

**SUMMARY INDEX  
PLANNING COMMISSION MINUTES  
MARCH 4, 2021**

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**MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION**  
**Thursday, March 4, 2021 - 6:00 pm**  
**VIRTUAL HEARING**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Gutierrez on the above date at approximately 6:00 p.m. at a virtual meeting.

**A. ROLL CALL**

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

**Members Present**

Commissioner Brian Patrick Gutierrez, Chair  
Commissioner Mark Hogan, Vice Chair  
Commissioner Janet Clow, Secretary  
Commissioner Lee Garcia  
Commissioner Jessica Lawrence  
Commissioner Carly Piccarello  
Commissioner Dominic Sategna

**Members Absent (Excused)**

Commissioner Amanda Chavez  
Commissioner Pilar Faulkner

**Others Present:**

Mr. Elias Isaacson, Land Use Director  
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 Hogan led the pledge of allegiance.

**C. APPROVAL OF AGENDA**

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

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

**D. APPROVAL OF MINUTES**

1. February 4, 2021

Commissioner Clow made a change on page 10, second to last paragraph, \$100,000 should be \$148,814.40.

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Garcia to approve the February 4, 2021 minutes, as amended.

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

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

1. Case #2020-2898. North Zia Station General Plan Amendment. (POSTPONED FROM FEBRUARY 18, 2021)

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Garcia to approve the Findings of Fact and Conclusions of Law, as presented.

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

2. Case #2020-2914. South Zia Station General Plan Amendment. (POSTPONED FROM FEBRUARY 18, 2021)

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Piccarello to approve the Findings of Fact and Conclusions of Law, as presented.

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

3. Case #2020-2899. Zia Station Rezoning. (POSTPONED FROM FEBRUARY 18, 2021)

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Hogan to approve the Findings of Fact and Conclusions of Law, as presented.

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

Ms. Paez noted in the Findings and Conclusions it is okay to vote to approve because it is a vote that the draft reflects the Commission's decision. If it does not reflect the Commission's decision, dissent, but just because they agreed with the underlying merits, doesn't mean they need to dissent on approval of the Findings.

4. Case #2020-2900. Zia Station Rezoning. (POSTPONED FROM FEBRUARY 18, 2021)

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Piccarello to approve the Findings of Fact and Conclusions of Law, as presented.

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

5. Case #2020-2901. Zia Station Preliminary Development Plan. (POSTPONED FROM FEBRUARY 18, 2021)

**MOTION:** Commissioner Lawrence moved, seconded by Commissioner Garcia to approve the Findings of Fact and Conclusions of Law, as presented.

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

## **F. OLD BUSINESS**

None.

## **G. NEW BUSINESS**

1. **Case #2020-2999. 4250 Cerrillos Road Santa Fe Place Mall Apartments Development Plan.** JenkinsGavin, Inc., Agent, for Santa Fe Mall Property, LLC, Owner, requests approval of Development Plan to construct a 161,433 square foot residential structure for 141 dwelling units. The property is approximately 3.25 acres and is zoned SC3 (Regional Shopping Center District). (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587) (POSTPONED FROM FEBRUARY 18, 2021)

## **STAFF REPORT**

Mr. Esquibel presented the staff report. The Land Use Department recommends approval with the conditions of approval as outlined in the report, including technical corrections. Three motions are required, approve or deny the development plan; approve or deny the shared parking plan as shown on Exhibit G; and approve or deny Findings of Fact and Conclusions of Law as shown in Exhibit B. Ten development review team members reviewed the plan. Four members out of the 10, recommended conditions of approval, five DRT members recommended technical corrections as listed, and one DRT member had no concerns. The Land Use and the MPO members will explain conditions #4 and #8 in more detail. Condition #4 requires designated and marked parking for residents located adjacent to the apartment complexes. Condition #8 is to construct the east/west sidewalks along the north and south sides of the building for a continuous sidewalk loop.

The development is located within the Santa Fe Place Mall development. In October 2019, the Planning Commission approved an amendment to the Santa Fe Place Mall Development Plan and Preliminary Subdivision Plan approval to create lots. In December 2019, the Commission approved the final subdivision plat approval for 8 lots. The lot line adjustment will affect lot 1-A and 1-A5 and is requested by the applicant for the development plan approval. The parking reduction or development plan approved in October 2019 reduced the parking spaces required by Code from 5 spaces for every 1000 sq. ft. (requires 2,969 parking spaces) to 4 spaces per 1000 sq. ft. (540 parking spaces).

The proposed development is on the southeast portion of the Mall. The applicant proposes 184 total parking spaces; 144 onsite and 40 off-site. The bus stop at the Mall will be relocated to the Valdez Industrial Park. The Transit Department is looking at two spots within the Santa Fe Place Mall. The condition of approval for the 40 off-site parking spaces is because the parking spaces are not designated. Red dots on the plan indicates a random shared parking configuration. Staff believes the distance between the spots, especially at night could be difficult. The Planning Commission has set required standard parking spaces for apartment complexes in the Railyard. It seems unreasonable someone at the mall after the mall closes, would have to walk all the way around the mall at night to get to a required parking location. Code also requires a designation of parking, however, an SC District requires that the parking space configuration be shared for

commercial use. The problem is the Escarpa development plan takes up quite a bit of the parking on the southeast side, displacing many of the commercial parking spaces. People will be parking anywhere they can, and the residents will be looking at parking anywhere they can find it.

Leah Yngve, with Santa Fe Metropolitan Planning Organization (MPO), explained the MPO is charged with transportation planning for the City's Metropolitan area. That includes all of the City, parts of the County, and the Pueblo of Tesuque. She provided a PowerPoint on the reason for the condition to provide additional sidewalks to go around the building. She noted the density of housing in the area which means people will have a variety of needs.

In addition, there are a lot of destinations such as restaurants, shopping, and the Arroyo Chamiso Trail connection. There are a number of different transportation options; a transit center going in across Cerrillos Road, bus stops, and the Arroyo Chamiso Trail and some people may not have a car. She presented the various routes someone might take to explain the need for additional sidewalks. There are limited options that are safe and only one route. There are 5 Ds of walkability; density, diversity of things to do, destination accessibility/accommodations and distance to transit. The MPO proposed that this design support walkability. The current design provides only one option. The MPO created a transportation plan with both a pedestrian and a bicycle master plan. The pedestrian master plan supports the things she has talked about, such as improved access and more pedestrian friendly and more entry points. The Pedestrian Plan suggests permeable pavement to balance the need for improved pedestrian experience and drainage.

The General Plan in the Transportation chapter also addresses improved walk ability by increasing access points and more transportation alternatives. The Sustainable Santa Fe 25 year plan also supports walk ability, bike ability and a goal of Santa Fe being carbon neutral by 2040. Transportation is the leading greenhouse gas emission in Santa Fe.

Finally, a Land Use Department planning effort re-envisioned how the malls in Santa Fe could better serve the community. In all scenarios it highlighted how pedestrian connectivity would be a part of that.

Ms. Yngve said there are many things about the development to be excited about, the utilization of vacant space and proximity to transit, trails, and destinations. This is an opportunity to make it better for pedestrians. Addressing pedestrian connectivity is critical.

## **APPLICANT PRESENTATION**

Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. She introduced those with her: Mike Gomez and Eric Cornelius with Santa Fe Engineering and Alex Duzurek, the architect. She presented a screen presentation.

A zoning map was shown of the commercial site and the surrounding residential neighborhoods, industrial sites and business park and an aerial of the site and vicinity. The Santa Fe Place Subdivision & Development Amendment #5 (2019) and the property survey of 2019 were also shown.

The proposed four-story apartment building was shown, with the first story a parking structure. There are two points of access and Ring Road is the primary. The proposed site plan was reviewed. The concept is a sense of connection to the mall while recognizing the residential environment. Amenities include an outdoor balcony for every unit. A ground level outdoor courtyard will have seating, barbecues, fire pits and be densely landscaped. The courtyard will be accessible from the lobby and the parking structure and have access to the Arroyo Chamiso Trail. Part of the Torquesa project is to extend the trail to the west and there will be a raised pedestrian crosswalk and a new drive lane that also serves as a fire access.

The proposal is 141 residential units in a combination of studios and 1 and 2 bedrooms. There will be 135 parking spaces in the structure and nine new surface parking spaces adjacent to the front entry. The shared parking is the balance of the 40 spaces adjacent to the building. Every unit has one assigned, reserved, parking space. The building is 45 feet maximum height. Each floor will have residential lounge areas, landscaped courtyards, roof terraces, a fitness center, and access to the trail.

Architecturally the colors incorporate the colors of the mall to create continuity of views. The roof terraces, landscaped courtyards, fitness center and pedestrian crosswalk locations were indicated on screen. There will be water collection and irrigated landscaping where possible.

The trend to recreate malls into mixed-use centers and the studies conducted were mentioned. This project is part of the effort to redevelop the Santa Fe Place Mall Property. This has improved the GRT and provided connections to the existing Arroyo Chamiso Trail. The connections to the Rail Trail and going west to the Transit Center were shown.

Significant site constraints were reviewed. There is no open space requirement, but the property is developed to avoid adding pavement. The developer believes it is critical and important to landscape on the north side to soften. It is a big investment. The southside parking structure was shown. It was pointed out there is no room for sidewalks and there are easements that accommodate the existing utility improvements.

Ms. Jenkins explained why the developer does not agree with staff's conditions of approval #4 and #8. They are 100% compliant with Chapter 14. She asked that the Commission not approve Condition #4 as it was addressed as appropriate for the site and its surroundings.

A parking analysis was submitted with the subdivision application. It was approved by the Planning Commission in 2019 for an overall reduction of parking at the mall. That created the opportunity to create this type of development of outparcels. Filling in the sea of parking is important to create an aesthetic friendly environment. A key phase is the proposed mix-use scenario at the mall. The parking study approved by the Planning Commission says, *"The multifamily development is itself a prime candidate for reduced levels of parking due to its proximity to amenities, transit and employment."*

Ms. Jenkins said they are not proposing a reduced parking requirement for the apartments. She continued reading, *"Furthermore the co-location of housing with the shopping center offers potential shared parking benefits as the peak demand for shopping malls is the opposite of the peak parking demand for housing."* She continued to point out the study also states that the reason shopping malls can support reduced rates of parking relative to other retail sites, is due to the efficiency of shared parking. The benefits will also mitigate the demand for parking at the mall. The parking analysis that was submitted and approved in 2019 contemplated a shared parking environment with this multifamily development.

She noted Code provisions on shared parking provide an exception to the required parking if a shared parking plan is approved. The application for the project has a shared parking plan that was presented to the Planning Commission. It was also presented in 2019 as part of the Parking Demand Analysis. She noted that Mr. Esquibel stated, as a shopping center district, it is assumed and required that all parking be shared. She read section B, *"The parking is shared among all users in accordance with the operating agreements that govern the use of the mall"*. And in C, *"Within the joint parking areas the spaces required for each of the uses shall be marked on the parking plan and maintained as allocated, unless a shared parking plan is approved."* None of the provisions for parking apply if there is an approved, shared parking plan. The Commission has already approved a shared parking plan in 2019.

Ms. Jenkins said the applicant is asking to move forward with this. They are introducing a new use with the vast majority of designated spaces onsite for each residence. The balance of parking would be shared parking, consistent with how the mall has operated for the last 35 years.

Ms. Jenkins summarized they do not agree with Condition #4 to require the 40 spaces be reserved because that would not be a shared parking plan. Also, they do not agree with Condition #8 , to provide more sidewalks, because of site constraints.

Mr. Esquibel agreed that within the shared parameters, the shared parking works well because it operates with the mall operation, but this is residential. The idea is that the space you are sharing with would not be using that particular space. The Code says there is an offset, but the mall doesn't close sometimes until 9 or 10 pm. Parking spaces are full, especially on a holiday. Finding a space after the mall closes without a designated space, means having to walk all the way around the mall. There is no sharing there, you are operating at the same time as the mall. It would become a fight between the commercial and residential components.

He showed a video taken on the west side closest to Cerrillos Road show what it would look like with shared parking and how far someone would have to walk to reach a space. The distance was a long stretch, especially at night or in inclement weather or when carrying groceries, etc. Also, residents have varying schedules and work at different times of the day or night. He said imagine yourself as a visitor trying to find a space to park. That is the reason as a residential development, staff recommends reserved parking. Because this would not work.

Commissioner Clow asked Ms. Jenkins to show on the parking map the location of the parking spaces.

Ms. Jenkins showed 135 designated spaces in the building for 141 units. Part of the new driveway is to create nine new spaces, primarily designated for guests or employees. The goal is 141 reserved and designated spaces for each unit. She showed the parking and explained the loading dock has no access to stores on that side of the mall.

Commissioner Clow asked about designating more parking to the right.

Ms. Jenkins explained that JC Penny has its own parcel. The developer works with individual parcel owners even in a shared agreement. Certain tenants include in their lease agreement, like the theater, that certain areas of parking cannot be altered. The 40 spaces are allowed but cannot be set aside permanently because of lease agreements.

Commissioner Clow asked if moving the electrical line in front of the building was considered.

Ms. Jenkins noted depending on where the electrical line falls within the easement it may be possible in the final design that a piece may need to be relocated. They are not at that level of design. They cannot move to some areas because of site constraints.

Commissioner Clow asked for clarification on Ms. Jenkins point that the Planning Commission essentially had already approved shared parking.

Ms. Jenkins explained they submitted a Parking Demand Study and demonstrated how the mall was overparked at the time. They requested a reduction, and the Planning

Commission approved their request. A key element was the developer knew at the time they would be proposing a multifamily community as part of the mall. The parking study says the addition of a mixed use environment supports a reduction in parking because of the different demand times. Commercial is primarily daytime and residential is primarily at night. Her point was that the study and parking reduction approved, partly relied on the concept of shared parking when there is a residential use.

Commissioner Clow confirmed it wasn't necessarily that shared parking was approved, just the recognition of the shared parking concept.

Mr. Esquibel did not agree the Planning Commission approved the parking. The proposal was to reduce the parking. There are a lot of businesses located there and a lot more developments are planned for the mall such as a restaurant. There will be a lot more activity for the parking than what was presented today and a lot less parking when everyone moves in. The parking reduction given to the developer will get tight. Currently there is plenty of parking but when this is realized, that will not be the case. Without designated parking spaces it will be parking wherever you can find it. The distances are vast and should be considered if an approved parking plan is recognized.

Mr. Esquibel said staff was not presented with anything showing how tenants times will be offset. Some people will operate in the morning and some in the evening. You cannot compare tenant's hours to the mall's hours. Ms. Jenkins represented an average case of what is usually considered when looking at shared parking. That will not be the case here of businesses who operate at different times and can share one spot.

Mr. Esquibel felt the shared parking under Chapter 14 was not met and nothing was provided to show that it was in the applicant's report, or in 2019 when the reduction in parking and development plan was approved by the Commission.

Ms. Yngve said MPO has been looking at this to improve pedestrian connectivity. Ring Road is approximately 34 feet wide and could be reduced to 12 feet in each direction. That is acceptable for fire to get through and allows room for a sidewalk.

Commissioner Sategna asked to see a parking map within the building to see what the 135 spaces will look like. He wanted to understand the limitations.

Ms. Jenkins showed the podium structure and reviewed access points, the exit and entrance.

Commissioner Sategna confirmed it would be completely dedicated to parking. He asked about the store lease agreement when parking is not available.

Ms. Jenkins explained there are tenant lease agreements. Most are adjacent to this area on the south side of the mall and prohibit or limit certain parking areas.

Commissioner Sategna asked about not being able to count the shared parking to the right at JC Penney's.

Ms. Jenkins said they don't own the parking, but they own the real estate. Designated parking would be prohibited.

Commissioner Sategna asked how people could be prevented from parking there.

Ms. Jenkins replied this would be like any other parcel. The residents would be permitted to park anywhere they want, but the spaces cannot be designated or separated from the regular available parking. She noted an important point is that a vast majority of the parking is designated and reserved 24/7.

Chair Gutierrez said 135 will be in the structure, but where would the 9 new parking spaces be located.

Ms. Jenkins said the 9 are on the subject parcel.

Chair Gutierrez asked what would happen if someone from the mall parked in that space.

Ms. Jenkins explained the spaces will have signs stating they are designated for guests or visitors to the leasing office.

Chair Gutierrez confirmed that would be reserved parking. He asked if JCPenney could as the mall builds out, put up parking signs reserving spaces for their store.

Ms. Jenkins said no that would be counter to the operating agreement. There are no designated spaces for specific use.

Commissioner Garcia asked to see the location of the shared parking space designations.

Ms. Jenkins said she discussed that with Mr. Esquibel. The most feasible was identified to the west as there is no direct access to mall entry.

Commissioner Garcia asked in regard to Condition #4 the area would have to be designated as excess parking for the development.

Ms. Jenkins said it would be signed and unavailable in the middle of the day for mall customers.

Chair Gutierrez confirmed on the map the considered shared parking area.

## **PUBLIC HEARING**

There were no speakers and Chair Gutierrez, therefore, closed the public hearing.

## **COMMISSION DISCUSSION**

Commissioner Lawrence asked if Ring Road had been or could be looked at as a possibility to extend the sidewalk around the building as Ms. Yngve mentioned.

Ms. Jenkins said Ring Road is part of the operating agreement and a designated access easement for the mall. She would need to research that because modifications must be approved by all of the anchor tenants. There was nothing to prohibit the applicant from making all 184 parking spaces surface parking. The developer didn't feel that was the way to develop the project. They invested in secured, underground parking that is protected from the elements and designated for the residents. Building a podium parking structure is incredibly expensive and a huge investment. The Commission has heard that economics of multifamily communities can be extremely tight. We believe this is the right project in the right place at the right time. It is the right thing for the mall, and it is right for the community. They just have to be sure it is viable.

Commissioner Lawrence said she appreciated the difficulties of the parking and the finances. Her concern is from the pedestrian perspective. She asked if the team had considered how someone could come off the trail and go to a restaurant closer to Cerrillos Road without walking on Ring Road in traffic.

Ms. Jenkins said their obligation was to look at the existing pedestrian connectivity and not impede that. There is also the opportunity to enhance that. The applicant has done that by maintaining the connectivity from the Arroyo Chamiso Trail and the access to get to the mall and to the Trail. A new trail extension parallel with Ring Road will lead to Wagon Road and the sidewalk improvements. There is definitely a way pedestrians can access the trail in an inviting way and head west.

Commissioner Lawrence said she was thinking about the extension of the trail. They would have to either walk along the mall building or cut through the mall if going in that direction.

Ms. Jenkins noted sidewalk locations and pedestrian connectivity around the entire mall.

Commissioner Lawrence confirmed that someone could use the trail extension to an existing sidewalk.

Vice Chair Hogan said he was also confused about pedestrian circulation. He asked if there is a passthrough from the Trail to the mall, or if you have to go around.

Ms. Jenkins said there is for residents, but not for the general public. She showed the public sidewalk wrapping around the mall indicating a gate for residents to enter the courtyard and the building.

Commissioner Hogan felt the pedestrian connection along Ring Road is important. He was troubled that you could have a building so close to the road there was not enough room for a sidewalk. He loved the idea of a road diet for Ring Road, but a sidewalk on the inside is needed before they have his vote. He indicated that moving the electrical is not as constrained as it may seem. He also thought the area between the entrance into the mall needs more thought on landscaping or an amenity to the pedestrian.

Ms. Jenkins stated part of the site constraints on the south side, besides the tightness in proximity to the road itself, is the grade challenge. She offered a compromise to the condition of approval. They could incorporate a path through the landscaped area on the north as an alternative to a sidewalk on the south side. She wasn't sure there was a resolution on the south side because of the challenges. A pathway on the north side would be more inviting and pleasant than a sidewalk smashed up against Ring Road.

Commissioner Hogan said he felt that was in the wrong place. They need a sidewalk to continue on the side of Ring Road. It is a problem that there is no pedestrian connection on that side.

Chair Gutierrez agreed with having connectivity on the southside. Putting it in the front of the building will only benefit residents of the building. He also thought parking does fall on the Commission, somewhat.

Mr. Berke said if the applicant is concerned about adding more pavement, an option is pervious pavement. That allows stormwater to go through more slowly. He echoed Mr. Esquibel's concerns on the amount of allocated parking. That is why the condition is there. He understands the fundamental decisions that have to be made and the agreements with the tenants, but those should have been resolved when the property was subdivided. That is why staff asked if there had to be designated parking spaces that would be marked and adjacent to the complex.

Commissioner Piccarello asked if a sidewalk had been considered for the south side of Ring Road.

Ms. Jenkins said no, primarily because there is a trail and it feels redundant.

Commissioner Piccarello clarified it could be extended because the trail dead ends with no sidewalk.

Ms. Jenkins shared a view of the trail and indicated a proposed trail as part of the Torquesa project that will go all the way to Wagon Road.

**Commissioner Piccarello asked if that would be different in grade.**

**Ms. Jenkins explained it was slightly lower grade from Ring Road but that made it more pleasant.**

**Commissioner Piccarello asked if steps would be needed to get from the extension of the trail to the west end of the property to cut through. She was told no.**

**Commissioner Sategna asked Mr. Esquibel if he had anything to offer to the comment by staff that the sidewalk could be narrowed.**

**Mr. Esquibel said the applicant could offer to do a crosswalk to make the path safer and since the mall owns the lot, they could do a lot line adjustment. He suggested deferring the question to Ms. Yngve who was better suited to answer.**

**Ms. Yngve said the road is wide and could be reduced. That not only provides space for a sidewalk, but also provides traffic calming given the increased traffic from the development. Her expertise is not the logistics or engineering.**

**Commissioner Sategna asked Ms. Jenkins if the applicant would consider narrowing the road for a sidewalk.**

**Ms. Jenkins replied they could look at that but then there would be an odd situation. Only a segment of Ring Road would have a sidewalk, and everything would have to be restriped and the road would have to taper because of a difference in width. Technically yes, it is doable, as long as they can get permission to make that modification.**

**Commissioner Sategna said he would be remiss if he didn't note that the applicant is electing to pay a fee in lieu of for affordable houses. Although it benefits affordable housing but doesn't put units on the ground. In a recent case she argued that height requirements make affordable housing available in Santa Fe. This would be a fantastic project for affordable housing given that many retail jobs are minimum-wage. Many of those people might be working at the mall. He asked why no units are proposed for this particular project while in previous projects she stated affordable housing makes the project more viable.**

**Ms. Jenkins explained that height does make affordable housing more viable and is a critical component. The economics of every project can be different, and every project should be assessed on its own merits. Based on the significant improvement of the podium parking structure and overall economics, she and the applicant assessed that the fee in lieu was workable but providing affordable housing was not.**

**Commissioner Sategna asked to look at the site plan showing parking. He said he agreed with staff on the designating parking and verification of the offset times. He said one thing is the theater. He has been to the theater during the day when parking was**

almost gone. The applicant is requesting 40 shared spaces which accounts for about two rows, but there are tenant agreements. He asked how close the electrical easement comes to the building and if there is an elevation or plan showing that.

Ms. Jenkins said they encroach slightly into the electrical easement. Part of the process in the design phase is to see if they can replat the easement. They haven't gotten to that level of assessment but are aware it might be necessary to relocate a portion of that. She said if the easement is not pushed to the north they may be able to modify the easement.

Commissioner Sategna confirmed that they are not able to build within the easement. He asked if likely that they would have to move the easement.

Ms. Jenkins thought there was a good possibility part of the electrical easement would have to be moved.

Commissioner Garcia confirmed that parking designated as excess would be to the west. In his experience, people park in the most convenient space and will probably still park where they want. He wasn't sure designated parking will work when people can park wherever they want. He said he favors having a sidewalk on Ring Road. He asked if possible that area could be utilized for parking smaller compact vehicles.

Ms. Jenkins said that would be difficult because parking spaces in the podium will be assigned and that could be challenging to incorporate.

Commissioner Garcia said at some point they could designate 20 spaces for compact vehicles and offer it for less, or as a benefit.

Ms. Jenkins agreed that could be a strategy to incorporate compact vehicles.

Chair Gutierrez referred to the lot line adjustment and asked if they had to purchase property from the mall to do that.

Ms. Jenkins said no, it is all under common ownership.

Chair Gutierrez said if that is the case, possibly the mall could do a lot line adjustment for designated parking directly in front of the housing development.

Ms. Jenkins said that isn't necessary to ensure the 40 spaces are on the subject parcel.

Chair Gutierrez said he was referring to the security and ease of use for the tenants.

Ms. Jenkins said it would be possible.

Chair Gutierrez confirmed that the parking structure would have gates or some restriction for someone other than a resident. He asked if the north view will also have restricted access.

Ms. Jenkins replied hopefully only after hours. It will be accessible during the day as an access to the management and leasing office.

Chair Gutierrez asked for a staff person with knowledge to answer ADA questions.

Mr. Berke said Jason Kluck is the Assistant Land-Use Director and knowledgeable.

Chair Gutierrez asked if Mr. Kluck had looked at ADA and safety issues using the trail opposed to the sidewalk.

Mr. Kluck replied he and others reviewed the connection. The ADA connection is already provided for by the Rail Trail going north. He said he did not disagree that the walkway is a bad idea. He was curious if the Torquesa Trail, which is ADA compliant, could serve the same purpose and be safer. It is between the two multifamily developments. He would be reluctant from a safety aspect to put the sidewalk right up against the building as Ms. Yngve proposed.

Chair Gutierrez asked Ms. Yngve if the MPO had looked at the connectivity of the Torquesa Trail to the west and was satisfied.

Ms. Yngve replied they did look at that and discussed it at length. There is a grade difference between Ring Road and the Torquesa Trail. There is too much grade from the Trail to Ring Road and getting to the mall. She thought taking the trail to get to the mall would be out of the way. The more pedestrian options, the better. She believed it would create a condition where people take the shortest route and go down the road. They shouldn't assume everyone would go several minutes out of their way to take pedestrian connections.

Chair Gutierrez asked Mr. Esquibel if anything prohibited narrowing Ring Road.

Mr. Esquibel explained the road is private and the Fire Marshall would decide whether the fire equipment could get through. He suspected Ms. Yngve had already investigated that. He thought even with a reduction in width, that would add to traffic calming more than anything. Chapter 14 has nothing preventing a reduction.

Eric Aune from MPO said he counseled Ms. Yngve on the idea of a road diet. In his experience, a 34 foot width is extraordinary for any local road. There is plenty of room to enable emergency vehicles, buses, and 11 foot wide lanes are sufficient for Transit. That would leave a total of 12 feet for additional landscaping and pedestrian movement, which is not unreasonable. Costs would be minuscule relative to the greater cost of the

entire property. This would be a win-win, it would reduce speed and provide advanced levels of safety.

Mr. Esquibel said after listening to conversation, he wanted to add another condition to his recommendation. He asked to add that the applicant includes the 40 parking spaces proposed for shared parking to the lot line adjustment, and those spaces be designated.

Commissioner Sategna asked Ms. Jenkins if she had anything showing elevations. He thought an important point was that the adjacent property sits lower. He is also interested in the height compared to the existing parapet heights of the mall.

Ms. Jenkins said she didn't have cross-sections but could pull up topography. She noted on the parapet heights most adjacent, the range is from 25-30 feet and at peak, there are other architectural elements over 40 feet. She shared existing topography and noted it is relatively flat with a slope to the south. The proposed apartment building is lower in elevation than the mall. There is a drop off from Ring Road to the existing trail and connections to the mall. The start of the Torquesa Trail was indicated moving west. And grade changes were noted for the surrounding area.

Commissioner Sategna confirmed his assumption that the builder would flatten the property to accommodate new construction. He asked if she knew that elevation.

Ms. Jenkins offered to look that up.

Fire Marshall Geronimo Griego asked to comment on access to Ring Road. The Fire Department has to have a 26 foot fire lane and 15-30 feet proximity to the building. He said 12 foot lanes, a total of 24 feet, would not meet the Fire Code.

Ms. Jenkins said while she is getting information for Commissioner Sategna she wanted to address the Fire Marshall's statement. She agreed a building over 30 feet has to have a 26 foot fire lane with separation. The minimum they could reduce Ring Road next to the building would be 24 feet. That would leave about 6 feet.

Eric Cornelius with Santa Fe Engineering, 1599 S. St. Francis Drive, was sworn. He also wanted to add to the statement by the Fire Marshall regarding the 26 feet access. The requirement is from IFC (International Fire Code) D 105.3. It states that any building over 30 feet in height must have 26 foot wide minimum roadway width. However, the edge of that driving lane must be between 15 - 30 feet from the edge of the building. Even if they reduced Ring Road to 26 feet, the 15 foot minimum horizontal separation would not be met.

Ms. Jenkins said the finished floor according to the grading plan of the parking structure will be about 3 feet lower than the finished floor of the mall itself.

Commissioner Sategna clarified he was not interested in the mall, but in the adjacent property, Torquesa.

Ms. Jenkins indicated the finished floor of the most adjacent buildings would be about 24 feet below this project.

Commissioner Sategna asked to confirm that the lowest floor of the adjacent property would be looking up 24 feet to the base of the parking garage, and another 50 plus feet of the building.

Ms. Jenkins said no, the entire building is 45 feet; a four story building with the ground floor as the parking and three stories of residences above. After looking at the plans she indicated the buildings directly south of Escarpa are about 12 feet lower than this project's finished floor.

Commissioner Garcia said the sidewalk and walking lane on the southside of Ring Road will be close to the same level. He asked if there could be a crosswalk there.

Ms. Jenkins said yes, there will be an opportunity for an additional crosswalk across Ring Road. She showed the possible location and said the location supports a pedestrian crossing there.

Commissioner Garcia said that could satisfy people coming from Torquesa onto the mall property without having to have a sidewalk.

Chair Gutierrez asked if that could extend all the way to the trail.

Ms. Jenkins said it could be extended all the way to the trail without any easement issues and the grades would support that.

Vice Chair Hogan said he understands the applicant did not agree with the condition that requires a sidewalk. He asked if they were willing to study the condition and come back with an alternative. At some point they need to move on.

Ms. Yngve said they are open to further study and modification and coming to an agreement after a vote.

Mr. Esquibel offered language to modify the condition, which the Commission has done in the past. He suggested the condition say, *"The sidewalk along the Ring Road shall be reevaluated by the DRT prior to filing. If enough room is available the sidewalk shall be required, if determined there is not enough room, the condition is null."* That would give the applicant and the appropriate DRT members time to look at whether the road could be shortened and if there is a remedy. If there is no remedy by the numbers, the condition would fall off.

Ms. Jenkins suggested if possible getting a decision on the project this evening. She offered a compromise similar to what Mr. Esquibel proposed. The primary priority is the southside of the building adjacent to Ring Road as the most desired location for a sidewalk connection. As a potential condition of approval, they could say, "*A sidewalk shall be provided either on the southside as the first option, and if determined that is not feasible, a sidewalk connection would be provided on the north side.*" That includes providing a crosswalk and connection to the new trail extension as described.

Chair Gutierrez asked Mr. Esquibel to restate his condition of approval before a motion.

Commissioner Garcia reiterated that this would be a final approval.

Director Isaacson said he had been listening to the idea of the crosswalk extending to the Torquesa Trail extension. The site plan doesn't show much west of that location that a pedestrian would try to access. There doesn't appear to be many entrances to the mall west of that location. He wondered if as proposed by Ms. Jenkins, providing a crosswalk and a pedestrian connection on the north side would satisfy many of the concerns on pedestrian connectivity and access into the mall from other areas southeast of the project.

Vice Chair Hogan clarified this is bad urban planning and with those on the team, isn't that hard to fix. He feels the Board should remain consistent and ask for a sidewalk. There are a number of things that can be done that are not that insurmountable. He was ready to make a motion but offered the applicant another chance to speak.

Ms. Jenkins replied that her primary concern is yes, anything can be engineered. But we are dealing with fairly significant constraints. There is an L shaped building, and we cannot go further north. Potentially they will be relocating the electrical line. They can accomplish what they set out to do and the applicant is willing to study the southside further to see what is feasible, and they will work with staff and engineering to do that. If it works they will do it, but they also want to think about the pedestrian environment they would be creating. There are limitations of a 26 foot road that has to be maintained and they cannot shift the building. If the applicant can make it work they will but having a plan B is good if that doesn't work, and the alternative on the north side.

Mr. Esquibel proposed the condition that the applicant shall include the 40 parking spaces proposed for the shared parking lot line adjustment and designate all parking for residential use.

**MOTION:** In Case #2020-2999, 4250 Cerrillos Road Santa Fe Place Mall Apartments Development Plan, Commissioner Hogan moved to deny the development plan. The motion was, seconded by Commissioner Sategna.

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

Ms. Paez indicated there was no concern approving the Findings of Fact as it is not a separate agenda item and not applicable. She and Mr. Esquibel will circulate a draft for new Findings reflecting the Commission's decision and submit them at the next meeting.

2. **Case #2020-2369. 4323 and 4319 Airport Road Casa de Todos Preliminary Subdivision.** Liaison Planning Services, Inc., Agent, for Casa de Todos Development, LLC, Owner, requests approval of a preliminary subdivision plat for 58 single-family residential lots located at 4323 and 4319 Airport Road. The properties are zoned R-6 (Residential- six dwelling units per acre) and total approximately 10.3 acres. (Lee Logston, Case Manager). (POSTPONED FROM FEBRUARY 18, 2021)

### **STAFF REPORT**

Mr. Logston presented the staff report and indicated he had a brief presentation. He noted that there were about 25 members of the public waiting patiently to comment.

He provided history that in 2019 the property was rezoned to R6 and in 2020 an Administrative Lot Split was done where Avenida de Las Acequias comes in. The owner wants to develop the property in two phases. Throughout 2019 and 2020 there have been discussions with neighbors in this and the Aqua Fina subdivisions. The agreement was that the neighbors would accept the increased density if assured the homes would be of high quality and stick built, site built homes. The applicant has committed to that on both projects. Both subdivisions have discussed the possibility of a wall or fence for the entire length of the subdivision.

The Commission most recently discussed the fence/wall on January 7 when considering the Agua Fina preliminary subdivision.

The two subdivisions and the land surrounding the area was shown. The existing roads and traffic flow was described.

Staff recommends approval by the Commission of the preliminary subdivision plats with the conditions of approval listed in the staff report. Three motions would be required to approve or deny the subdivision plats, approve or deny the request for the proposed innovative street design, and approve or deny the Findings of Fact.

## **APPLICANT PRESENTATION**

Dolores Vigil, Po Box 1835, Santa Fe, was sworn. She said she represents the applicants and introduced the rest of the team who was present to answer questions. She shared the site plan of the proposed subdivision and the surrounding buildings on screen. She noted the PUD (Planned Unit Development) for apartments and a manufactured mobile home park and to the east is a subdivision and access from Rufina through the proposed subdivision to the north.

The project is a fifty unit affordable housing stick built subdivision with access from all directions. Access to Airport Road will only be for emergency through a gate per the fire department recommendation. When zoning was approved from R1 to R6 the applicant was asked to provide sidewalks and on-street parking. Their innovative street design provides that as well as landscaping.

There are two tracks, the south plat has 25 lots, and the north is 33 lots on a total of 10.3 acres for the subdivision. Affordable housing is proposed for 11 lots throughout the subdivision. The subdivision meets all minimum requirements. The applicant has worked closely with staff to ensure the project is conducive to its surroundings. It takes into account the traffic, lot layout, and innovative street design.

She explained the innovative street design is necessary because the lot is very narrow. The design, discussed with staff, meets the 5 foot sidewalk requirements on both sides and the 6 foot on-street parking. There is a planting strip on one side and the developer agreed to upgrade a section of road that is City right-of-way. They have met several times with the neighbors to get feedback. After much discussion, the applicant changed their application to allow only stick built homes. Also, they discussed fencing on the east side of the property. The applicant offered to replace the existing fence with a cedar fence of 2,103 linear feet from the south corner of the property to Agua Fina.

Ms. Vigil said the previous traffic engineer gave them the innovative street design. It does not cut through the property and will listen the traffic generated by the project. She said we believe the subdivision is a wonderful project that will assist the City with its lack of affordable housing. The homes will be stick built and have beautiful landscaping.

Ms. Vigil stood for questions.

## **PUBLIC HEARING**

William Mee, 2073 Camino San Miguel Montoya, 87507 was sworn in. He said he is with the Agua Fria Village Association. They were not able to comment in the meeting January 7<sup>th</sup> on the 2915 Agua Fria case. He wanted enough time to discuss the Commissioner's proposals of a grid network in this section of town.

Chair Gutierrez asked to clarify that Mr. Mee was talking for the Agua Fria Village Association. Mr. Mee confirmed he was as the President of the Association.

Chair Gutierrez asked to confirm with Mr. Berke that Mr. Mee was referring to a different case the Commission had not yet seen.

Mr. Berke explained Mr. Mee was referring to a case hearing and a decision made, but it is not this case. It is the Agua Fina case which returns for final subdivision plat before Planning Commission in April.

Chair Gutierrez asked Mr. Mee to comment only on this case. He explained there will be opportunity in April to comment on the Agua Fina case.

Mr. Mee asked to reference his letter to the Mayor and Council of January 5, 2021 on the need for an overlay plan on Rufina Street for planning and maintenance. The road is at capacity. January 26, 2019 he wrote an Op-ed on the City's lack of long range planning and preparation. Areas in the southwest sector have never been given a full planning emphasis. This plan should have traffic counts where it comes into Las Acequias. Calle Atajo is an arterial used by everyone to get to Airport Road and is heavily trafficked. Adding more cars is not the solution. The Board discussed in the January meeting the grid network and that relates to the concept that all the roads are gridlocked from Agua Fria. He would hate to see all of these roads pushed through and add more traffic. He thought the plan was not well thought out and doesn't understand the road design.

Fabian Trujillo, President of Las Acequia Association, 1157 Vuelta de Las Acequias, was sworn in. He indicated he represents the Association and for the record Las Acequias is a neighborhood association on the southside of Santa Fe. They consist of about 4300 people and 653 homes of working-class citizens of Santa Fe, employed in state and local government as well as many essential workers. Las Acequias has been working with Casa de Todos since the inception of this plan. They met three times and believed they agreed in 2019 on a block wall in a public meeting. He received a call from Mr. Rodriguez, Jr. who has reneged on the wall agreement.

He said Las Acequias will not support the subdivision unless the 6 foot block wall is added to the conditions for approval. There are three reasons: 1) Las Acequias believes the wall is needed for safety and the mitigation of crime; 2) the cost of the wall is not expensive and was overemphasized; and 3) to prevent construction debris. Las Acequias experienced a crime two weeks ago from a shooting from a nearby park. They believe a cinderblock barrier would mitigate crime from other parts of the Las Acequias property line. They also believe a lot of the property crime experienced will be exacerbated when housing is added. A wall would also mitigate construction debris.

Mr. Trujillo said regarding the cost per square foot of the wall. He received a quote from Kokopelli Landscaping around \$30 a square foot for a 6 foot block wall, or roughly

about \$5,224 a home. That is significantly less than the \$7,000 Mr. Sommer quoted in a private meeting. They believe the cost is reasonable for the reasons he previously mentioned and, therefore, Las Acequias Neighborhood Association asked that the subdivision only be approved with the condition that a 6 foot block wall is included.

Mr. Trujillo continued that Dolores Vigil had mentioned this is an affordable housing project with 58 units. He asked how many of those are affordable and how many of market rate. He asked if Casa de Todos will receive subsidies from the Affordable Housing Trust Fund for those units; what will the units be used for; and if the applicant would still do an AH project if the subsidy were not received.

Vicki VinHatton, 4360 Paseo de las Acequia, was sworn in. She agreed with everything Mr. Trujillo said. She and most of her 60 neighbors were also at the meeting on April 1, 2019. She said Mr. Rodriguez did agree on a 6 foot wall, which we assumed would be a block wall. The neighborhood has had issues with crime and another reason is privacy since housing is back to back. The neighborhood would not be happy that the applicant now wants to put up a fence rather than the block wall agreed upon.

Linda Wilder Flatt, 950 Vuelta del Sur, was sworn in. She said her main concern is this has been a long haul and there have been many meetings with Ms. Vigil and the community and a lot of input from the neighbors. The primary thing the neighborhood agreed on was the block wall for the reasons stated. She would hope that agreement is honored. A block wall will help with privacy as well as with the noise. She had a question regarding the entrance off of Avenida de las Acequias. That is the entrance and exit for all residents for Casas de Todos and she would like to know if that will be upgraded with walls protecting people on both sides. She said it was stated there will be affordable homes and some affordable housing units. She asked the average cost of a home. She also would like a traffic study from Rufina to Airport Road on Calle Atajo to get speed tables. The area currently has heavy traffic now and adding homes will make it even more busy and dangerous.

Patricia Collins, 1053 Calle Don Roberto, was sworn in. She noted she provided a document to Mr. Logston that is included as the last 4 or 5 pages of the Commission's packet. She took pictures of different developments, 4 subdivisions and an apartment complex, in the area. All have 6 foot block walls. She said three are on the other side of the manufactured homes subdivisions and the apartment complex is the westside of Mr. Rodriguez, Jr.'s property. In a meeting with Mr. Sommer on December 28 he told us he would discuss the block wall with Mr. Rodriguez and get back to us. He stated to us at the meeting he represented both Casas de Todos and Agua Fina. Mr. Sommer never got back to us and we were left hanging. Area residents want a block wall, and it should be built in terms of aesthetics and composition.

John Flax, 4751 Agua Fria St., was sworn in. He echoed what Mr. Mee said, he hoped traffic studies could be done. For a couple of hours in the day, Agua Fria is impassable and takes 3 to 4 cycles of the light at Meadow Lane to get through. He was

concerned traffic would be routed to Agua Fria and make it completely impassable. The City needs to look long-range at traffic patterns specific to development in the entire area.

Robert Benavidez, 1288 Chestnut, was sworn in. He lives directly behind the wall discussed and owns two houses on the street along the wall. He talked with Mr. Rodriguez several times about the wall, and he agreed to put up a wall. He later learned Mr. Rodriguez wants to put up a fence instead and that is not right. Mr. Rodriguez should keep his word. He added that the traffic is really bad.

Anita Trujillo, 1288 Chestnut and 1293 Chestnut, was sworn in. She said our concern is the wall and it should be built. She thanked Mr. Trujillo for saying everything she wanted to say. They need to push that the wall is built because that was what was agreed on. Mr. Rodriguez would not want them to turn around and say let's not go forward with the project at all. Breaking promises is not acceptable. She said we are a family oriented neighborhood, and we need to take care of us, our children and our grandchildren. We discussed that with Mr. Rodriguez when we originally met. In addition, she asked to please do something about the traffic coming out onto Calle Atajo, a roundabout a light etc. traffic is a nightmare. Safety!

The next speaker, Ms. Mills, had technical difficulties and couldn't be heard. She was given the phone number to call in.

Chair Gutierrez opened the floor to Commissioners comments while waiting for Ms. Mills.

Commissioner Sategna said he would reiterate that this is another example for the need to update our General Plan with narrow tracts of land. They have discussed their concerns with the narrow roads proposed and about on-street parking. His question is why they are not considering joining the roads to have connectivity. The street at the end of Lilac Lane is proposed as a dead end doesn't necessarily create a main road from Rufina to Airport. Different roads would require residents to drive around; the community to the north already has a main road that connects Rufina and Airport. Again, traffic would not be increased on the roads being connected. He was trying to understand why that hasn't been proposed.

Mr. Berke responded this is the same issue they ran into with Agua Fina. An agreement between the former director and former traffic engineer was a compromise with the neighborhood. The neighborhood did not want direct connections and it was decided so the applicant proceeded with the design agreed upon.

Commissioner Sategna asked if the Commission had to accept a previous agreement with staff and this be approved in that manner.

Mr. Berke agreed that the Commission doesn't have to agree with staff or with the application. The applicant was given direction from former City staff to proceed, and the

plans were designed around that. He cautioned the Commission in making their decision. The applicant proceeded because of information he received from the heads of two divisions. This was a compromise with neighborhood concerns. The public comments tonight were not necessarily against direct connections into their neighborhood. Concerns were more about traffic in general and the speed.

He said the Commission does not have to accept staff's recommendation or the plans presented.

Commissioner Sategna asked if the Commission could add a condition of approval to require a wall that was agreed on and if that would stand.

Mr. Berke said it is within the powers of the Commission to impose a condition that there must be a wall, versus a fence.

Ms. Paez elaborated it would be appropriate if the Commission found the condition a necessary improvement for the development or is needed to meet the land or subdivision criteria.

Commissioner Sategna asked if there is a precedent where the Commission has required walls, or is it usually agreed on between the developer and the area. He wanted to be sure of what action the Commission can take because this seems important to the surrounding communities.

Mr. Berke said Geo Lane comes to mind and that was behind a church with the subdivision abutting that. The neighbors wanted a dedicated wall and open space. He didn't think the commission required it, but was a happy medium agreed between the neighbors and developer.

Mr. Logston added that Geo Lane was ultimately written as a good faith measure as a condition of approval to the residents. The applicant agreed to that condition on his own, in addition to the offsite sidewalks he built. He also recalls the Marcana Apartments on Richards Avenue where the applicant was required to build an offsite sidewalk and retaining wall. But he couldn't remember if the condition came up at the hearing so it may not be apples to apples and the applicant was given impact fee credits.

Ms. Paez confirmed the improvements were for impact fee credits.

Commissioner Sategna said since he has been on the commission he could not recall enforcing something without there being good will. He asked Ms. Vigil if the applicant would be willing to consider the wall.

Ms. Vigil said when this was discussed at the preliminary plat application for Agua Fina, a condition was that the applicant work with the neighbors and come to an agreement. Or at least talk with them about what would work for both sides. She said

we did that. And Mr. Sommer could talk about the details of the discussion for a wall or a fence. Since then, the numbers received from a contractor for a block wall was \$120 a linear foot. That doesn't include rebar or installation and amounts to \$252k, adding cost to the project and raising the costs of the housing.

She mentioned the cost of housing was brought up and she doesn't know the cost to date, but everyone knows it is going up. Two and three-bedroom homes are over \$300k and they are trying to keep it low. That was a reason they started with the manufactured housing but agreed to compromise and build stick-built homes and include that in the covenant. There were also other concessions made to provide pedestrian connectivity and pave the roads.

Chair Gutierrez indicated Ms. Mills did call and was now ready to speak. He confirmed the return to the public hearing at this time.

Lorene Mills, 4197 Agua Fria, was sworn in. She wanted to say as a resident of Agua Fria Village, the traffic issues and constant development is affecting their quality of life with the noise, pollution, and safety. She is unable to get out of her driveway at certain hours. There are hundreds of apartments being developed at South Meadows. She wished a visionary would look at the overall picture; do they need a four lane Rufina. We are creating more and more traffic. There are so many important issues, affordable housing, housing, etc., that comes with an element of transportation. How to move people from point A to point B and still have "traffic circulation". At some point, traffic has a stroke, and you cannot go anywhere or do anything. Ms. Mills asked the Commission to please keep in mind, among all the elements being considered, the bigger picture of traffic in the area. She asked the Commission to consider housing and all of the neighboring communities, particularly "us old folks" in the traditional historic Village of Agua Fria.

Carmen Melendez, 1476 Acequia Borrada was sworn in. She is the third house in from Airport Road of the area in question and a six foot brick wall, would be minimum. They can imagine what the change will mean to her and everyone whose backyards face the new development. Secondly, traffic on Calle Atajo is already at maximum capacity and has an accident almost daily at the intersection of Airport Road. The light is very short, and people take chances and get into an accident. She asked for a traffic study and has been talking with Mr. Logston for a while about one. If someone just parked there they would see the speed and weight of the traffic. Everyone in her neighborhood has four vehicles so this is not about one car per household, it is multiple cars. They have had a lot of meetings with the applicant and Ms. Vigil. A traffic study and a 6 foot wall are the minimum they have asked at every meeting.

Laura Tapane, 2472 A Alamo Lane, was sworn in. She lives off of Agua Fria and wanted to emphasize the line of sight from driveways on Aqua Fria are very short. There are many like that and it makes it dangerous when pulling out. She would appreciate consideration and thought adding more traffic to Agua Fria is a big mistake.

Chair Gutierrez asked that the next caller who had technical difficulties to call in. Before closing the hearing, he wanted to ask Fabian Trujillo if neighbors and the Association had explored cost sharing of the wall.

Mr. Trujillo replied there had been no discussion since the 28<sup>th</sup> of December. He added that their association is not an HOA. It has no budget and no way to do cost sharing so they couldn't agree to that.

Chair Gutierrez closed the public hearing with the exception of Allegra Askew who had technical difficulties if she was able to call in.

Commissioner Sategna said Ms. Vigil was explaining why a block wall is not agreeable and some residents said the early discussions did not specify a block wall. But it is clear homes are backed up to other homes, which is unique to the decisions he has seen the last couple of years. He thought creating barriers is an important consideration for the public good along with approving the project. He asked if the applicant as good will, would consider another type of barrier besides a block wall.

Karl Sommer, PO Box 2476, Santa Fe, was sworn in. He said the answer is yes, we would consider a barrier between the properties, as described. He referred to comments by Ms. Paez and Mr. Berke, and first they should question if Code requires a block wall. And the answer is no. The three issues Mr. Trujillo spoke of were safety, construction debris and that the cost was exaggerated. A wall is an amenity; keeping someone out of your yard requires a barrier. A 6-7 foot wall or a fence would provide the same safety if that were the issue. It doesn't have to be a wall to reduce crime. A wall or a fence serves the same purpose behind the argument made for safety. Construction debris is a temporary issue and both a wall and fence would provide the same protection.

He said we are really talking about the cost of an amenity and who should bear that cost. Code does not say the amenity is required as the law was accurately described by Ms. Paez. The Commission can impose reasonable conditions to provide the necessary protection for public safety or services of the development. They are talking about costing the applicant a quarter million dollars across all of these homes. That comes out to about \$7000 per home. The people who would pay for that are the new residents because the developer will pass it on to the new owners. That isn't fair to the new owners.

Mr. Sommer said this developer and the developer of Agua Fina are willing to put up a fence. We will commit to the Commission to putting up a barrier and a fence. The type of barrier and fence is subject to negotiation. He noted that what was suggested by Mr. Trujillo are doable; a fence with some pilasters that has architectural and structural integrity. The owner and the neighbors should think about that. A solid block wall will cost too much and wouldn't be fair to the new owners.

He suggested leaving the decision open until the final and then decide on the type of barrier. He said we will not object to a barrier and believe a well-constructed and designed fence will serve all the functions discussed. Also, Commissioner Sategna pointed out something obvious, which is people need a barrier for privacy of their backyards. The applicant recognizes that. The question is how much of that should be paid for and by whom. Our clients are willing to foot the bill for a fence with architectural interest and structural integrity but imposing a 6-foot block wall at \$120 per linear foot across the two developments is not fair.

Mr. Sommer confirmed with Ms. Vigil that the last preliminary approval on the Agua Fina project left this open. They will need to meet with Mr. Trujillo and the Association to try to work something out and will do that in good faith between now and the final for Agua Fina. It is the same issue.

Commissioner Sategna thanked Mr. Sommer for pointing out it would be a reasonable condition. He asked the applicant if he would reconsider connecting Casa de Todos and Lilac Lane. The main road from Casa de Todos as proposed, doesn't create a direct connection and dead ends between Rufina and Airport Road. He would like to know if the applicant would consider the connection even though staff recommended this come to the Commission.

Ms. Vigil said she would have to discuss the with the applicant because they came to the decision from the recommendations. The neighborhood was concerned the connection would bring more traffic into their subdivision. The compromise agreed to was to dead end Lilac Lane and make improvements between Lilac and Zepol Road. She didn't think the developer would be required to improve that part of the road. Their proposal was a result of many meetings and the compromises made. She said Mr. Berke may be able to address if the developer would be required to improve the area if there is a different access to the property. They prefer not to have to improve it.

Chair Gutierrez asked Commissioner Sategna if he wanted to hear from Mr. Berke.

Commissioner Sategna said he is interested in staff's position. He noted although staff makes recommendations, the Commission is an independent body who could also make recommendations.

Commissioner Sategna said now that the matter is before them it is important to address how these narrow plats of land are developed in the City. He was just asking as a Commissioner whether the applicant would consider that but is happy to hear Mr. Berke's response.

Mr. Berke said the Code requires two connections for every 10 acres of development and a through connection every thousand linear feet. The Code as written, probably would have a connection to Las Acequias. He noted they would be having a different conversation from different members of the public tonight. There would be a lot

of opposition to the connection. But that is not what is presented and what the public was told would be presented.

Mr. Berke confirmed yes, by Code a connection would be required, and it would filter a lot of traffic from Zepol and possibly creating a through connection to Las Acequias as well.

He indicated he viewed the properties of everyone asking for a block wall on Google Earth and they all have fences. He wasn't certain the condition of the fences. He would let the Commission decide if they wanted to see that.

Chair Gutierrez asked if there was interest in seeing the fences.

Commissioner Sategna wanted to see them and felt it important if barriers already exist.

Mr. Berke displayed the properties where the wall was requested.

Commissioner Sategna asked on properties that had a different structure, were they the mobile homes and did they have fences.

Mr. Berke replied it appears they do have fences. He wasn't sure those were the people who requested the wall.

Commissioner Sategna pointed out they were not just considering which neighbor is present and which one is not. The Commission is discussing the safety and public good of those who will live in the development. He could see there appeared to be fences.

Commissioner Garcia asked Mr. Sommer to confirm for the Commission on the Agua Fina development, left it with the neighborhood and developer to work together on the wall.

Mr. Sommer recalled the commission leaving the issue open to determination at the final plat.

Commissioner Garcia confirmed that case comes back for a final in April. He asked if the development currently constructed on Lopez Lane is doing a wall.

Mr. Berke recalled the only one approved in the area was the Jackson subdivision.

Commissioner Garcia explained if the Commission decided a wall was promised to the association, he wanted to be consistent with other developments. He prefers connectivity but could see how this case made sense to split that up and push traffic to other areas.

Commissioner Clow said there are two issues they have spent an amazing amount of time on between both projects. She thought it inappropriate to demand an expensive block wall be built when the neighborhood doesn't have that. The developer has already made concessions to build stick homes and agreed to do some kind of barrier. That should be adequate if they want affordable homes. She suggested they move on. She would ask the developer and neighborhood to work together but that the Commission not require an expensive block wall.

She thought in terms of connectivity there should be flexibility and exceptions. Especially dealing with infill, and the unique and long stretches of land. She thought the developer relied on the design by the City, which appears thoughtfully done. There are areas the Commission rigidly applied the law and the City Council easily undid that. The lesson from that is that the Code implies connectivity, but in some situations it is not practical. In fact, she thought the design looks good because it spreads the impact in the neighborhood out, opposed to funneling it. Clearly if this connected with Agua Fria there would be many people here tonight complaining.

Commissioner Clow suggested finishing the discussion on the two issues and move forward. She was ready to make a motion when appropriate.

Commissioner Sategna said it is easy to say that the Commission spent exorbitant time on issues and then come in at the end and make that statement. The conversations about these issues and especially these tracts of land in a public space, will be forwarded to the Governing Body for consideration. It is important to have those in this setting.

He said secondly, asking for connectivity at a preliminary setting is appropriate regardless of staff's recommendations, if felt to be important. Especially because this will come back to the Commission. He finds it frustrating this was being discussed as if this actually makes sense. He personally felt this is poor planning to have roads that bend around when these two roads could be connected with little impact. Especially given they are not connected to Rufina or Airport to create major concerns for traffic between two main streets. It is a reasonable request given the proposal.

Commissioner Sategna added he was also happy to make a motion.

Chair Gutierrez had a couple of quick points. First reviewing the Governing Body minutes on October 22<sup>nd</sup>, Mr. Sommer stated these will be stick built homes that stay stick built homes. He asked if anything has been submitted to the Planning Commission regarding that.

Mr. Sommer replied they made that commitment and intend to include that in a covenant to run with the land. There will be a reference included to the covenant on the final subdivision plat. The covenant is enforceable by the Las Acequias Association as well as the City of Santa Fe and that will also be referenced on the plat. That will all be

part of the final submittal to the Commission showing the language and where it is on stated on the plats.

Chair Gutierrez said he thought stick built homes a bigger issue than the wall. He asked to confirm with Ms. Vigil that 11 of the houses will be affordable and 47 will be at market rate. She confirmed that was correct.

He said someone asked about receiving a subsidy from the Affordable Housing Trust Fund.

Ms. Vigil replied she wasn't sure how that would be worked out.

Chair Gutierrez asked that she provide the answer for the final. He indicated a question was asked about a wall entrance at Las Acequias, and on a traffic study.

Ms. Vigil explained they plan to do a permanent wall sign at the entrance with tasteful landscaping. She showed the site on screen and the open space planned for landscaping with a connection for pedestrian access. A traffic study has been conducted and is in the packet. Someone was available to address any questions.

#### **COMMISSION DISCUSSION**

**MOTION:** In Case #2020-2369. 4323 and 4319 Airport Road Casa de Todos Preliminary Subdivision, Commissioner Clow moved to approve subject to conditions of approval and technical corrections recommended by staff. The motion requests that the developer continue to work with the neighbors on a wall, but a block wall is not required. The motion was seconded by Commissioner Hogan.

Mr. Logston clarified when he wrote the staff report and the condition of approval his understanding was the fence would be wooden. He said the Commission might want to strike that from the report.

Commissioner Clow said her motion was that the developer should continue to talk with neighbors to try to reach an agreement. However, the wall does not need to be stone or brick or require a block wall.

Director Isaacson suggested rather than block or brick say it does not require a masonry building material.

Commissioner Clow agreed.

Commissioner Hogan asked for clarification. The baseline is a 6 foot barrier to be negotiated between the developer and the neighborhood. Whether a fence or block wall, the Commission doesn't require one or the other.

Commissioner Clow clarified her motion is saying this body will not require a masonry wall. They can come to an agreement, but it does not have to be a masonry wall

Commissioner Sategna asked to clarify. He thought that sounded like a recommendation and is no longer a condition of approval.

Commissioner Clow said a masonry wall is not a condition of approval. It was suggested in the final plat approval a barrier will be provided. The developer and the neighborhood need to see if they can agree and if not, the Commission will address that on final plat approval.

Commissioner Sategna asked if that would be workable for the final subdivision approval, versus having it be a condition of approval.

Mr. Logston said Condition #16 in the staff report says, "*Shall build a wooden fence.*" The developer and neighborhood could discuss the material, but the question is if the Commission wants to compel the applicant to build some type of barrier or let the applicant and neighbors discuss if it should happen at all or what it would look like.

Commissioner Clow pointed out that the applicant had already agreed to build a fence. She offered to amend the motion to say the applicant will build a fence. But she would like to see neighborly interaction and if the applicant can work with the neighbors to agree on the type of fence. The motion is clear that the Commission is not requiring a masonry wall.

Mr. Berke asked for further clarification what if they don't come to an agreement.

Commissioner Clow said there is no agreement on the other parcel. They are working on an agreement and if there isn't one she thought the Commission would handle it. This would be similar. She is trying to take the masonry wall off the table so they can hopefully reach an agreement on the fence.

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

Commissioner Sategna explained his vote was based on the criteria for a preliminary subdivision plat. He could not vote against or find any reason to vote against this and believes it does meet the criteria.

**MOTION :** In Case #2020-2369. 4323 and 4319 Airport Road Casa de Todos Commissioner Clow moved approval for the request for the proposed innovative street design. Commissioner Hogan seconded the motion.

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

**MOTION:** In Case #2020-2369. 4323 and 4319 Airport Road Casa de Todos, Findings of Fact and Conclusions of Law, Commissioner Clow moved to approve per Exhibit A2. The motion was seconded by Commissioner Hogan.

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

#### **H. STAFF COMMUNICATIONS**

1. Ethics and Open Government Training (Sally Paez, Assistant City Attorney) (POSTPONED FROM FEBRUARY 18, 2021)

Director Isaacson said they are working with the Council to find two meetings dates close to one another for the Zia Station hearings. They will try to replicate what was done at the Planning Commission. The Governing Body's first hearing will be staff and applicant presentations and public comment. The second meeting will be deliberations, questions and motions.

They are considering April 1 and April 6<sup>th</sup> and if the first hearing is April 6, they will hold the regularly scheduled April 1<sup>st</sup> Planning Commission meeting. Otherwise, if they hear the case in Council on April 1, the April 1<sup>st</sup> Planning Commission meeting will be canceled, and the agenda pushed to the 15<sup>th</sup> of April.

Chair Gutierrez asked Ms. Paez if agendas for the April 1<sup>st</sup> or 15<sup>th</sup> are light enough for the Commission to give her their full attention for training.

Ms. Paez said she would not oppose motion to postpone her training.

**MOTION:** Commissioner Lawrence moved to postpone the Ethics and Open Government Training until the meeting of April 1<sup>st</sup> or April 15, 2021. Commissioner Clow seconded.

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

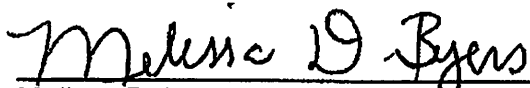
**I. MATTERS FROM THE COMMISSION**

Chair Gutierrez said it has been a year since the Commission met in person. He looks forward to seeing everyone in person.

**J. ADJOURNMENT**

Adjourned at 10:25 pm.

Submitted by:



Melissa D. Byers, Stenographer for  
Byers Organizational Support Services

Approved by:



Brian Gutierrez, Chair