

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
APRIL 15, 2021**

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Consent Agenda	Approved	2
E. Approval of Minutes	None	2
F. Findings & Conclusions	None	2
G. Consent	Approved	1.
1. Case #2021-3327 Cerro del Norte Subdivision Time extension		
2. Case #2021-3413. 4149 Fairly Rd. Special Use Permit		
H. Old Business		
1. Case #2020-2999. 4250 Cerrillos Road Santa Fe Place Mall Apts.	Approved	3-4
I. New Business	None	5
J. Staff Communications	Presentations	5-12
H. Matters from the Commission	Comments	12-13
I. Adjournment	Adjourned at 8:00 pm	13

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, April 15, 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 Amanda Chavez
Commissioner Pilar Faulkner
Commissioner Jessica Lawrence
Commissioner Carly Piccarello

Members Absent

Commissioner Lee Garcia – Excused
Commissioner Dominic Sategna – Excused

Others Present:

Mr. Elias Isaacson, Land Use Director
Mr. Noah Berke, Planning Manager
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 Lawrence led the pledge of allegiance.

C. APPROVAL OF AGENDA

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

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

D. APPROVAL OF CONSENT AGENDA

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

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

E. APPROVAL OF MINUTES

There were not any minutes presented for approval.

F. APPROVAL OF FINDINGS/CONCLUSIONS

There were not any findings/conclusions presented for approval.

G. CONSENT

1. **Case #2021-3327. Cerro Del Norte Subdivision Time Extension.** Jennifer Jenkins of JenkinsGavin, Inc., Agent for Cerro del Norte, LLC, Owner, requests a time extension for the final subdivision plat for 32 single-family lots on approximately 7.44 acres of land. The property is located between Fifth Street and the Rail Trail, north of the Casa del Cerro subdivision, and is zoned R-5 (Residential-five dwelling units per acre). (Donna Wynant, AICP, Case Manager, djwynant@santafenm.gov, 955-6325).

Approved on the consent agenda, above.

2. **Case #2021-3413. 4149 Fairly Road Special Use Permit and Development Plan Time Extension.** Fredrick Lucas, Agent, for ZZYZX Corporation, Owner, requests a time extension for the Special Use Permit for an Urban Farm Ground Level, greater than one acre, and Development Plan on four separate parcels that total approximately 9.8 acres of land. The

properties are located at 4149 Fairly Road and are zoned R-5 (Residential – five dwelling units per acre) and R-1 (Residential – one dwelling AGENDA REGULAR MEETING OF THE PLANNING COMMISSION APRIL 15, 2021 AT 6:00 PM ATTEND VIRTUALLY PLANNING COMMISSION MEETING Thursday, April 15, 2021 Page 2 of 3 unit per acre). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136). (WITHDRAWN)

H. OLD 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)

STAFF REPORT

Mr. Esquibel said the Land Use Department recommends approval with conditions of approval. Three motions are required: to approve/deny the development plan subject to conditions of approval and technical correction as recommended by staff; approve/deny the shared parking plan; and approve/deny the Findings of Fact and Conclusions of Law. The applicant has agreed to all the conditions, including the sidewalk and parking.

APPLICANT'S PRESENTATION

Jennifer Jenkins, 130 Grant Ave., Suite 101, Santa Fe was sworn in. She said the LLC is in agreement with all conditions, including the addition of the new sidewalks on the North and South side of the apartment building, and designation of reserved parking near the building for the balance of the resident's parking needs. She offered to do a presentation or pull up specific images, or whatever the Commission preferred.

Commissioner Clow asked to see the drawings on the sidewalks and location of the 40 new parking spaces.

Ms. Jenkins showed slides of the parking and sidewalk locations. The original and new locations for sidewalks were shown. A sidewalk is along the east side, the sidewalk continues along the south and a sidewalk along the landscape buffer on the north. Connections to ADA ramps and striped crosswalks were shown.

Unreserved parking, staff's condition requires parking must be approximate to the building. Areas where parking will be reserved has been identified and they are negotiating with adjacent tenants. Ms. Jenkins assured the Commission the parking

spaces will be designated in easily accessible areas to building entries, prior to recording the development plan.

PUBLIC HEARING

Chair Gutierrez closed the hearing as there was no one wishing to comment.

COMMISSION DISCUSSION

Commissioner Hogan said he was glad this returned with agreement on some of the conditions. He asked clarification whether the north sidewalk of the building is outside the perimeter fence of the development.

Ms. Jenkins replied there is no fencing on the north side. A landscape buffer and driveway serve as the emergency access on the south side and for a private outdoor space. Otherwise, there is none.

Commissioner Hogan asked if landscape standards will apply to the additional parking places. He asked about the plans for the tree island between the building and the mall.

Ms. Jenkins reviewed where landscape islands are being constructed stating that all new improvements will comply.

Commissioner Hogan asked if tree islands will be added to the parking areas north of the new perimeter road.

Ms. Jenkins pointed out all the new areas, however nothing will be modified in the center of the field. Code requires a planting island when more than 20 cars are in a row. Some areas will be brought into compliance and there will be no rows with more than 20 cars.

Chair Gutierrez confirmed that other than the sidewalks and parking improvements there were no changes. He asked if parking will be identified for the apartments.

Ms. Jenkins said yes, and also identified that on the development plan. There will either be signage or marking on the asphalt. They will work closely with staff to ensure the condition is met appropriately.

MOTION: In Case #2020-2999, 4250 Cerrillos Road Santa Fe Place Mall Apartments Development Plan, Commissioner Clow moved to approve the development plan subject to the conditions of approval and technical corrections recommended by staff. Commissioner Faulkner seconded the motion.

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

Ms. Paez believed the Findings of Fact were not in the packet. She offered to adjust the previous version to reflect that the applicant now agrees with all conditions and the development plan as approved. Staff can bring the Findings to the next meeting for approval.

Commissioner Clow noted the Findings were in the packet but for the April 1st hearing.

Chair Gutierrez suggested they approve Findings at the next meeting.

I. NEW BUSINESS

There was no new business presented.

J. STAFF COMMUNICATIONS

1. Informational Presentation:

- Achieving and Maintaining a Resilient Water Supply for Santa Fe's Current and Future Needs (William Schneider, Water Resource Coordinator, Public Utilities)

William Schneider gave a power point presentation which is attached hereto as Exhibit "1".

- Water Budget (Alan Hook, Water Resources Coordinator Assistant and Patricio Pacheco, Water Resources Analyst, Public Utilities)

Alan Hook and Patricio Pacheco gave power point presentation which is attached as Exhibit "2".

QUESTIONS:

Commissioner Hogan said he did not hear anything mentioned on the Aamodt settlement in terms of water distribution in the Upper Valley. He asked to hear more about that case.

Mr. Schneider explained the Aamodt is a County created water system to supply residents in the Nambe, Pojoaque and Tesuque system. The system is outside of the City's network. A concept that may be brought forth in the Santa Fe planning process is if the

Aamodt system could be linked with the Buckman Direct Diversion (BDD) to provide more resiliency.

Commissioner Hogan asked to confirm that none of the water coming through the system is from Buckman.

Mr. Schneider said that is correct; it is a separate water system and a separate water right with no bearing on the City's portfolio of water supply.

Mr. Schneider said the County acquired a combination of water rights they transferred into Aamodt. It is a combination of imported water from the Rio Grande primarily for the County and Native water acquired by the Bureau of Reclamation from San Juan Chama to meet the needs of the Pueblo.

Commissioner Hogan asked if effluent or wastewater is part of that system.

Mr. Schneider said, it is not but that will need to be revisited in the future.

Commissioner Hogan asked since Santa Fe cannot create new water rights, is it a game to bring water rights from some other place.

Mr. Schneider said that is the reason the City Water Division has the size pipe they need, to maximize the effluent. We are not creating new water rights, so all the systems are fully appropriated, actually over appropriated. To that point, he could not see a deal with Aamodt happening again in New Mexico because of the protest and legal opposition to transfers. Aamodt demonstrated it will be more and more challenging. We, as a Division, have been advocating for the need for the return flow pipeline to create a new source of supply. He said he could not emphasize that enough.

Commissioner Lawrence thanked staff for their presentation. She indicated he mentioned an upcoming meeting on April 29, but she did not hear a topic or purpose. She asked for more information.

Mr. Schneider explained the meeting is a "State of the Union" address for the Water Division on the outcome of the 2020 operations. They will discuss the rate of conservation and production rates and the effects of Covid, etc. It will highlight some processes in the planning effort of 2021 such as grants received, and efforts to build the integrated planning, development, and resiliency system. He offered to provide the agenda with the link for the meeting.

Mr. Berke asked Mr. Schneider what it would look like for the City to invest in an effluent water system to repurpose the 6,000 acre-feet of water used to water lawns.

Mr. Schneider said they explored that in detail in the 2017 Bureau of Reclamation City of Santa Fe Feasibility Study to optimize effluent. The City wastewater plant is by the airport

and the water and sewer systems run by gravity from Upper Canyon Road. It would be cost prohibitive for the City to pump effluent water for use in outdoor watering. It would be very expensive and have an environmental impact on energy in addition to the cost to construct. The Division feels the City is better served to focus on outdoor water reduction. Albuquerque is making strides with that. Also emphasizing the need for the return flow pipeline to capturing the effluent adversarial and bring it back to the BDD for reuse.

Commissioner Faulkner asked if one expense is that potable water and effluent water cannot be in the same water line. And, if we use too much effluent water it will cause an imbalance of what New Mexico owes to Texas, opposed to other states.

Mr. Schneider said she was generally correct. He added even with the Santa Fe community and the needs of downstream and cultural uses. That is why he continually emphasizes that the pipeline is designed solely to maximize the San Juan/Chama portion of the effluent. That allows them to keep water that originates in the Santa Fe Basin. He said to Commissioner Faulkner's point, the City has to share the water and some of the entities have rights to the Native water. The contract water - San Juan Chama water - is exclusive to the City with the Department of Interior and an asset that cannot be squandered.

Commissioner Faulkner asked if Santa Fe couldn't capture gray water like some cities allow for watering outdoors. She asked if that was being considered.

Mr. Schneider said that was a big initiative through the Water Conservation Committee a few years back and is considered and being adopted by other cities. But it is an economies of scale and the systems are very expensive. Some of the catchment system described should be integrated into the development and legally could be done within certain requirements.

Commissioner Faulkner said there are a lot of people in her neighborhood who would like to capture graywater that has no biohazard materials to water their trees and gardens, etc. She thought it would be good to get that information to the public because some people assume it is illegal.

Mr. Schneider said that can be integrated into the Santa Fe 2100 water planning processes. It dovetails with the land use and water bank aspects as adaptation strategies.

Mr. Pacheco mentioned the City has a Laundry to Landscape Program that covers the cost up to \$275 for the retrofit if you apply to the Water Conservation Program with the receipt. The program only applies to laundry, not sinks because of bacteria.

Commissioner Faulkner said she advises a couple of activist groups in her area from time to time. They publish fact-based information frequently on Next Door News. She may be contacting Mr. Schneider to get the link to post so people can learn about the program. She said she was certain there are a lot of people who would use it.

She thanked everyone for their great presentations.

Mr. Hook offered to add the link to Save Water Santa Fe which has all of the programs. The State passed a code on graywater usage with a list of things to avoid in graywater systems and what can be adopted.

Commissioner Faulkner said she will be sure those posting on Next Door have access to that website.

Mr. Berke said the Water Company also has an account on Next Door and they can send the information out. He thought that had been done once or twice before.

Commissioner Clow asked how the water rates interact with conservation. She thought it seemed Santa Fe has some of the highest water rates.

Mr. Hook replied the concept for conservation is new, large developments have to buy water rights. They are buying those from the Middle Rio Grande farmer and bringing it to Santa Fe with the idea that helps expand their capacity under the water utility. However, as demand goes up with more development, the price goes up. In some ways that creates a demand for fewer water rights, but for Santa Fe it creates conservation. A development has to provide the water rights before they develop which regulates the City's demand capacity.

Commissioner Clow said she was talking about the water rates paid by users.

Mr. Hook said there is some disconnect related to the purchase price of water rights. The water rate structure is based on a two-tier system and the rate is higher over 7000 gallons per month in the winter. In the summer over 10,000 gallons the rate increases almost 3 times the amount per thousand gallons. That is an incentive to save water. Also, rebate programs through the Conservation Office have been a great incentive to replace old washing machines. But as the Conservation Office has become more successful, they have lost an opportunity to create further conservation efforts. The focus now is on reducing outdoor water use. People ignore the freeze date and start planting more as things get warmer and the irrigation season is expanding. They are trying to incentivize that reduction.

Mr. Schneider agreed. They show roughly a 30% reduction in demand after the City acquired the water system in 1995. It is hard to untangle what ratio contributed to that; if it was toilet retrofits, conservation, or public outreach. A reuse system for turf irrigation was implemented at the MRC but they also raised rates at the same time. He hasn't been able to decipher how many acre feet of water was saved.

Commissioner Clow asked how Santa Fe rates compare with other cities.

Mr. Schneider said the highest tier is some of the highest rates but is misrepresented that it is a small portion of overall consumers. Ultimately, they do subsidize some of the higher expenses through higher rates. He defends that because there are four unique sources of supply. The City/County funded the BDD entirely with minimal federal funding and maintains two 100-year-old dams. It is an expensive system to maintain.

Mr. Hook indicated other municipalities have higher rates than Santa Fe, such as Santa Cruz in California. Mr. Hook said we were probably the highest in New Mexico but not in the West. A potential incentive has been discussed for three tiers for those doing graywater conservation to have a lower tier. The water that is used that makes its way back to be recycled is not as detrimental when lost to outdoor use.

Mr. Hook said regarding Mr. Berke's point, he has heard of package plans in other communities that could be looked at to potentially incentivize those using effluent in the regional areas of the City. The problem is where they could cite those, and it would be a large leap to get to the point of citing infrastructure.

Commissioner Piccarello asked what a pipeline for the return would look like and if a higher energy on the way back.

Mr. Schneider said only a lift of 700 feet could be taken from the Paseo Real past the MRC and down the old Buckman Road through a gravity line. The bidders for the engineering design will be asked to incorporate turbines to recapture the energy as it comes down the pipe to the Rio Grande. A cost-benefit analysis is needed to ensure it has merit. He thought it will and bringing the water back from the Rio Grande will have an energy component. There is a solar array at one station and they are looking at adding another. It is likely at some point in the near future, we may be totally on renewables on the Buckman Direct Diversion system.

Commissioner Piccarello said there is a lot of inefficiency in the parks irrigation system. She asked what effort is happening in the parks.

Mr. Schneider replied Santa Fe is unique with around 84 parks and a lot of small neighborhood parks on their own separate irrigation systems. Thankfully, MRC and Marty Sanchez and Swann Park use effluent. He thought back to the concept of reducing water, the City will look at targeting ways through CIP to improve irrigation systems for outdoor watering and effectively, consumption. There is a lot of work to be done and should have started yesterday.

Commissioner Piccarello asked if developments at higher elevation have a larger fee.

Mr. Schneider said they don't. It is tied to the rates and electricity is spread across all of the customers. He thought there could be more equity in how the electrical cost is split up because higher tanks are more costly than gravity rolling it down.

Mr. Hook said the City has tried to target off-peak demand management and move water at that time, and the BDD often produces water at night. The focus is to save money and be more efficient by the use of off-peak production.

Chair Gutierrez confirmed the three sources as being the reservoirs, wells and Buckman. He asked if all of those are used equally for consumption.

Mr. Schneider explained that could deviate if the pipeline is approved. Currently about half of the demand is met with the Buckman Direct Diversion and the other 35% is met with Canyon Road's surface water from the Santa Fe River. There has been a paradigm shift with renewable surface water as the primary and groundwater used for drought and emergencies. That could shift with two considerations: 1) dam safety to ensure the water is not too high or too low in the reservoirs; and 2) the BDD, because of the contractual obligations which primarily is surface water.

Chair Gutierrez indicated that the Santa Fe River starts in the mountains above the reservoirs, is captured by the reservoir and the overflow goes from there. He asked how they gauge what is kept in the reservoir in case of fire.

Mr. Hook replied both reservoirs can store approximately 4,000 acre-feet, but they have the right to divert 5,040 acre-feet for the Santa Fe River. Demand last year was just under 9,000 acre-feet and the reservoirs provide them a great supply. Year to year they don't want to go below 20% storage. Yield from the Santa Fe River starts at Santa Fe Lake and is about 4,300 acre-feet per year. To reach up to 5,040 requires carryover storage from year-to-year.

Chair Gutierrez said with the annexation of the County in the southern part of the City, some people are on wells. He asked how they are treated and what happens to the wells.

Mr. Hook said there is a Domestic Well Ordinance. The concept is if within 300 feet of the main line you have to hook up to the City's water system. The exception is if it is more costly for a homeowner to hook up to the City's main line than drilling a domestic well. Some customers further down Alameda north of the Santa Fe River and further west are all on domestic wells. There is no City infrastructure there yet because infrastructure is built as developments are permitted and developers are charged for utility expansion.

Chair Gutierrez asked if someone drilled a well but never did anything with it and then hooked up to City water, could they use the well for landscape, etc.

Mr. Schneider said there is a protocol under the State Engineer that the well be capped, but the owner has the right to keep that water right to their well. A new City program was started and a meter for well users is provided because well owners are required by the State to provide their water use. It is a win-win for the City to provide the online meter and download the information for new domestic well owners. The City must allow them to drill the well and still has that information. It is a good compromise.

Chair Gutierrez referred to a chart with the costs for types of businesses. He noted the fee for a laundromat is \$12,500 per machine +3/4-acre foot. He asked how the 3/4 is calculated.

Mr. Schneider explained the .78 is calculated x 16,600, which is the total cost of \$12,480.

Chair Gutierrez asked if a business is compensated, like Luna Laundry that recycles and puts a system in for recycling.

Mr. Schneider said a new business can use the previous two years of water use of the business that existed in that location prior to them to determine their future water use.

Mr. Hook added the City has a custom retrofit for commercial entities who save up to a quarter acre foot of water. They can receive up to \$25,000 based on the program, regardless of whether a car wash or apartment complex.

Chair Gutierrez asked if businesses are recycling, other than carwashes or laundries.

Mr. Schneider said they allow an alternative water budget when a business can prove their water use will be more efficient. The City developed a chart of water use in 2009 based on an audit throughout Santa Fe.

Chair Gutierrez thanked the presenters for taking time to join them.

He asked if there were other staff communications.

Mr. Berke said each Commissioner will receive an iPad and any Commissioner that did not want one could let him know. He explained the functions of the iPad and informed them that the City will not continue using paper. He noted the Commissioners who said they did not need an iPad.

He said the meeting on May 6th will have a case on a special use permit for a car wash and a development plan, with recycled water. And the Casa de Todos final subdivision plat will be on the agenda. He anticipated many of the same participants and conversations from the Agua Fina subdivision meeting.

Director Isaacson provided an update on the Land Use FY2022 budget that was presented to Finance and the Governing Body will hear the final budget April 20th. They are taking advantage of the Development Fees Act. The 3% allowance will be used for an FTE and a planner position. Most of the work done by Carlos Gemora and tracking data around development growth will be the responsibility of the planner. The person will be introduced to the Commission once approved.

Land Use is also adding three more FTEs in the development section for a construction inspector, permit technician, and plans examiner. In addition, they will unfreeze four vacant positions. They have received \$64,000 to match certified local government historic preservation grants. They hope to continue working with the SHPO (State Historic Preservation Office) to fund historic planning preservation efforts. They received \$150,000 that was in the previous fiscal year budget to update the Land Use Code and \$200,000 to support a growth management planning study for Santa Fe. The increases amount to about 20% in the budget, on top of other categories that will be restored such as travel, training, office supplies, archives, etc.

Chair Gutierrez complimented the Director on a great job.

Mr. Berke reported on the Zia Station Case. City Council approved the station, both general plan amendments and three re-zonings, including the South Central Highway Corridor and the preliminary development plan. The testimony and questions were good. The next step is the general plan amendment and rezoning was completed. The request to vacate Galisteo and the right-of-way will go to Public Works Committee. A resolution has to be passed and it goes back to Public Works and then comes to the Planning Commission for final decision. The development plan is contingent on approval.

Also, a final development plan will come before the Commission. That does not require an ENN (Early Neighborhood Notification) as long as consistent with the development plan. He anticipated the Commission will see the requests within the next six months, if not sooner. The developer wants to break ground by the end of the year.

Mr. Berke said City Council tied in interesting conditions of approval, such as looking at and implementing arroyo stabilization for a 500-year storm event, and the DOT participated in the meeting and a person in charge of Rails. City Council required a light like the HAWK and a right-of-way as a condition of approval from the DOT.

K. MATTERS FROM THE COMMISSION

Commissioner Faulkner indicated a date was set for the first meeting of the Policy Committee. They will review their mission and purpose and do administrative work like identifying priorities. Staff will be included in the first meeting. She hoped to provide substantive update by the next Commission meeting.

Chair Gutierrez said when driving by South Meadows, he wondered how the Commission could find out what steps have been taken regarding traffic calming because school is starting again.

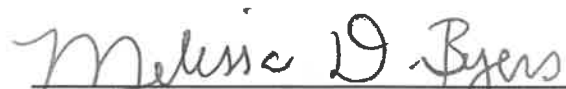
Director Isaacson offered to look into that. He said Councilor Rivera among others had introduced legislation regarding that intersection. He would look into that and report back

at the next meeting. Then he could advise them on how best to pursue traffic calming, among other issues.

L. ADJOURNMENT

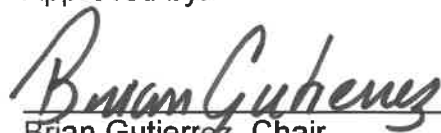
Chair Gutierrez adjourned the meeting at 7:57 pm.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:



Brian Gutierrez, Chair