to lots 12 and 13. She also mentioned existing trails and proposed to dedicate as a public trail and access to Sun Mountain. Public can utilize the roadway to access the open space. The public is also allowed the public roadways to access the open space. Open space proposed in the 22.8% is 45% open space and will be put in to a conservation easement. Open space is intended to allow access to the existing trail and access Sun Mountain.

She reiterated that there are 3 lots that will meet the Santa Fe Homes program and allow for affordable homes in the east side. Gavin has worked on projects for affordable homes. She stated that Mr. McDowell has gone way above the call from any other land developer before.

**Oralynn Guerrerortiz – Primary Engineer in this project, Design Enginuity, LLC,
P.O. Box 2758, Santa Fe NM**

Ms. Guerrerortiz addressed the issues on lot 12. The desire from staff is to move lot 12 downhill and further to the north. To do that you would need to extend the road by 270

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feet. In addition to the 270', they have to move the turnaround for the fire trucks. When they planned for this project, they designed the loop road to fit with the terrain. When the client decided to remove 3 lots, and turn the Watson Community facility into a lot, they talked about where the turnaround was going to be? What they did design was a turnaround with hardly any cuts or any fills and showed that it would blend with the terrain. When they were asked to consider going to the alternative lot, there was no place for a turnaround at the end of the road. She said that you get 15' of slope and are crossing a fairly substantial drainage way and are putting the house in between two existing drainage ways. This design disturbs: 103 trees vs. 17 trees. They chose sites and stayed focused on how to blend the plan with the terrain.

Staff report: "Although the proposed lot configuration meets the strict language of the code, it doesn't meet the intent and purpose of the ordinance" – "not only does our plan meet the letter of the code it meets the intent and blends with the terrain". It was important to mention that they were told during staff review was that all they focused in was the location of the structure. They specifically told them they did not consider the impact of the access road or the driveway. It does not meet the purpose or intent of the code. She asked that the commission consider what is going to have the least impact on the environment?

Limit on lot 12 to 14' – any house is allowed in this district to 20' – proposed alternative could have a 20' front face.

Doug McDowell: 1317-B Cerro Gordo Road, Santa Fe, NM

He stated that it has been a long road getting to this point and is glad to have this opportunity to hear what everyone had to say tonight. He said that when this land first came available, he walked the land and thought about the escarpment ordinance and looked at ways to best develop the property in a way that would be sensitive to the land, the neighborhood and the community. Now at least he is building homes that are energy efficient; they are at last building homes that are sustainable and respond to the energy crisis and over use of material that the industry is using. In looking at this land he felt that it was a good message to the community to build according to the green building code.

Mr. McDowell made contact with two National Companies with two programs, Eco Imaginations and Environments on Living which offer guidance on 3rd party review and inspection for lead certification for end users. This includes inspection of heating and cooling of the home and keeping it green. Mr. McDowell wants to build a home that isn't so complicated that you don't know how to use it. There aren't enough homes to speak to where we are at in this point of history. These times are very difficult in the building community and he feels a commitment to the community to build housing that is responsible and provide gainful employment in return for the work that these people have done. He was asked if he would consider selling this land as conservation land, his response was yes. He would then do a project in another area. He consider himself a conservation developer, does 33% less, limits homes that can be built at 20' do at 14',

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16', 18' – he did this because it was felt that this was the right thing to do. This project is a good example of neighborhood and developer coming together, they have agreed to disagree, it has been a pleasant experience. Thank you.

Colleen in closing asked for the commission's consideration in this proposal.

Recess: 10 minutes – Resume at 8:10 pm

Public testimony:

The Chair asked if any one individual would be speaking on behalf of a neighborhood association. The response was that there were 10 individuals who would speak tonight from the Save the Sun Mountain Organization

Commissioner Shanahan:

6345 Milagro Luna – Former Planning Commissioner – 2003-2006.

He stated that he has been known in the past to be a Commissioner who was always pointing out to the Commissioners and often public bodies like this and that in his opinion have one constituent and that constituent is Chapter 14. They are quasi judicial bodies and like judicial bodies, they look at the law and the code. The Planning Commission approved Thornburg, approved Super WalMart, approved the contested project on the old Taos Highway. It wasn't because they were pro-development, he didn't think they were. They had cases that came before them that didn't have problem related to Chapter 14. They didn't seek variances, they didn't seek general plan amendments or zoning changes, they simply fit in with Chapter 14 and this is why staff recommends approval. Staff isn't exactly pro-development either but they can't say no when a plan comes before them that meets all the features of Chapter 14. It isn't a fun position, and you very often make decisions that won't be accepted by all; it is a political process and personal process, but you make decisions that meet Chapter 14. He stated that he is the Executive Officer of the Home Builders Association but not representing them tonight. Doug is as good as we get in developers in this community. He is pushing the boundaries of green far beyond what the code has mandated. He has entered the early neighborhood notification/negotiations in good faith, and has negotiated with the neighbors. He has been a builder for more than 30 years. I really believe that Doug's ambition to step into this project during this market speaks highly of his belief and he should be commended. I support this project, please stick to Chapter 14.

(Swearing in of first five)

Daniel Baker, 1909 Proctor Ct., Santa Fe, NM

His home is about 150 yards downhill from the proposed location. He finds himself in an unusual position supporting this development with some small concerns. This plan is as good as it can get and appears to uphold the code. He is more than impressed with maintaining the amount of open space and the developer's willingness to negotiate. He

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asked the Commission to consider his minor concerns and asked they be listed as conditions of approval. They are the split entrance, and as a resident of Sun Mountain he would argue against this entrance. He also suggested that there is a paved apron with proper culvert to assure that the water makes the corner to the nearest arroyo. The other is the escarpment overlays, view sheds, he likes the view as a trail user. He is of the understanding of the escarpment intent to protect the view of the common areas of town, personally because of the way Old Santa Fe Trail is. He seriously doubts that these lots can be seen from Old Santa Fe Trail. Mr. Baker encourages a condition of approval, East Zia restricted to trucks over 5 tons, he fears construction traffic for the next 5 years, he would like to see some way to hold the general contractor responsible for some kind of contractual obligation to inform all the subcontractors big trucks can't go up and down East Zia. He doesn't know if this is possible but it is a big concern.

Steven Post, 3924 Old Santa Fe Trail, lived in that SE area for 24 years.

Mr. Post was a member of the City Archaeological Review Committee for 8 years leading up to 2009. Thank you to the planning commission for allowing him to speak in opposition to the preliminary development plat for the Mirasol Subdivision. He also wanted to thank city staff for their diligence and the advice they have given to the community as they have asked many questions in the last months. The next 10 speakers will come out of the broad "Save Sun Mountain", concerns about the sub-division. Save Sun Mountains was formed about 3 months ago to express their concerns. Mr. Post wanted to be assured that the commission received everything; handouts and petition, letter and table of content.

[Chair confirmed that petition has been received, 894 signatures – Exhibit C]

First he wanted to recognize Art McDowell and the Watson family for working to save Sun Mountain and the great community, the Trust of Public Lands towards achieving the conservation solution to conserve the property for Santa Fe's future generations. Basically to raise \$3.2 million dollars is rapid work in progress, it is a monumental feat and they believe they can do it. Secondly, He extended additional recognition to Doug and his team for their very hard efforts to respond to the community concerns by reducing the subdivision size and designing above the city green codes, making it sustainable and protecting the view shed and the public right of ways. Thirdly he asked the Planning Commission, that all of the non-code concessions and amenities be made a condition of approval for this plat when the time comes. These conditions of approval, would include but should not be limited to house sizes under 3500 sq. ft., house height between 14' and 18', attaching all accessory structures to the main house, extra tree screening of house elevations on the development road, minimizing the impact of natural services to under 8000 sq. ft., strict schedule for inspecting and maintaining all retention and drainage structures, and 7 state of the art night sky sensitive outdoor lighting. In conclusion, although this is a good development, it is a good development in the wrong place. He asks the commission to deny approval of this preliminary plat.

The Chair expressed his personal thanks to Mr. Post for his service to the city.

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Dan Swistell, 3875 Old Santa Fe Trail, property adjoining this development to the south.

Mr. Swistell said that he knows the property extremely well; he has hiked this trail for over 25 years. The Watson family has owned this property for many decades. There are about one-half dozen houses that adjoin this property and all of them sit on fairly large parcels of property; his is the smallest at 2.5 acres. Because of this, the natural topography of the land is almost completely unaltered. He described terrain as a beautiful natural landscape. Sun Mountain is located much closer to the old Santa Fe Trail. This natural landscape would be destroyed if construction of this development is approved. It would also be out of keeping with the surrounding properties. Mr. Swistell was granted a permit last year to add an addition to his property for a bathroom 7 feet wide and 20 feet long, 140 sq. ft. This permit was granted with the condition that topography and water drainage would not be altered in anyway. He finds it hard to understand that any consideration would be given to develop a project with this degree of density and that it would be a great alteration of the topography and water drainage. He would like to urge that the city to forever preserve this property, arguably one of the last pristine natural pieces of land this close to the city. The hiking trails and access to Sun Mountain are a natural experience. Thank you.

Mario Girard, 801 Don Cubero, does not live by Sun Mountain.

Thank you to the Commission for letting him speak tonight. He said that there were approximately 2000 people who were unable to attend the meeting tonight but have signed a petition [Exhibit C] to Save Sun Mountain. His family goes back at least 400 years and values Sun Mountain. He would like to keep Santa Fe beautiful by speaking up when it is necessary. He had two simple points to make; picture central park, no houses, no skyscrapers, important to tourism and the city; they could make money building houses, but they don't. This is a good model, there are certain places that should be kept sacred and should not be built on. Secondly; magazines filled with houses for sale in the price range proposed, there are no shortage of luxury homes and luxury sub divisions in Santa Fe. What are we going to get out of building on this beautiful mountain? He hoped that the Commission would investigate the escarpment laws and hold off until the escarpment law review is done. He felt that a thorough investigation should continue when there are Native American ruins mentioned and could be on the property.

Richard Abels, 3730 Old Santa Fe Trail

Lived there for about 26 years, about ½ mile to the proposed development. Thank you to Doug and his staff for the cooperation they have shown with the neighborhood. He wanted to address the general plan and how it has been used. He used to be the President of the Southeast Neighborhood Association. Some time ago they were asked by the City and Planning Commission to develop a neighborhood plan. They spent hundreds of hours developing the plan, looking at the neighborhood, took it back to the Planning Commission and they said, "oh you are going to have to change this and that" and they

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went through about six revisions. Finally what they said was, “well you can’t have a neighborhood plan that says anything different from the general plan”. He asked, why have a neighborhood plan? They didn’t have an answer. That is a case where the general plan is taken as is and that is the way it is going to be. A next case came up where someone south side of Zia Road, zoned R-1 had a one acre lot and wanted to split it in to two lots. The City staff and Planning Commission said at that time, “the general plan says higher density there; therefore we are going to grant it”. It was used against the neighborhood association. At the meeting on April 9th with city staff they raised the point that the general plan was opposed in some ways to this development, the city staff said, and “it is just advisory”. He said there is no consistency on how the general plan is used in comparison related to zoning; they either have to follow it or not. He asked that the Planning Commission and city staff be more consistent and not always use the general plan to frustrate the neighbors and the many people in attendance of the meeting tonight.

Barbara Chatterjee, 228 Alta Vista Street, SFNM

(Read her comments) – Exhibit D

Debra – 3294 Old Santa Fe Trail, SFNM

Thank you to the Planning Commission for the opportunity to speak. She asked the commission to deny approval of the Mirasol subdivision. She feels that living on that side of Santa Fe is a real treasure that many people value. The Watson’s are friends of hers and she respects the interest of Mr. McDowell in doing this green development. This is a time to think more seriously of the environment and what they are doing to the environment that is left behind. These high priced housing developments in the foothills are using up the opportunities to experience real nature and environment that Santa Fe is blessed with. A lot of people are attracted to the east side because of the beauty of the geography; Sun Mountain, the Sangre de Cristo’s and all of the trails. She feels that they should not approve the subdivision just because it is legal and meets all the city codes. She stated that the question should be asked, “what are we suppose to be doing for the citizens of Santa Fe?” She feels that they have spoken out that they do not want the development on Sun Mountain. She is not opposed to Mr. McDowell or to development, but Sun Mountain has an opportunity to remain as a special and powerful place in Santa Fe. She stated that once they had an agreement with Mr. McDowell to purchase the property with the help of the Trust for Public Lands, donations came pouring in. And they did not come pouring in from rich people; they came in from all over town. They had one donation for \$1.4 million, several for \$10,000, some for \$100, some for \$500 and on the date of the meeting they had raised \$1,450,000 towards the purchase of the property. They have only been at it for 2 weeks and they have only started. She asked for an opportunity to raise the remaining amount of money; they have until August 17th and they already have more than half of the money. She asked the Commission to please deny approval tonight so they could have a chance to save this property for all of Santa Fe. Thank you.

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Erica Garcia, 3869 Old Santa Fe Trail, SFNM

Thank you to the Planning Commission for the opportunity to speak. She lives on Old Santa Fe Trail and does not own any land near Sun Mountain. She has lived in New Mexico all of her life and her family have lived here for generations. She feels that Sun Mountain is a very important part of her upbringing and a part of who she is; a part of her culture. She teaches children every day of to recognize who they are and where they come from. She speaks to the children about the physical part of our land that is a part of them. She does not feel that this is a bad development; she wishes it would not be a development that would impose itself on a sacred place and wishes it was not a development that segregated affordable and would make it all affordable.

Jan Brooks, 2120 Conejo Drive, SFNM

She was the CEO of NM Association of Grant Makers for 6 years and helped develop a professional organization of organized philanthropy. She has a very substantial understanding of the amount of wealth and potential generosity that has impacted this community for many years. The cultural institutions and the various evidence of legacy that other human beings have left in the community is really stunning. This is a historic moment of where we are right now with Sun Mountain; she feels it is a sacred piece of real estate. Doug McDowell has done an outstanding job of communicating with everyone involved, but they need the necessary time to raise the funds to put this property in conservation for the future for the grandchildren, and their grandchildren of the future. She stressed that this process should not be rushed and allow the project to go forward when you have 2000 people who have signed a petition telling you that they don't want this project to go forward. She said they are telling the city that they are committed to raising this money to purchase this property to put it in conservation. She asked that the Commission give this every consideration. Thank you.

Andy – 731-7A Old Santa Fe Trail

His family has been here since 1970, he rejoined his family in 2005. It is easy to miss the forest through the trees. (He showed a map and explained that the smaller parcel that everyone looked at tonight is a contingent and important part of a very big green corridor). The 23 acre lots and properties in the contiguous adjacent lands to the north and east over Sun Mountain itself, including the St. John's College campus, together comprise a green corridor of over 600 acres of conservation minded land stewardship. If it were not for the selfless and visionary gifts of land from two neighbors in 1963, it would be questionable if St. John's College would have chosen Santa Fe for their western campus. Not to be forgotten, the city of Santa Fe also recognized the uniqueness and magnitude of Sun Mountain when they placed 238 acres in the permanent green space in 1908 for generations to enjoy. He asked that as all consider the future of the Watson property that they consider the bigger picture, think slowly and carefully. Jack Watson spent the latter half of his long life building the trails that made his land so special to Santa Fe families. He encouraged access to the land; he sought out its connectivity to the

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higher grounds of Sun Mountain and its powerful views and gateways to one of Santa Fe's recreational zone. He asked everyone to consider the gift Jack Watson left to Santa Fe and the vision he showed leaving this land purposely undeveloped. He knew this parcel was small amongst the giants surrounding him, but he widely saw his perfect location at the base of Sun Mountain and as the neighboring parcel to the city owned green space as a magnet for community access and sheer love for the land. Please make the field trip. The Mirasol project is not needed; there are two nearby developments within one mile already underway. This should suffice the limited demand exhibited in the market place.

Mr. Doug McDowell

Stated that a lot of great things were said tonight and he appreciated the input from the neighborhood. He addressed the one issue of not being given enough time, he felt that sufficient time has been given. He stated that he could not disclose the specifics in the option agreement but he could say that the seller is in the process of gaining government approval. He said that he is not asking for anything, this is an agreement that he has signed and he is not trying to rush anything, this is a document that they agreed to.

Colleen Gavin- provided feedback and made reference to the map:

The proposed Mirasol development is at the base of Sun Mountain; Sun Mountain is part of the City's open space. Google shows points of the buildable area of 13 lots, terrain gradually moves up. Terrain is 30% greater and showed areas that are not developable. Highest house is adjacent to the existing height of home. Ms. Gavin reiterated that they have gone above and beyond to provide ample open space, 45% open space, over 10.2 acres that will be permanent open space. They are pursuing conservation easement and they will have trails throughout that space. She also stated that the connectivity of this neighborhood is essential.

Public Rebuttal:

Mr. Lawrence referenced the drawing that Ms. Gavin reference and he presented his corrected copy. In his example he showed a difference of 30 vertical feet between lot 12 and the house in question. He suggested that the commission hike this property and consider developing lower elevations vs. higher elevations.

Mr. Girard commented that Google earth is not accurate and should not be used. He made reference to the houses to the southwest and should not be used as an example.

Questions and comments from the Planning Commission:

Commissioner Vigil:

1. Directed her question to the applicant: The public has referred to view sheds, height limitations and affordable units and asked if he could briefly talk about the design. She also stated that tonight she has heard of a list of compromises and suggested that they may want to provide a list.

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Ms. Gavin addressed the buildable area that was identified by the bubbled area. This area was carefully identified after numerous site visits and walks by the Engineer, the client and themselves. They took into account access to that site by complying with city code, fire code and full accessibility for all utilities. She said that these are not arbitrary by any means, they were carefully cited. They also cited the building envelopes in compliance with the escarpment ordinance. They also wanted to assure that the buildable areas were least visible and pushing the buildable site to the lower sections as the code requires and looking at the visibility from all the different vantage points.

Ms. Gavin continued by clarifying that there will not be fencing. Mr. McDowell did clarify that there may be areas where a certain person who is buying a house may want a fence area for a dog but they won't be able to fence in the entire property, they will limit the area and that type of materials for fencing. Basically the homes are being built with garden walls and they will encourage invisible fencing for animals. They will be limiting heights; that is something they are doing by choice and the subdivision will not be gated.

Ms. Blackwell offered clarification on the buildable site. When they come in for final approval in the escarpment overlay district, all buildable areas in each lot need to be identified. There are not such things as a study or suggested area, the final plat needs to be specific with design for each lot. Also, height limitations in the escarpment overlay district foothills sub-district; 14 feet on the high side of the terrain and as the terrain goes down slope it goes to a maximum of 20. That is the code requirement for the structures in the foothills. The tree removal, any mature trees greater than 6' need to be on the building permit.

Commissioner Montes asked staff about the memo related to access and utilities. It states utilities are available to service the site, municipal water will be extended to the project from the existing main at Old Santa Fe Trail. He asked if there were any cost estimates done for that portion. Ms. Wynant said there were no estimates at this point. Commissioner Montes asked who pays for this. Staff responded that the developer would pay for the extension of utilities.

Commissioner Montes asked the applicant what the proposed square footage is for the proposed higher end market value homes.

Ms. Gavin responded that the square footage is to range from 2500 and 4000 square feet.

Commissioner Bordegaray asked a question regarding the height of the existing structure that is depicted tonight. On the elevations of the property directly to the south of lot 12, compared to the allowable height for the building.

Ms. Blackwell responded that one of the difficulties is that a certified slope and topographic has been done but not available to staff. Staff has a non-certified topographic information on their GIS with 2' contour intervals. She stated that their GIS shows the house due south would be 7290, the lowest elevation would be 7288 of that home, based on the required set back of the proposed lot 12 and that lowest elevation of that structure would be 7312 – 22 to 24 feet difference.

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Commissioner Bordegaray had a question for a member of the audience regarding his opposition to a split driveway for safety reasons or bicyclist.

Dan responded that it was not directly related to bicyclist, although that is an issue. He lives in Sun Mountain Estates, there is a split entrance now and they constantly have people going in the wrong way and I he doesn't see a need for a split driveway.

Commissioner Bordegaray asked the applicant what the merit is of a split driveway.

Mr. Dowell answered that it makes the roadway smaller, preserves more trees and provides more screening of the road from the roadway.

Commissioner Lindell directed her question to Ms. Blackwell: When Ms. Guerreroortiz put up some comparisons, road extensions for lot 12; when you and Charlie did a site visit was the height 29' or lower and 274 feet of driveway and 103 more trees would have to be taken down to get to that site?

Ms. Blackwell responded that the request for lot 12 potential alternate site did not require the story poles to be placed in the exact location where they placed them. The city staff request was to see lot 12 lower on the land form. Staff looked at the lowest of the slopes; the grading design was their choice and design. When they did their visual analysis they compared same height and same footprint which was required in Exhibit A which was a resolution passed by council in 2006, #113 which identified administrative procedures for the visual analysis. This required staff to look at the same footprint and height to make the comparison. She stated they analyzed what was given to them, not to say that in the end that they are not requiring that the lot goes there. She made reference to the recommendations listed on the July 1st memo where it says, "we recommend approval with the configuration of the lots so there are no structures are built to the east of the proposed road alignment". They do not dictate that it be in this location or the number of trees.

Charlie Gonzales addressed the statement on the disturbed area. Yes, there would be an increased in disturbed area but it could be handled by the use of retaining walls to minimize the disturbed areas. The flow mines in that area are all carrying less than 100 CFS.

Commissioner Lindell asked Mr. Gonzales to comment on the ridgeline that Mr. Lawrence talked about that doesn't appear to show on the map.

Charlie Gonzales responded that he has seen a lot of definitions of ridge tops. There are different ways to determine ridge tops; different sizes and slopes. In his opinion he did not think this meets any definition of a ridge top. He has not focused his review on that area; he will look at it more closely when they do the site visit.

Commissioner Lindell asked staff with their experience on dealing with the escarpment area and the ridge top do you see this property being dramatically affected by future escarpment maps.

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Ms. Blackwell answered, "there is no map". The people who are in the escarpment working group which is a group made up of people who have worked on this since the early 80's and 90's in creating an escarpment getting the first version of the hand drawn map in 1992; the city is just now looking at ranges and criteria that could possibly be included in the map.

Commissioner Lindell asked the applicant about the gates and that the development will not be gated. How is the public assured that the Homeowners Association will not come back and ask for a gate?

Colleen Gavin answered that Mr. McDowell has no plans to put in gates; the homeowners association would have a restriction on the plat to not allow gates.

Commissioner Lindell asked about the protection of the night sky.

Ms. Gavin said that there are safety requirements for street lighting and they will propose minimal amount of lighting for the street with the understanding that it needs to get city review and final determination will be decided by staff.

Oralynn Guerrerrortiz said that usually by now they would have heard from staff if they were going to be required to have street lights and they have not. They are working under the assumption that they won't have any street lights.

Commissioner Gonzales asked a member of the audience what his comment was.

Lawrence said that when Ms. Blackwell was talking about height difference he wanted to know what the height difference was.

Ms. Blackwell said that it was 22 to 24 feet.

The Chair stated that he agreed it was completely unnecessary to have two entrances or disturb the terrain. He proceeded to ask the Engineer about the public entrance profiles that there is a grade of about 5% going to the edge of the Old Santa Fe Trail. When streets gets icy or snowy, that might be too steep at the intersection; would you think about flattening out a bit to make it safer?

The Chair asked Mr. McDowell about the suggestions made from Mr. Baker and Mr. Post about a paved aprons, which is noted on the drawings. The chair suggested that they be extended a little bit further up the road for some of the same reasons as listed by Ms. Guerreroortiz. Mr. Post mentioned some things about house sizes, would guest houses be attached, additional screening, lighting that would protect a night sky. He asked if these are things that the applicant is proposing?

Mr. McDowell answered that paving of the road into the subdivision is a good idea and agreed they should do it.

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Size of buildings; they are still in the process of looking at the size of each lot to see what size of house fits best on each lot. His intention is to build homes that are 2500 to 4000 sq. ft. They are in a covenant where any permanent structure needs to be attached architecturally to the main house so there will be no remote structures to any house.

The Chair asked that the applicant address the screening and lighting.

Mr. McDowell answered that a lot of the lighting requirements in the foothills escarpment overlay district will only allow the lights which are a source of the light such as down lighting where you can't see the bulb itself.

The Chair asked if he would be proposing anything above that?

Mr. McDowell said that they would not allow spot lights on corner of houses or lights that are directed towards neighbors or outward from the home, it would just be down lighting.

The Chair asked about the possibility of doing extra screening.

Mr. McDowell commented that when he walked the road with staff, there were area's where the road was visible to the neighbors, especially to Mr. Lawrence and he felt that in those areas it would be good to add trees even though it wasn't required, that is part of what staff was talking about.

Mr. McDowell commented that if the commission has time to look at the escarpment ordinance they will find that he was one of the authors and is very familiar with it and intends to stay within it.

Commissioner Vigil moved to postpone action on this case so that a site visit could be conducted on July 23rd at 6:00 pm and re-discuss the case on August 20th, second by Commissioner Hughes, motion carried by unanimous voice vote.

July 16th is the proposed date for re-hearing of Villa Alegre. The soonest it could be is the 20th of July, next commission meeting is on August 6th. It was suggested that July 23rd be considered for the site visit, postponing action on this case unto the regularly scheduled meeting of August 6th.

Discussion: What is the date that is being discussed?

G. Business from the Floor

None

H. Staff Communications

Ms Baer said that one of the cases that came before the commission recommended denial and the full council supported the commission.

I. Matters from the Commission

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Commissioner Gonzales stated that in conversation with one of the City Councilors that he was told that at the NW quadrant meeting, that he was reading notes that were not his during the meeting. He clarified that he was writing notes and takes great exception that someone would question his integrity of what he says in meetings. Chair O'Reilly witnessed him taking notes and reiterated the Commissioner Gonzales is a valuable contributor to the Planning Commission.

The Chair announced that the Mayors State of the City Address is on August 11th and the Planning Commission members have reserved seating. It will be at the NM History Museum at 6 pm.

Chapter 14 subcommittee, worked its way through 7 sections of the code, it appears that the city may run out of money to finish this process, urge commissioners to talk to the Mayor and Council, find a way to finish the work of the commission. Subcommittee will keep on working.

Commissioner Lopez was going to be here tonight, she has had minor surgery, and we will see her soon and give her a thank you letter. Her position on the EZ, are there any senior members of the commission who would like to take that position, if not Commissioner Vigil would take that spot. Thank you for taking that position.

Started meetings at 6:00 pm

The Chair asked if staff had followed up with the request for a dedicated projector. Ms. Baer will follow up on this request.

Commissioner Hughes: Welcome Commissioner Vigil – look forward to working with you.

Next Wednesday – talk about annexation with the city.

Commissioner Bordegaray extended a welcome to Commissioner Vigil.


- J. There being no further business to come before the Planning Commission the meeting was adjourned at 10:35 pm

Planning Commission Meeting

REVISED AND PRESENTED FOR APPROVAL ON September 9, 2009:

Signature Page:

Chair Matthew O'Reilly



Fran Lucero, Stenographer