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PLANNING COMMISSION MINUTES
AUGUST 19, 2021**

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MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, August 19, 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 Vice Chair Hogan 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 (arrived at 6:50 p.m.)
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow, Secretary
Commissioner Pilar Faulkner
Commissioner Jessica Lawrence
Commissioner Lee Garcia
Commissioner Dominic Sategna

Members Absent

Two vacancies

Others Present:

Mr. Jason Kluck, Interim Land Use Director
Mr. Noah Berke, Planning Manager
Mr. Kyle Hibner, Assistant City Attorney
Ms. Patricia Feghali, Assistant City Attorney
Ms. Andrea Salazar, Assistant City Attorney
Mr. Dan Esquibel, Senior Planner
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Commissioner Faulkner led the Pledge of Allegiance.

Director Kluck introduced Patricia Feghali the new Assistant City Attorney who will be assisting the Commission.

Attorney Feghali said she previously worked with the Legislature and has a Planning Degree.

Mr. Berke introduced Kyle Hibner and Andrea Salazar from the City Attorney's Office.

Director Kluck added that Attorney Salazar has been working on the cannabis legislation and Mr. Hibner is standing in tonight for Attorney Paez.

C. APPROVAL OF AGENDA

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

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

D. APPROVAL OF MINUTES

1. August 5, 2021

MOTION: Commissioner Faulkner moved, seconded by Commissioner Garcia to approve the minutes of August 5, 2021, as presented.

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

E. APPROVAL OF FINDINGS/CONCLUSIONS

1. Case #2021-3804. Villa Sendero Development Plan Amendment for Phase II.

MOTION: Commissioner Faulkner 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 (as to form only), Faulkner, Garcia, Lawrence and Sategna voting in favor and none voting against.

F. OLD BUSINESS

None

G. NEW BUSINESS

1. **CONSIDERATION OF BILL NO. 2021-__.** An Ordinance Amending the Land Development Code, Chapter 14 FCC 1987, to Address Zoning Issues Related to Cannabis; Amending Table 14-6.1-1, Table of Permitted Uses, to Clarify Zoning Districts for Various Types of Cannabis Establishments, and to Adopt Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.2(H), Agricultural Uses, to Address Cannabis Production; Adding a New Subsection 14-6.2(I) to Adopt Use-Specific Standards for Cannabis Establishments, Including Operating Times, Density Limitations, and a Minimum Distance Between Cannabis Retail Establishments and Schools or Daycare Centers; Amending Subsection 14-6.3(B)(2) to Prohibit Commercial Cannabis Establishments as Accessory Uses or Structures on Residentially Zoned Property; Amending Subsection 14-6.3(D)(2) to Prohibit the Conduct of a Cannabis Establishment as a Home Occupation; Amending Section 14-12.1 to Add Definitions for Various Types of Cannabis Establishments; Establishing an Effective Date; and Making Such Other Changes as are Necessary to Carry Out the Purpose of this Ordinance. (Andrea Salazar, Assistant City Attorney and Noah Berke, Current Planning Manager)

BACKGROUND

In the 2021 Special Session, the New Mexico Legislature adopted the Cannabis Regulation Act (House Bill 2), which legalized recreational cannabis use by adults twenty-one (21) years old and over. The Act, which took effect on June 29, 2021, allows local jurisdictions to adopt zoning and land use regulations but limits the extent of local regulatory authority. This memorandum sets forth the Policy Subcommittee's preliminary recommendations for cannabis land use regulations. The Policy Subcommittee requests input from the full Planning Commission on these recommendations. Following input from the Planning Commission, the Policy Subcommittee will work with Staff to incorporate the recommendations into draft amendments to the Land Development Code, as set forth in Chapter 14 of the Santa Fe City Code. The resulting legislation will require review at public hearings before the Planning Commission and Governing Body prior to adoption.

EXECUTIVE SUMMARY

This Bill would amend the Land Development Code by adding a new category of specific uses, "Commercial Cannabis Establishments," in the Santa Fe City Code ("SFCC" 14-6.1-1 (Table of Permitted Uses). The Bill further clarifies in which zoning districts the various types of Commercial Cannabis Establishments would be permitted and adopts minimum distances between cannabis retail establishments and schools or daycares. The Bill includes proposed changes to Subsection 14-6.2(H) (agricultural uses), 14-6.3(D)(2) (home occupations), 14-12.1 (definitions), and adds a new subsection 14-6.2(I) to adopt

use specific standards for cannabis establishments including density limitations and operating times. The goal of this proposed legislation is to promote the cannabis economy while protecting public health, safety, and the general welfare of the residents and visitors to the City of Santa Fe.

Mr. Berke reviewed the draft changes made by staff to Chapter 14 and the compliance criteria to Chapter 14 that the changes must comply with.

STAFF RECOMMENDATION

Staff requested that the Planning Commission consider the proposed legislation and make a positive recommendation to the Governing Body to adopt the proposed legislation.

COMMISSION DISCUSSION

Vice Chair Hogan asked Commissioner Faulkner if she wanted to add anything from the subcommittee.

Commissioner Faulkner thought some of the Commissioners had amendments. The first version of the legislation received by the subcommittee was different than what was later received and some of the amendments had been satisfied. She said the Commissioners could share their amendments and comments.

Vice Chair Hogan asked her to explain the subcommittee's process.

Commissioner Faulkner said the subcommittee did extensive research and she personally contacted other cities and land use departments who have experience. She also contacted the superintendent in charge of Cannabis Licensing and Regulations at the State. The committee determined what they should focus on what will have a quick impact and what would not be possible. They chose production since licenses are rolling out in September and then addressed manufacturing issues. She thanked the subcommittee for their dedication and doing a great job, and staff for their efforts.

Vice Chair Hogan said he appreciated the efforts of staff and the subcommittee. He wondered if in their research, certain issues surfaced, such as impact on community.

Commissioner Faulkner said they discovered that New Mexico is trending towards breaking down the production by the number of plants. Other states have said canopy size is a better way because of the zoning. Also, with production, there is more eating of cannabis. One issue they heard is that people smoke cannabis on the street outside of the consumption areas. As a misdemeanor in New Mexico the challenge will be how much they can dedicate to enforcement. They also heard there is an issue of an unexplained increase in homelessness.

Commissioner Sategna stated one issue in categorizing production in different built environments is that it is best done by square footage. The State limits production to the number of plants, i.e., a micro business is limited to 200 plants. His research shows that two hundred plants can take an acre, or the same amount can be grown in a small green house. The zoning determines where you want growing to take place and putting caps on square footage will become important in the legislation.

He noted that the document received last Thursday is different than what was presented this evening and things were lost in translation between the memorandums and the letters. The committee wants to be sure the amendments are clear before they are sent to the Governing Body.

Vice Chair Hogan asked Mr. Berke to address the original and second version of the legislation.

Mr. Berke explained he sent out the policy committee's recommendations because of the limited time for distribution and sent a corrected version the next morning. One primary difference is the State defines five different levels of producers categorized by the numbers of plants. Albuquerque and Santa Fe County have followed the State and drafted by number of plants. The canopy size and elimination of micro businesses and vertically integrated micro businesses will be unique to Santa Fe.

A big question from the subcommittee was the distance between retail establishments and they left that to the Commission to recommend to the Governing Body.

Commissioner Clow pointed out a third issue discussed was the density of retail. Albuquerque has a moratorium in their downtown and she favored that, but the rest of the committee did not. The subcommittee recommended that be done through density and recommended a density buffer of 400 feet. They believe that is important to avoid an area of the city becoming inundated and changing the character of a neighborhood. Particularly downtown in terms of culture and economic dependence the area provides.

Vice Chair Hogan asked for clarification if she was saying to limit density in the BCD as well as city wide.

Commissioner Clow said they felt that is important to keep uniformity throughout the city. She was concerned the effect of treating everything the same could mean the downtown area would get the bulk of new businesses. The subcommittee has agreed that for now, a 400 foot radius from property lines would work.

Attorney Salazar said she would preference the conversation; she read, "*That a local jurisdiction shall not completely prohibit the operation of the licensee.*" A concern of removing the definition of micro businesses and having only a canopy definition, is that could undermine what a local jurisdiction cannot do. She reminded the Commission of

the additional information John Blair provided on the current medical cannabis. There are 32 retailers, producers, and manufacturers and a revised map of their locations.

Commissioner Faulkner explained they did not eliminate micro producers. They said those and all other facilities will fall into categories of extra small, small, medium, and large. A micro could be 200 plants within its own category designation in the law. The size of the plant will determine how much space it will take up. She thought it clear in most of the legislation that the micro was not eliminated. They asked to include the size designations to make it easier for the city to determine where appropriate to put different manufacturers and producers.

Director Kluck commended the subcommittee and staff for working rapidly and picking up the nuances of the issue. He added in doing so he did want to put on the record that the memo had a couple of errors. The canopy area for large producers may not exceed 22,000 square feet; and 5,000 to 10,000 has not been addressed.

Commissioner Sategna asked if public comment will be included.

Vice Chair Hogan said his intention was to hear from the Commission first, followed by public comment. Then he would return to the Commission for further discussion and proposed amendments.

Commissioner Sategna pointed out the subcommittee made changes to the letter that reflects their position on micro businesses. They felt that was important because the State has a separate definition for micro business producers, and producers, in the memorandum. The committee wants to ensure micro businesses are included in the legislation since it is not, and that it also be done in the table. They did not want to discriminate. Any type of production, regardless of license, will fall within the zoning table within sizing requirements based on square footage. He thought there was confusion because they couldn't see the policy right away but had to make recommendations. The State has its own definition of producer and that is where they want to clarify their recommendations tonight. He offered to address those.

Vice Chair Hogan asked if he wanted to do that now.

Commissioner Sategna said he wanted to discuss the changes before public comment and would recommend changing the zoning table now.

Attorney Salazar asked for a motion to amend with the specifics of the legislation.

Vice Chair Hogan said he hoped to have a robust discussion and get all of the issues on the table.

Mr. Berke indicated it would be appropriate to open public comment first.

Vice Chair Hogan agreed changes should be made after public discussion.

PUBLIC HEARING

Fred Lucas commended staff and the subcommittee on the first draft. He said he recommends the distance between cannabis retail businesses be at least 1,000 feet. At 400 feet, a dispensary could be allowed on every block and was not practical. They should consider the aesthetic impact of a cannabis business, especially downtown and not allow them within 1000 square feet of the Downtown Plaza. He recommended recreational cannabis sales be allowed in the rest of the city for a full year before a new cannabis business is allowed in the downtown district. That would bridge Commissioner Clow's concerns about preserving downtown and provide time to observe and gain knowledge of the industry before committing to laws or ordinances specific to downtown. And, they would make better educated decisions because once it is law it cannot be undone. Santa Fe is unique, and the sale of cannabis should be approached with caution. He believed the general populace preferred getting the laws right, rather than rushing this. He recommended on the production side to require commercial water rights. Land Use could set an example for the rest of the state in preserving water resources if they required the preservation and water catchment methods by all cannabis facilities, regardless of size. He recommended an 8 foot fence for cannabis cultivation to provide a better visual barrier and security and a more effective way to mitigate the smell.

Chair Gutierrez arrived at 6:50 p.m. and assumed chairing the meeting.

Colleen said she's been hearing a lot about the downtown area, the Plaza. She said the rest of the city is here. She said it's really important that the Commission consider the residents and not just the tourists when these plans are being made.

There were no other public speakers. Chair Gutierrez closed the public hearing.

COMMISSION DISCUSSION

Commissioner Sategna indicated he was ready to make a motion.

Mr. Berke pointed out there were density maps and the policy committee's recommendation for density is 400 feet, but staff did not agree. That is left for the Commission to decide.

Commissioner Faulkner agreed with Mr. Berke that 1,000 feet did not seem like much until put in a dense area. The subcommittee felt above a certain number of feet, would allow only one retail location downtown. They felt based on the maps, 400 feet is a good compromise. She recommended Mr. Berke show the maps to explain the debate between 200, 400 and 1,000 feet in denser parts of town. She noted land use departments she spoke with said there were unintended consequences of the industry. They suggested making this available in high tourist areas because the costs will be felt

by tourists, not locals. Also, better GRT is generated when allowed in a commercial area like downtown as the highest income generated by those from out of town. Also related to density, equity was an issue, and the State feels that is important. The committee chose a uniform density to avoid parts of town becoming overburdened or receiving more benefit. The negative drawbacks to pushing this to residential areas is that locals would not have the same opportunities as a larger business to rent space downtown if they are a small producer, seller, etc. This was a way to ensure equity.

Mr. Berke added they should consider too, that medicinal cannabis has an option to become retail and they exist downtown now.

Vice Chair Hogan said this is important and they need to take the time to get it right. He agreed with Mr. Lucas it would change the culture of the street if not done correctly. He said with schools, the current ordinance is within 400 feet. He asked hypothetically what would happen if a small charter school wanted to locate in an area where there is an existing cannabis dealer.

Mr. Berke explained it would be a legal nonconforming right, and the school could locate closer. If the business ceased to operate for 365 days, the business could lose their status.

Vice Chair Hogan said there had been incidents in the last year or so, that indicate there are fire and explosive hazards. He asked if that could affect the size and types of processing proposed in the districts.

Mr. Berke said the subcommittee discussed that this industry and its uses could have unintended consequences, such as smells, noise etc. That is one reason they want to define the two categories and permit them only in certain districts.

Vice Chair Hogan asked Attorney Salazar to comment on whether over restricting could cause legal problems.

Attorney Salazar stated she put that in the forefront because it was the intent and purpose of the statute to be equitable and economically available to everyone. There are 22 established retailers who are currently medical, but can do both and restricting 1000 feet from any of those could prohibit anyone coming into the city. The Commission has to mitigate allowing the current licensees to expand and prohibiting new businesses to come in.

Vice Chair Hogan asked the committee which communities they found were doing this right, especially with density.

Commissioner Sategna said he spoke with a producer in Los Angeles. Their code only allows production of cannabis in industrial areas. He asked if Commissioner Hogan was referring to retail or production.

Commissioner Hogan said retail.

Commissioner Faulkner said she learned that it depends on the culture of the city. Some like the cannabis culture and have areas of town dedicated to it and some cities disperse equitably, while others restrict it. She advised that the approach that downtown is the only important part of town, is dangerous. She was at the Legislature when this was discussed, and cities are seeing that consumption and retail sites are not the problem. The problem is the open use of cannabis and having the resources to dedicate police writing violations for a misdemeanor. She added there will be a hefty clean-air restriction put on production sites.

Vice Chair Hogan said he is in favor of Commissioner Clow's recommendation for retail, to disperse it throughout the community. He agreed downtown should not be the concentration for the cannabis businesses. He said he appreciated some distance restrictions. He assumed Santa Fe at some point would address what is not publicly acceptable.

Mr. Berke said the County passed legislation of a distance of 200 feet.

Commissioner Clow added the City of Albuquerque passed 600 feet, and the County chose 200 feet because they don't have a lot of commercial space.

Mr. Berke displayed the maps of downtown, Airport Road, Cerrillos Road next to the Super Walmart, and St. Michael's Drive. He noted that most of the commercial activity is on either side of Airport Road. He identified possible sites if distance was 400 feet and the impact to existing businesses.

Commissioner Garcia said the visual aids helped and he agreed equity throughout the city is important. He asked what happens with the distance if someone with a retail business wants to do both production and manufacturing.

Mr. Berke said that was considered a vertically integrated cannabis establishment that touches on multiple categories. They have to have a permit in the district and will still be subject to density with the retail business. And if another retail establishment is within the required distance, that wouldn't be allowed.

Commissioner Garcia point out that was another issue with zoning. There are a lot of current places with medical distribution, and someone might want to put a greenhouse in the back. He thought 300 feet too close and 400 feet was better.

Vice Chair Hogan said looking at the maps, it was apparent that property size has a huge impact on adjacent businesses. He wondered if possible to use the premises, instead of the property line.

Chair Gutierrez thought there appeared to be an advantage for an existing business. He asked if having a grace period was ever discussed.

Commissioner Faulkner said that is beyond the Planning Commission's scope and jurisdiction. She noted that medical facilities are renewing their licenses now and will be done by the end of August and nothing could be done with those.

Chair Gutierrez said he was thinking the reverse, anyone applying before January will have no limitations or restrictions.

Commissioner Faulkner explained the State is issuing licenses only for those they have promulgated regulations for, like production and medical facilities. They will not issue licenses on consumption, etc. until more regulations are in place.

Mr. Berke agreed. He added that someone wanting a zoning verification for a license could not get it until the 1st of January. A disclaimer would be at the bottom of the zoning verification letter that says it is subject to pending legislation and those rules will apply to them.

Commissioner Clow clarified that she thought Chair Gutierrez was asking if the committee considered not putting in density regulations until new businesses have an opportunity. She said that was not specifically addressed by the committee, but they were concerned with density from the beginning. Existing businesses do have a benefit. They don't want a rush to areas that retailers believe are good to be in. She thought it would be good to include density regulations right away.

Chair Gutierrez asked Mr. Berke to address the 6- and 8-foot fences that Mr. Lucas mentioned.

Mr. Berke said code requires a 6 foot limitation on walls and fences in residential districts and an 8 foot wall in industrial districts. The policy subcommittee recommendation is a commercial use abutting a residential zone be required to have an 8 foot wall. In addition, there is a buffer requirement of 15 feet for commercial districts that abut residential districts.

Chair Gutierrez said he wanted to clarify that for Mr. Lucas and for himself.

MOTION: Commissioner Sategna moved to amend the draft as follows:
on page 32, line 20, "cannabis producer", be changed to "cannabis producer and cannabis producer microbusiness";
line 21, same page, state "*cannabis producers and cannabis producer micro businesses are permitted as provided in Table 14-6,1-1*";
line 23 of page 32, state "cannabis producers and cannabis producer micro businesses must comply with applicable state regulations and licensure";
line 14 of page 34, state, "urban farms, cannabis producers, and cannabis

producer micro businesses are allowed to use the following water resources”;

line 10, page 33, re “maintenance and operation, urban farms, cannabis producers and cannabis producer micro businesses shall be used and maintained”;

line 13, page 33 be amended to state, “all urban farms, cannabis producers, cannabis producer micro businesses using conditioned soil will be required”;

line 17, page 33, state, “composting is an accessory to an urban farm, cannabis producer, and cannabis producer micro business and shall be used only on site where any ground level”;

lines 18 and 19 be amended on page 33 to say, “roof level urban farm, cannabis producer, cannabis producer micro businesses permitted”;

and page 11 of the draft starting at line 8, amend the table to state “cannabis producer or cannabis producer micro business, extra small, 2500 square feet canopy maximum indoor growing only”;

beginning on page 12, be amended to say “cannabis producer or cannabis producer micro business extra small 2500 square feet canopy maximum without outdoor growing”;

page 12, starting line 1 amend the table to read, “cannabis producer, or cannabis producer micro business, small 2,501-10,000 square feet canopy indoor growing only”;

line 5, be amended to state “cannabis producer or cannabis producer micro business small 2501-10,000 square feet canopy with indoor growing”;

starting on line 9, be amended to state, “cannabis producer, or cannabis producer micro business medium 10,001-22,000 square foot canopy indoor growing only”;

line 12, table 12 the table be amended to say, “cannabis producer, or cannabis producer micro business medium, 10,001 square feet to 1 acre canopy with outdoor growing”;

page 13, line 1, amend the table to state, “cannabis producer, or cannabis producer micro business large 22,001 or more square feet canopy, indoor growing only”, and “cannabis producer, or cannabis producer micro business large 22,001 or more square feet canopy, outdoor growing”;

Under Definitions, page 46, line 19, Section 5, Section 14-12.1 of the Land Development Code is amended to have the following definitions: cannabis producer micro business be included in the definitions as follows: “cannabis producer micro business- a small business conducted by a person licensed to cultivate cannabis at a single location including the planting, growing, harvesting, drying, curing, grading or trimming of cannabis, providing that the person may not possess more than 200 total mature cannabis plants at any one time.”

On page 37, line 19, under Density Limitation amend it to say: “A new commercial cannabis retailer is not permitted use if the new commercial cannabis retailer would be located within a ‘400 foot radius’ of an existing

commercial cannabis retailer. The radius shall be measured from the subject property boundaries.”

Attorney Hibner asked if the motion was to approve with the amendments.

Commissioner Sategna said his motion was only to amend.

Vice Chair Hogan seconded the motion for discussion.

Chair Gutierrez asked Attorney Salazar if she followed the motion, and everything was okay.

Attorney Salazar asked Commissioner Sategna to send her the definitions. She clarified he was changing every portion in the entire bill that states cannabis producer and wanted to add cannabis producer micro business behind cannabis producer.

Commissioner Sategna explained he was adding cannabis producer, and cannabis producer micro business. He said urban farm is included, but he thought that wasn't the best place to include that. Urban farms is found in other places in Chapter 14 and is focused more on agricultural such as growing, but he was adding the State's definitions. He wanted to avoid confusion with what was proposed by the Planning Commission and the categories. He wanted to recognize the State's definitions, but the Planning Commission's will be based on square footage when applied to zoning. There is no discrimination of either license depending on the zone they choose.

Attorney Salazar asked to clarify that technically there were three amendments in his motion. One changed everywhere cannabis producer is stated to cannabis producer, or “cannabis producer micro business”. Secondly to add the cannabis producer micro business definition and third to add having a 400 foot density radius from the property boundaries.

Commissioner Sategna agreed. He said also missing is to add the definition to the legislation recognizing the State's category of cannabis producer micro business in addition to the definitions for producers, small, medium, and large as defined by the number of plants.

Mr. Berke asked if he also wanted to include vertically integrated micro business.

Commissioner Sategna said the State's definition included that in micro businesses and the application of zoning doesn't need to acknowledge that.

He understood an integrated vertical business has to find a zoning area that allows production, retail or a combination of that within the zoning.

Mr. Berke said the primary difference between the micro business and the vertically integrated is that the micro business only allows 200 plants. Vertically integrated allows any type of production.

Commissioner Sategna said he didn't know, but thought the Commission should recommend micro businesses be identified within the table. The Commission hasn't discussed integrated, and he wasn't ready to include that. He said they could discuss it now.

Vice Chair Hogan suggested a friendly amendment to include in the motion that the Commission endorses this. But he wanted this in a revised draft incorporating the motion changes. He wanted to read and consider before approving. He asked if the Commission is making a recommendation to the Governing Body.

Mr. Berke confirmed they were recommending.

Vice Chair Hogan asked if possible, to approve to form with finalization at the next meeting and if acceptable to the maker of the motion.

Commissioner Sategna said the discussion is for everyone and he was open to that, but the City emphasized that this be a priority. He was comfortable with his amendments to vote now, but understood others might need time to digest the information. But he wasn't sure about a delay.

Commissioner Faulkner shared Vice Chair Hogan's concerns noting the typo indicated by Director Kluck. The difference between may, and may not, is huge and could impact the intent of the law. They should also define canopy and add that to the definitions.

Director Kluck stated the error he commented on was only in the memo, not the legislation.

Commissioner Faulkner said a lot has been thrown out in discussion. She agreed with the amendments but wanted to read this after all of the amendments were added before approving.

Chair Gutierrez suggested they keep in mind integration Mr. Berke brought up.

Commissioner Clow said timewise it could be a problem if this is not addressed tonight. City Council addresses it in two weeks. She said it may

have sounded complicated, but really wasn't much change. Commissioner Sategna was just clarifying and adding micro business. Her concern was if they don't have a finished product tonight the Commission would not have input.

Chair Gutierrez asked if the September 1 deadline would be affected..

Mr. Berke explained it does have an effect on the September 1st deadline in that regulations would not have been passed. However, at this point, that probably was not going to happen anyway. He reviewed the tentative schedule with the subcommittees hearing this in the next three weeks and the governing body hearing by the end of September. Mechanisms are in place now that will hold them through September.

Director Kluck noted they could have another Planning Commission meeting to add the proposed amendments so they could approve at the September 2nd meeting.

Commissioner Garcia said the bulk of the changes were with the cannabis producer and cannabis producer micro business. He could go either way but preferred a finalized proposal before voting.

Commissioner Faulkner confirmed there was time for the Commission to see a final copy at the next meeting before voting. There was anxiety because of the impression this had to be done by the end of August. That seems to have shifted. Having more time could be a benefit and produce a more sound, reliable policy.

Director Kluck asked to review the schedule with the Commission.

Chair Gutierrez said he would come back to him after the others with their hands up commented.

Commissioner Sategna commented on the vertically integrated cannabis establishment. He read the definition and noted there is a combination. He asked to add "cannabis producer microbusiness" to the definition of a "*cannabis: courier, manufacturer, producer, or retailer*" in the legislation. He didn't think that should be included in the Table or the category of cannabis producer and cannabis producer micro business. He explained the table is based on square footage, and he isn't sure how that lends itself to other facets of the industry. Including vertically integrated into the zoning table would be confusing and doesn't make sense.

Vice Chair Hogan said he has great respect for the work of the policy committee and wasn't trying to cast doubt on their work. He knew

Commissioner Clow and Commissioner Sategna had looked at this carefully and the changes were technical. He thought everyone was comfortable with the distance recommendations and he was okay with moving this forward. Also, he didn't think any of the subcommittees would look at this with as much detail. They will rely on the Commission to get this right and he wanted to be sure to do that. He said he would be okay if this was tabled, or they vote.

Commissioner Sategna said the memorandum when the definitions were stated represented the table limitations. After looking at the draft he could see why the memo was confusing and how staff approached this in the table. The memorandum should be updated to reflect these changes and the table as presented tonight. He said he would consider hearing this again so the memorandum is updated to reflect his amendments before it went to other committees.

Director Kluck said he learned when talking with a vertical integration applicant, that the State does have a vertical integration license.

He said regarding the schedule, postponing the vote until September 2, would just shift the committee meetings two weeks. They would still meet the deadline for the public hearing and presentation to the Governing Body.

Commissioner Sategna thought that was another reason to delay this for further review. He said the Planning Commission looks at this as it applies to zoning. Cannabis retail is applied in its own right to the zoning table. He didn't know if they should consider including what Mr. Berke proposed - mentioning cannabis producers and cannabis producer micro businesses, and the vertically integrated establishments. The Commission hasn't worked through that and determined that impact.

Commissioner Sategna said on the other side of the coin, it was stressed they should acknowledge the definitions and categories created by the State. That is why they are highlighting and incorporating micro businesses. He asked if the same should be applied to vertically integrated and if that created problems for the zoning code. He said the Commission should not rush this if they have time.

Commissioner Clow said this was the first time she heard that this did not have to be done tonight and it made sense to take another look. She also had another typo error to point out.

Commissioner Sategna asked Attorney Salazar if easier for her if he summarized the five changes he wanted, instead of line by line, making a general statement for amendment.

Attorney Salazar said if he removed his motion to amend and started a new simplified motion to amend, and amplified his motion to capture all of the cannabis producer language.

Attorney Hibner agreed. He said the pending motion should either be withdrawn or voted on.

Commissioner Sategna withdrew his motion. Commissioner Hogan who seconded the motion, supported the withdrawal.

Commissioner Sategna said he would like to make a motion to capture the production and density if there were no objections.

MOTION: Commissioner Sategna moved to amend the current draft beginning with Table 14-6, and where cannabis producer is mentioned to amend to “cannabis producer, cannabis producer micro business” and additionally include a new zoning category that includes cannabis producer and cannabis producer micro business large, 22,001 or more square feet canopy outdoor growing only, and match the same classification as indoor, and mark them as permit. Secondly, anywhere cannabis producer is identified in the bill, should include cannabis producer micro business after cannabis producer; to include cannabis producer micro business on pages 46 and 47 of the draft under Section 5, and include the definition cannabis producer microbusiness to state: “A small business conducted by a person licensed to cultivate cannabis at a single location, including planting, growing, harvesting, drawing, curing, grading or trimming of cannabis, provided the person may not possess a total of more than 200 mature cannabis plants at any one time; and to amend on page 37, line 19, under Density Limitation to state: “A new commercial cannabis retailer is not permitted use if located within a 400 foot radius.” Commissioner Hogan seconded the motion.

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

Commissioner Clow said on Page 41 it states, “The following activities are prohibited within residential zoned districts” and at viii , says, “Use of any structure or conduct of any business or home occupation for any cannabis establishment or commercial cannabis activity.” She said the “conduct of any business” does not make sense.

Attorney Salazar believed “to conduct any business” was clearer.

Mr. Berke agreed it should be “to conduct”.

Commissioner Clow asked that the typo be corrected.

Commissioner Sategna said if she would state the correction to be made, he would second that.

Commissioner Clow read the sentence again and asked the purpose of the statement in viii, “use of any structure, or” and what are they trying to say.

Mr. Berke said he didn’t write that legislation. The Commission could evaluate it and that could be included in the redraft.

Commissioner Clow thought the purpose was to say what is prohibited in a residential home business.

Commissioner Lawrence thought the intent was to indicate that the conduct of any business or home occupation for cannabis in a residential zone, is prohibited. She agreed staff should come back with a change.

MOTION: Commissioner Faulkner moved to postpone the vote to recommend until the next meeting on September 2, 2021 to give the Commission time to see a completed copy of the legislation and allow staff and the subcommittee time to make clarifications. Commissioner Garcia seconded the motion.

Vice Chair Hogan asked a friendly amendment recommending staff consider using premise to premise as the radius for the boundary instead of the property line.

Commissioner Faulkner accepted the amendment as friendly as did the seconder on the motion, Commissioner Garcia.

Attorney Hibner asked to clarify the motion with the friendly amendment.

Commissioner Faulkner explained the friendly amendment is to consider a radius from premise to premise instead of the property line. An example was given of a mall that could have more than one cannabis retailer.

Vice Chair Hogan explained further if taken from the property line of the mall and it would go to the street and would then extend the 400 feet considerably further, than if taken from the premises.

Mr. Berke clarified the premise is defined in Chapter 14 based on common ownership. He believed Vice Chair Hogan wanted to say from business to business, not property line to property line.

Vice Chair Hogan agreed. It would be the lease hold versus the property.

Director Kluck pointed out it could be challenging to determine the geospatial data for the premises building perimeter, especially a mall.

Vice Chair Hogan said he just wanted to make sure that was part of the discussion.

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

2. **Case #2021-3818, Tierra Contenta Master Plan Amendment #1 for Phase 3A.** JenkinsGavin, Inc., Agent, for Tierra Contenta Corporation, Owner, requests Master Plan Amendment for Phase 3A. The Amendment, which includes modifications to infrastructure, parks, trails, land uses, and density. The property is an undeveloped tract of land located southwest of Capital High School, containing approximately 222.84 acres, and is zoned PRC (Planned Residential Community). (Dan Esquibel, Case Manager)

Commissioner Sategna brought to the Commission's attention a possible conflict of interest because he is president of the Nave Ade Homeowners Association (HOA). He said he would leave it to the commission is appropriate for him to make a decision. He said he participated in the Nava Ade HOA meeting discussion and some community members opinions on this topic. Although he recused himself from that meeting, he was happy to recuse from this case if the Commission felt he could not remain impartial.

Chair Gutierrez asked Commissioner Sategna if he felt he could be fair and impartial, to which Commissioner Sategna responded he could.

Chair Gutierrez asked for input and concerns from Commissioners about Commissioner Sategna continuing to hear the case. There were none.

STAFF REPORT - Dan Esquibel

The property is owned by the Tierra Contenta Corporation (TCC). The property is located south of Jaguar Road, southwest of Capital High School and east of SWAN Park (no assigned address). The property is approximately of 222.84 acres which would be amended later, zoned PRC (Planned Residential Community) and located within the Suburban Archaeological Review District.

The Master Plan Amendment Application is a request to outline a phase-by-phase development process for entitlements of phase 3A. The entitlements include:

- Design standards,
- Subdivisions and subdivision phases,
- Infrastructure,
- Affordable housing (40% affordability to 80% Area Median Income), and
- Parks, open space, and other public uses according to the Annexation Agreement.

Proceeding the Master Plan, the Applicant will submit a Master Plan plat to identify subdivision tracts to recruit developers and/or builders for the development of proposed Tracts. The Applicant will also submit design guidelines for all development in Phase 3A. The Applicant states that process of review will start with the TCC Architectural Review Committee prior to review before the Planning Commission. The TCC review is to ensure compliance with the Master Plan, adopted Master Plat and Design Standards. The Master Plan anticipates mixed residential (1,175 to 1,500 dwelling units) and both civic, and neighborhood commercial uses.

The Applicant complied with all process requirements of Chapter 14 as follows:

- Pursuant to 14-3.1(E) *“Pre-application”*: Conducted on December 10, 2020,
- Pursuant to 14-3.1(F) *“Early Neighborhood Notification” (“ENN”)*: Conducted two ENN meetings:
 - May 27, 2021; and
- Pursuant to 14-3.1(H) *“Notice Requirements”* for ENN’s and Public Hearings.

The Applicant will be returning to the Planning Commission for review and approval of the Master Plat which will subdivide the property into phase tracts for developers to purchase and develop.

The application identifies 222.84 acres however during the review process, it was found the tracks making up phase 3A boundary as drawn, inadvertently includes an area dedicated to the city. That reduced the overall area to 216.25 acres. The applicant is aware of this and will correct those as soon as they get the Master Plan.

He also noted that his report states other accessory structures are *not* included however they are, such as sheds. However, there was not enough detail how everything would fit within the design. Some lots have been reduced from 15 feet to 10 feet and there was not adequate information on street and building lights and bicycle racks or information that identified case specific urban form. It is unclear the guidelines provide enough baseline for potential developers to achieve a specific urban form. The applicant must provide additional details for these guidelines using the standard form, as long as approved as part of the Master Plan.

The Master Plan does not address trails, or designs of the open space and parks areas and is a condition of approval for sidewalks, etc. opposed to by the applicant. The overall network areas 6C, show the bicycle paths and existing trails and Tierra Contenta open space and potential bike paths and sidewalk trails through Phase 3A. There will be pocket

parks and a neighborhood park as part of the overall design parameters.

The applicant is working on an easement for their road through the School for the Deaf property as a condition that it be in place prior to filing for their master plat.

A Master Plan will expire in 5 years if nothing is done from the date of approval from the Governing Body.

STAFF RECOMMENDATION

Staff recommended that the Commission should recommend that the Governing Body approve the requests with design guidelines subject to conditions of approval recommended by staff and technical corrections listed in Exhibit A of the staff report. The applicant agreed to all conditions and technical corrections except for two; #18, to widen the minimum sidewalk width to 6 feet and #19, add a landscape buffer between all sidewalks and the road issued by the MPO Division.

He said Leah Yngve would discuss the conditions.

STAFF REPORT- Leah Yngve

The conditions they are striving for is a more walkable, bikeable community. Phase 3 proposes more housing density which means more people want or need to walk or bike. There are a variety of destinations such as commercial, community uses, parks etc. and affordable housing attracts families. It makes sense to support the youth who must walk or bike to get around.

There are 5 Ds of Walkability: Density, Diversity of destinations, Design (they are hoping to strengthen) and Destination accessibility and Distance to existing transit lines nearby. One condition of the MPO is 6 foot sidewalks, to make it easier for those with disabilities and families. The design standards allow for 11-foot driving lanes could be reduced to 10 feet to use the extra foot for the sidewalk. And a 10 foot car lane slows traffic and is safer.

Another condition is landscape buffers on all of the roads supported by the MPO Master Plan. Planters between the cars and pedestrians supports a more comfortable safer environment. The argument against that is that passengers may need to get out of a car. The thought is it is better to provide more safety, despite the occasional passenger. Another condition that was not contested is a parking protected bike lane would be provided by changing the order of the road. That is a goal in the Bicycle Master Plan by 2024 although it is above and beyond Code. The precedent is to go beyond Code per the planning documents and the Sustainable Santa Fe 25 Year Plan. All champion walking and biking as safe and convenient transportation. Transportation is the number one source of greenhouse gas emissions in Santa Fe and the plan outlines the goal of achieving carbon neutral by 2040.

Another reason to add weight in the plans over the Code is the Code may change. The road will remain for decades, and the plans consider the population growth of Santa Fe and that more people will be walking and biking. People tell them they want to bike and walk more but don't feel safe and that is a reason with new roads, to support that. Supporting biking and walking is an equity issue as well because some in the community cannot drive. This looks at allocating space in our streets that supports the entire community.

APPLICANT'S PRESENTATION

Jennifer Jenkins, 130 Grant Avenue, Suite 101 was sworn. She said she represents the Tierra Contenta Association and Santa Fe Community Housing Trust. She explained the consultant team and introduced Daniel Werwath, who shared the Tierra Contenta background.

Daniel Werwath, 1111 Agua Fria St. was sworn in. He said Tierra Contenta is City initiated and developed in the early 1990's to address the housing affordability crisis. The idea was to create a nonprofit to manage a large piece of land and master development to ensure it was developed to achieve 40% affordability. Two phases have been built and meet that requirement. The two goals of the Master Plan amendment are 1) to move the project forward as quickly as possible and 2) upgrade the plan as indicated by lessons learned and the community feedback. The core of the plan is better land-use planning with more mixed use, greater density, higher levels of energy efficiency. Good planning concepts that have been proven to make better communities that are more walkable, more affordable, and more diverse communities and a density that supports that. He indicated for a community this size, Tierra Contenta is one of the most productive and successful housing initiatives in the country. The number one goal is the production of housing affordability, which the Commission will see in the presentation.

Ms. Jenkins shared a site map and noted the surrounding community. She explained Phase 3 includes the property owned by the New Mexico School for the Deaf, but the amendment is just for phase 3A of the Master Plan. The property is zoned Planned Residential Community (PRC) which is intended to support a mix of housing types and uses based on custom design standards. The applicant proposes additional design standard upgrades. The open space proposed and the existing and trail networks nearby were shown. Sewer and water connections, terrain and open space and areas to be developed were reviewed. The Commission approved the Tierra Contenta Master Plan from 1994 and the master plat identifying developable plats was shown.

Ms. Jenkins displayed the Master Plan Amendment #1 to Phase 3A, which shifts the development to a mixed residential community to encourage diverse housing on all of the tracts. All residential tracts will permit every residential housing type, regardless of whether single-family, duplex, a townhome, multiplex, etc. homes will be for sale, and some for rent. Every Street will have sidewalks and connections to open space and trails. The park areas have been decentralized for neighborhood interaction with one large park

and pocket parks. A school site has been identified and could be mixed use with a fire station, police substation, or small grocer, coffee shop, live/work units, etc.

She explained the infrastructure connection that extends Jaguar Drive to Paseo del Sol East and the internal loop to individual tracts of land. The revenue for the first two phases from land sales funded the infrastructure but this would not be the same. The School for the Deaf is not interested in developing their property. The Corporation is working on a public/private partnership with the City to fund the balance of the infrastructure.

Ms. Jenkins indicated that this provides twice the requirement of affordable housing. That is achieved by reducing the value of the land to make it feasible for developers to make affordable housing. Part of the Master Plan Amendment request is to increase density to 1500 dwelling units to build a density bank. They will use the extra density as a tool to incentivize developers willing to incorporate townhomes, multiplexes etc. Aggressive and sustainable construction practices will be given extra density. The slight reduction in the mixed-use acreage and significant increase in parking, open space and school site, would accommodate more contemporary needs.

She said the incentive and model for this project is what now exists and is working in the most desirable of old neighborhoods. They have active streetscapes and a diverse population concept. She said they wanted to do further study on the classifications and design suggestions proposed by the MPO. But they were happy to consider the MPO suggestions when they get to the master plat final engineering. She noted that Paseo del Sol is a fully engineered roadway.

Ms. Jenkins said feedback heard from significant community outreach in 2019 was there is not enough on-street parking. One of their goals is to maximize that. She noted where there is no on street parking there are sidewalks, a 6 foot planting and then a bike lane and driveway. They have a consistent 72 feet right-of-way whether on-street parking or not. The Commission had approved the innovative street design where the sidewalk will be at the back of curb when there is on-street parking for functionality.

Regarding the sidewalks, Code requires 5 feet which is what the applicant provides. She understood that the Code may need to be changed but thought it did not make sense here. The infrastructure will be a significant cost and the revenue that can be generated is finite, meaning anything over the finite amount will need to be publicly financed. They welcome the MPO's expertise in their community but in this case imposing rules that exceed the City Code doesn't feel appropriate.

Ms. Jenkins explained the loop road parking will be on one side and where there is on-street parking there will be a sidewalk and plantings. The local streets will be developed by the developers of those individual tracts. Design standards do not allow 6 foot walls or walled-in backyards and the right of way is narrow for affordability. The street trees are on private property; there are robust trails and open spaces that connect to the

sidewalk network and pocket parks. Pocket parks will be HOA maintained and pedestrian corridors will run between development tracts for connectivity.

Ms. Jenkins said they conducted surveys, held community meetings, sent flyers to receive feedback from the current residents on what is working. They held the normal ENN in May.

PUBLIC HEARING

Ruth Hamilton, 6509 Valentine Way, was sworn. She said she is a resident and on the Board of Directors of Tierra Contenta and is encouraged by the competent leadership of the Acting Executive Director, Daniel Werwath, and an invigorated board. She is optimistic the issues in Phase I and Phase 2 have been addressed and the creative solutions will provide well-built, affordable and environmentally friendly contemporary housing. The innovative mixed housing types will appeal to multi-cultural multi-generational homebuyers in that "missing middle". They will have desirable homes they want to live in instead of feeling they are limited to Tierra Contenta.

Alba Blondis, 7042 Valentine Loop, was sworn. She has seen the presentation before and is impressed by the thought that went into it, particularly the mixed-use diversity. Some problems experienced in Phase 2, such as the walls and weeds, have been eliminated from these plans, that are very worthwhile and thought out. She hoped this will be approved by the Commission. She disclosed that she sits on the boards of the Tierra Contenta and the Housing Trust.

John Paul Granillo, 4311 Jaguar Loop was sworn. He commended Ms. Jenkins for a great presentation that provided an opportunity to look at the mixed and affordable housing. This will be an opportunity for more people to have homes that barely missed the support because of income and all of them to live in one place. He thought this a great idea that gives hope back to the community, especially the south side. He thanked them.

Ruta Singh, 6761 Camino Rojo was sworn. She thanked them for the presentation. She resides in Tierra Contenta now and moved from a very low density to high density living area. She is a disabled senior who works from home. She is concerned about the narrow streets. She said a new family was looking at a home across the street for sale from her and they witnessed a road rage incident. That is a big problem with narrow streets, they are not safe. She said they need to keep as much open area and lose as few trails as possible, and keep in mind the curb cuts for strollers and walkers. She noted the demographic for those with disabilities is 25% and will get a lot bigger due to the impact by COVID. She said safe streets with good lighting and recreation and accessibility is important. She added it would be fantastic if there was a pool. She thanked them for their time and hoped they thought her words were ones that examine the heart of the community.

Carlos Gonzales, 19 West Prince Road, was sworn. He lives outside of Tierra Contenta. His concern is the Paseo del Sol extension off of the roundabout. He lives on a street with a lot of fast traffic and wondered if there are plans to slow traffic going into the subdivision.

Gina Alf, address not provided, said she is a social worker. She thought that the southside needs low income housing because many of them are homeless. They are living in their cars or residing with other residents or family many times with six people in one room. Instead of worrying about building a six foot sidewalk, they should be focused on building low income housing in the community.

Donna Stewart, 6920 Golden Mesa, was sworn. She thanked Ms. Jenkins for the presentation and the Commission for their time and allowing comments. She said as a homeowner her concern is property values and density in her neighborhood. She appreciated the City's recommendation for six foot sidewalks everywhere and thought they should make that happen. The amendments as she understands them, will increase density to 1500 households and she thought there should be more discussion on why that is necessary. There are traffic issues already in the neighborhood and issues with very noisy cars, and that will just increase. Low income housing will bring more noise and more crime, and the neighborhood will become less enjoyable. She hoped the City will stick to the requirement for 6 foot sidewalks and she is against an increase in density. She agreed there is a need for the maximum in open space because that is what brings people to Santa Fe and what brought her here.

Letisha Lovato, 13B Tulsa Drive, was sworn. She said she is speaking for herself and her boyfriend. She agrees with the comments that a number of people cannot afford to buy a house. Affordable housing in Santa Fe is \$250,000 instead of \$80,000 as it is in other parts of the country. She thought there should be more subsidized housing because the homelessness in Santa Fe is growing. Also, Section 8 doesn't cover a decent, safe place for a family of three. She suggested instead of building more houses that cost \$1200 or more a month, focus should be on the homelessness. She has heard stories about people letting other people live with them who were not on the lease because they have nowhere else to live. She appreciates, as a disabled person herself, having six-foot sidewalks, but there is very limited subsidized housing in Santa Fe.

Rosemarie Gonzales-Nielson, 108 Mesa Verde Street, 87501 was sworn. She said she is a Board member of the Housing Trust and Tierra Contenta. Affordable housing has been an issue since the early 1980s. Now in 2021, the need is still affordable housing. She emphasized the importance for locals to have a home or place to reside. She said we do the best we can to build beautiful homes and affordability of a home does not equate to troublesome people or more crime. She said we are trying to build a community people would love to live, not just a place they can afford because they have no other choice. She agrees with the request for more affordable housing and asked the Commission to consider that.

Chair Gutierrez closed the public hearing, seeing no others who wanted to speak.

COMMISSION DISCUSSION

Commissioner Sategna requested a hard stop to the meeting because it was already 10 o'clock.

Chair Gutierrez asked the others for their thoughts.

Commissioner Faulkner agreed. Good to have more time. She said it is difficult for her to dig in on the issues at this time of night, but she would yield to the others.

Commissioner Garcia agreed it had been a long night and this project is big. He said he could continue but wanted to hear from the other Commissioners.

Vice Chair Hogan said he appreciated that everyone was tired, but they should try to finish. There are a handful of issues, and this will come back around for further review. He thought the concept and planning was good and agrees with all of the MPO recommendations. He has followed their work and it is worth the Commission's attention.

Commissioner Lawrence said she wanted those who want to postpone to have the opportunity and ample time to ask all of their questions. She said if they do postpone she wanted more detail from the applicant why six foot sidewalks would be difficult to accomplish technically. The applicant may already be prepared to answer but she would like that on a to do list if they postpone.

Commissioner Garcia had a couple of recommendations and without going deep into discussion, wanted to know the applicant's concerns if this is postponed. He noted the packet is 300 pages, and the Commission could not get through that in 30 minutes. He asked the main issues Commissioners have after having heard the presentations.

Commissioner Faulkner said she wondered regarding infrastructure cost, rather than eliminating amenities like 6 foot sidewalks they could consider the contract between the City and Tierra Contenta Corporation. They could reduce the amount of draw from the sale of the land the city takes.

She said secondly on the discussion on the size of the sidewalks and street sizes, that only pertains to the portion of the development Tierra Contenta Corporation is responsible for. Once they sell the tracts, it becomes the developer's responsibility to determine. She has found that to be where the trouble happens. She noted that where she lives, anywhere developers had a hand in what could or couldn't be done. Her streets have no sidewalks, and the street is only 20 feet wide with no cutback parking, etc. an emergency vehicle cannot get down her Street after 5:00 p.m. Her concern isn't what Tierra Contenta Corporation will do; it is ensuring the developers buying the tracts do what was intended by the Corporation.

Commissioner Faulkner summarized her two primary concerns are #1) how to claw back some of the money the city takes for other causes that is desperately needed in Tierra Contenta; and 2) How to ensure the developers adhere to the intent of the master plan which they have been requesting exemptions for and the city history is to grant the requests.

Commissioner Faulkner said that sounds like an easy trade off to get rid of sidewalks and have more houses, but it is dangerous without having the level of infrastructure needed for the population that lives there.

Mr. Werwath addressed Commissioner Faulkner's comments. He reported the design guidelines go down to the sub-tract level now and have to have authorization by the Tierra Contenta Architectural Review Committee. They are actively discussing with the City ways to subsidize infrastructure, including the remaining debt and reducing that. Economic development monies might get place-based to Tierra Contenta instead of the entire City.

He noted a concern if this gets postponed is it pushes them to a new Governing Body post-election. Potentially they could be starting from scratch with new Councilors, including a new Mayor. Logistically that could become difficult and time-consuming. Also, a lot of what has been done came from the feedback of the Governing Body and Mayor over the last couple of years. He said however, they would be happy to present again next month, but he wanted them to consider that serious factor.

Commissioner Sategna said he appreciated Mr. Werwath's comments, but he knows how easily even the last 15 minutes went by. They have a lot of questions that could easily turn into another hour and a half.

MOTION: Commissioner Sategna moved to postpone the rest of the agenda until the next meeting, September 2, 2021. Commissioner Faulkner seconded the motion for discussion.

Chair Gutierrez said if the motion passed, he recommended Commissioners send their questions to Mr. Berke for the applicant.

Vice Chair Hogan thought the next agenda was large as well. He asked about considering a special meeting because otherwise they would be backed up again.

Chair Gutierrez asked if there were noticing requirements.

Mr. Berke explained it has already been noticed if postponed. It will be an amended agenda, but if a special meeting is held it would have to be the second meeting in September. There are two large cases at the next

meeting; a variance case with 2 requests and the Georgia O'Keefe Museum addition with two case captions and also the Tierra Contenta, cannabis recommendations and Las Soleras.

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

3. **Case #2021-3811. Villas de Las Soleras Unit 3 Master Plan Amendment.** James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, requests approval of an Amendment to the Las Soleras Master Plan to request a rezoning for Tract 13 from R-6 (Residential- six dwelling units per acre) to R-10 (Residential- ten dwelling units per acre) for approximately 6.8 acres at 4601 Rail Runner Road. The property is zoned R-6 (Residential- six dwelling unit per acre) and is within the Las Soleras Master Plan area. (Lee Logston, Case Manager). **(Postponed to September 2, 2021)**
4. **Case #2021-3814. Villas de Las Soleras Unit 3 General Plan Amendment.** James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use classification for approximately 6.8 acres from Low Density Residential (3 to 7 dwelling units per acre) to Medium Density Residential (7 to 12 dwelling units per acre) at 4601 Rail Runner Road. The property is zoned R-6 (Residential- six dwelling unit per acre) and is within the Las Soleras Master Plan area. (Lee Logston, Case Manager) **(Postponed to September 2, 2021)**
5. **Case #2021-3815. Villas de Las Soleras Unit 3 Rezoning.** James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, requests a rezoning from R-6 (Residential- six dwelling unit per acre) to R-10 (Residential- ten dwelling unit per acre) for a property located at 4601 Rail Runner Road. The 6.8 acre property is zoned R-6 (Residential- six dwelling unit per acre) and is within the Las Soleras Master Plan area. (Lee Logston, Case Manager). **(Postponed to September 2, 2021)**
6. **Case #2021-3816. Villas de Las Soleras Unit 3 Preliminary Development Plan.** James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, requests preliminary development plan approval for a 44-lot single-family home subdivision at 4601 Rail Runner Road. The 6.8 acre property is zoned R-6 (Residential-six dwelling units per acre) and is within the Las Soleras Master Plan area. (Lee Logston) **(Postponed to September 2, 2021)**

7. **Case #2021-3817, Villas de Las Soleras Unit 3 Preliminary Subdivision.** James W. Siebert and Associates, Inc., Agent, for Ross's Peak Holding, Ltd., Co., Owner, requests approval of a preliminary subdivision plat for 44 single-family residential lots located at 4601 Rail Runner Road. The 6.8 acre property is zoned R-6 (Residential- six dwelling unit per acre) and is within the Las Soleras Master Plan area. (Lee Logston, Case Manager) **(Postponed to September 2, 2021)**

H. STAFF COMMUNICATIONS

Mr. Burke thanked everyone for their positive feedback on the cannabis recommendations.

Mr. Burke said there was an offer for the replacement for Carlos Gemora. Also, they will continue the virtual meetings for at least another 47 days.

I. MATTERS FROM THE COMMISSION

Commissioner Faulkner said working on policy could be a taxing process, but staff and the subcommittee did their best given the circumstances. She suggested considering what the Commission could do to get more resources in the future for the staff. They are under resourced for the work they have on their plate daily which was abundantly clear when working on the cannabis recommendations.

Commissioner Sategna said site sections are really important when trying to determine the surrounding environment, if the Commission is to consider that criteria. It is important they look at the built environment surrounding the site and extending past the site, to understand the impact to the surrounding environments if density and height are increased. Setbacks are important and the Commission is not always getting the full picture.

Secondly he said it would be extremely helpful when they receive a 551 page packet if staff could create bookmarks for easier navigation through the PDF versus having to scroll through it. Even on a basic level to get from one case to the next would be helpful.

Mr. Esquibel offered to show staff how to create bookmarks.

Chair Gutierrez said it was almost like a bookmark when staff highlighted things in the last case. He thanked staff and said he liked that and the visuals they included. He thought the bookmark suggestion was great.

Commissioner Garcia said kudos to the policy committee on their work and their collaboration and time it took. He appreciated how hard the policy committee and staff worked on that.

Director Kluck said he agreed with Commissioner Sategna. He said as the interim director he has to be careful with changes he makes, but they could work on refinement. He thought they even need 3D modeling with dimensional data. He said he wanted to say that now because he has heard the same thing from other committees.

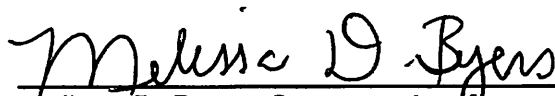
Director Kluck added he and Mr. Burke are looking at things that could reduce the size of the packets. Staff capacity hinders getting some of these things done but they are considering them.

Chair Gutierrez thanked the subcommittee and staff for all of their work.

J. ADJOURNMENT

Chair Gutierrez adjourned the meeting at 10:25 pm.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:



Brian Gutierrez, Chair

